

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
April 8, 2013
Veterans Memorial Building Room 229
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Chairman Donald Hendon called the meeting to order at 7:32 p.m. The following persons were present: Chairman Donald Hendon, Vice Chairman Charles Vecchi, Clerk Andrea Wagner, Town Administrator Charles Aspinwall and Operations Director Jennifer Cederberg.

PLAYGROUND COMMITTEE: The Playground Committee appeared before the Board and explained that during the construction of the new playground, they came across a water main which was in the area they planned to use. The water main runs from Clyde Brown to the High School. The entire playground space has been shifted to the left which has had some impact (approximately 25 ft.). The swing set is now in the clearance zone and there are two trees that now have exposed roots and abut the play space. The Playground Committee requested to remove an additional 5-7 trees maximum due to the need to relocate the playground space. The retaining wall will still be erected but it will be put further back to help with drainage issues.

Following up on a request from the Board on evaluating the larger playground structure in front of the bandstand, it was noted that a volunteer has come forward to offer to dismantle the existing playground structure at no cost. This area would be blacktopped over and educational games would be painted on the blacktop in conjunction with a grant the Clyde Brown School received. The Board expressed concern about the liability of a volunteer removing the large playground structure.

James McKay stated that the DPW will remove the trees and that it is likely they will need to take down 7.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we authorize and allow the disposal of the four-swing swingset and the removal of 5-7 trees behind the playground and authorize the disposal of the other play equipment by someone subject to an insurance waiver if needed. The motion passed unanimously.

EAGLE SCOUT PROJECT: Mr. Richard Higgins, an Eagle Scout, described his project to install and build benches with cement pads in the Prospect Hill Cemetery new section. He noted that the benches will be approximately 6 ft. long and made with pressure treated wood. He would like to start the project as soon as possible with approval of the DPW and Cemetery Committee.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we authorize Richard Higgins to install two benches at Prospect Hill Cemetery as an Eagle Scout project. The motion passed unanimously.

TOWN BANDSTAND PERMIT FEES: Nathan Maltinsky appeared before the Board and asked to have the building permit fees associated with the bandstand waived. He noted he will need a building permit for installation of railings and stairs with handrails. He stated that the permit fee is \$200. Ms. Wagner questioned whether or not there will be an electrical permit needed. Mr. Aspinwall suggested granting a waiver for ½ of the electrical permit fee so Mr. Maltinsky will not have to come back before the Board.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we waive the Town's building permit fee for the bandstand renovations and ½ of the electrical permit fee that would normally go to the Town. The motion passed unanimously.

BUDGET PRESENTATIONS: Finance Director Kathleen LaPlant reviewed the Accounting budget noting that there are no salary increases included but two employees are now eligible for longevity. For Data Processing, the only changes that were made were removals of items such as the firewall that we were paying \$3,000/year for and an \$1,800 addition for internet access through Verizon. She also noted that there will be an annual fee associated with the GIS

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program to Cartographics Associates. Ms. LaPlant reviewed an article that she has proposed to replace 5 pcs that range from 5-7 years old. She stated that this cost will be \$6,500 and reviewed her long-term plan for pc replacements.

Mr. Jeffrey Cannon, Treasurer/Collector, reviewed his FY14 budget submission. He noted that the reinstatement of a position in his office during this fiscal year has made a big difference. He noted that there is approximately a \$5,000 increase in salaries due to step raises and longevity payments. He recommended that his replacement look at moving toward a credit card payment system. There are no additional funds being requested for expenses. Mr. Aspinwall thanked Mr. Cannon for his service to the Town.

Paula Dumont from the Assessors Office presented her department budget noting the salary increase is due to step raises. She stated that she actually cut her budget as some dues do not need to be paid for the Board of Assessors. She went on to explain the function of the department and their relationship with the Treasurer/Collector's Office.

NEW PD DESIGN: Mr. Aspinwall reviewed the history of obtaining a conceptual design for a new police station as well as the redesign of the current PD/FD for fire department use only. Diane Jurmain from the PBC stated that they are presenting the results of the study conducted including cost estimates and drawings. Dan Tuberty from CDR Maguire gave a slide presentation highlighting the proposed new PD and renovated FD. He reviewed the process they went through to achieve the recommendations they reached.

Mr. Tuberty stated that the process began with a review of the current building (structural, operational requirements) and a departmental needs assessment which led to a conceptual design and a construction cost estimate. He noted with the PD, they began with the existing site including geotechnical investigation, environmental remediation and a land survey. This led to a building program, developing a space and building size needs assessment which led to a conceptual design and a construction cost estimate.

Mr. Fabrizio Caruso reviewed the condition of the current PD/FD and stated that there were no structural issues noted. He further stated that the HVAC appears to be in tact but the plumbing and electrical systems need to be upgraded. Mr. Caruso noted that they are basing their evaluation on the International Existing Building Code and noted that this project would be considered a Level 3. He stated that the building has to be ADA compliant. He reviewed the current floor plan of the building and what the individual rooms are currently used for. He noted that the building would not be expanded but rather reconfigured with what is there. Mr. Caruso noted that the construction cost for the Fire Department with everything included is \$2.9 million.

Mr. Caruso then went on to review the site assessment of the area in which the proposed new PD would be located. He noted there is no evidence of contaminated soil but recommended a Phase II environmental assessment based on issues with surrounding soils. Mr. Caruso then went on to review a site plan and a floor plan for the proposed PD. He noted there would be 43 parking spaces and the entrance could be off of Main Street. He noted that the exterior of the building would be clad in wood to match the buildings in the area. He then presented views of the building from different angles. Mr. Caruso noted that the construction cost including all fees, project management, FFEs, would \$7.058 million.

Chief Keith Edison addressed the audience noting that he would like to build a department that the police will not outgrow. He stated that he looked at other police stations in towns with populations of approximately 12,000 as part of his analysis. He described certain aspects of the design and explained how the design was arrived at. He stated that the building is proposed in a very cost effective manner and is approximately 12,000 sq. ft. He further noted

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that the design would work very well for the police department. Chief Rick Barrett spoke concerning the redesign of the existing PD/FD for fire use only. He stated that the minimum was done and the building was reconfigured and not built out or expanded. Mr. Wayne Klocko from the PBC stated that the work can be done for the amounts illustrated. He stated that the current arrangement will not serve the needs of the Town indefinitely. He spoke about the dangers of not doing the work and the maintenance and capital projects that would likely need to occur in the current PD/FD. Mr. Aspinwall stated that building a joint facility would cost approximately \$21 million which is why it was decided to go with a new PD and redesigned FD.

Mr. Vecchi asked whether or not the FD redesign is sufficient. Chief Barrett stated that it is due to the reallocation of space in the building.

Mr. Aspinwall reviewed the cost of a debt exemption and the impact it would have on the taxpayers. He noted that the first year would be \$237 on the average household. He further noted that the Quint truck proposed at the upcoming Town Meeting would cost, in year 1, \$26.43. He then went on to review what the actual costs are for the existing new library project. Mr. Caruso reviewed the timeline and process for building and renovating. He noted that construction for the PD would take a year with an additional 6-7 months for design and advertising. He further estimated that the FD renovation would take approximately 32 weeks and could be done in phases.

Mr. Robert Cantoreggi expressed concern about the cost to the taxpayers, clarifying that there are no immediate plans to build a new school.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we take this under advisement and make a decision before we have to in order to be placed on the 6/25 ballot. The motion passed unanimously.

ACORN STREET SEWER: Mr. Aspinwall reviewed the history of a study conducted in 2004 by the Sewer Study Committee which illustrated the path the Town should consider following when expanding sewer. He noted that additional sewer capacity was purchased last year and I/I was reduced, further adding to the available capacity. Mr. Dan Merrikin from Merrikin Engineering presented a conceptual subdivision his client is proposing in the Acorn Street area formerly known as Hickory Hill. He noted that the size of the property would be around 30 lots and have two entrances from Acorn Street, the street into the property itself being horseshoe shaped. He noted that the soils in this area are not optimal for septic systems. He reviewed the two potential routes for expanding the Town's sewer system to provide service to this new development, noting that the Town could further expand what the developer puts in place, particularly on Acorn Street (an additional 1,800 ft.).

Mr. Merrikin spoke concerning the Farm Street service area which was studied by GCG Associates, estimating that there are 99 impacted units if sewer were to be run down this street. He reviewed the meetings of the Sewer Study Committee and highlighted the pros and cons of each route (Acorn vs. Farm). He stated that there is significant hesitation to rip up the newly paved Acorn Street. He stated that Farm Street is in bad shape in comparison to Acorn Street and that the developer is willing to do more than required of him if the Farm Street route is chosen (approximately 2,100 feet of Farm Street would be reconstructed). He noted that the Sewer Study Committee took two votes: one to grant the permit to connect to the sewer system and then to recommend that the Farm Street option be the chosen route. He pointed out that the Developer bears the cost of the sewer connection work including providing service stubs to anyone along the way. Farm Street would include a full-depth reconstruction of the road and the work for this option would be approximately \$500,000. He stated there would be no betterments assessed to residents.

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Mr. Merrikin stated that he is before the Board tonight to ask for permission to connect to Town sewer and what is the preferred route to do so. He reviewed what the series of events would be once the Board provides the developer with some initial guidance. He further illustrated what would be done in terms of drainage and stormwater management for the new development.

Mr. Aspinwall asked if the Developer would be willing to put a covenant in place to ensure that a single family home development is built once the sewer connection is permitted. Mr. Merrikin stated that they would. He then discussed what the stormwater management system would be if the Acorn Street option was chosen. He described the water pressure issue present in the area. He then explained how a new pump station would be managed and the ability for 8 homes on Acorn Street to have the option to connect to sewer even if the Farm Street option was chosen.

Mr. Aspinwall reviewed the decision making process of the Sewer Study Committee and what their reasons were for voting unanimously to support the Farm Street option. Mr. Merrikin clarified that the Developer does not have a preference in terms of the connection options.

Don Petitis from Acorn Street spoke concerning his support for the Acorn Street option. He stated that the smart way to go is gravity so no one has to worry about a pump system. Jack Ward from Acorn Street stated that his biggest concern about the development is making sure the Developer puts in a sufficient drainage system. Ms. Wagner asked whether or not the Town considered putting in sewer at the time Acorn Street was paved. Mr. Aspinwall stated that it was considered.

Mr. Kaz Piorkowski of Acorn Street also advocated for the sewer connection to be run down Acorn Street. He accused the Board of dangling the 40B carrot to scare the neighbors. He further stated that by choosing the Farm Street option, the Board is isolating residents who have serious septic problems that could be solved by connecting to Town sewer. Sharon Rizutti of Acorn Street spoke concerning the issue of drainage in her back yard.

Mr. Aspinwall spoke concerning other neighborhoods who could connect to sewer and the allocation of capacity throughout the Town, particularly for the Downtown area which is an economic development project.

Mr. Peter Harkey spoke concerning his property on Acorn Street and asked for clarification on the covenant that was discussed. He also questioned the legality of reserving gallons of sewer for the downtown area. He began his presentation by handing the Selectmen an outline of his presentation which highlights why he believes the Acorn Street option and gravity should be chosen. He reviewed the history of how he became owner of the property which is the subject of his presentation. He also spoke concerning his attendance at the Sewer Study Committee meetings.

Bob Pelletier of 99 Acorn Street spoke concerning the Acorn Street connection and the long-range planning of the Town in terms of sewer connection. He noted that sewer fed by gravity would not require any maintenance. A resident of 63 Acorn Street questioned what the septic failure rates are on Acorn vs. Farm Street.

Ms. Wagner stated that she is unclear some of the verbiage that was quoted in Mr. Harkey's presentation and what the context was that those phrases were made. Mr. McKay reviewed the decision making process of the Sewer Study Committee and stated that if Acorn Street were to be opened, it will never be in the condition it is now again. He also spoke concerning the non-failure rate, over the last 7 years, of the privately owned pump stations in Town (4). George Yered of 97 Acorn Street spoke concerning his rationale for recommending the Farm Street option vs. Acorn Street including the reconstruction of the road and more people will be served. Dave Mullaley of 24 Acorn Street

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questioned whether or not it is common in Town for a sewer line in Town to be run yet not allow both sides of the road to connect.

Motion by Sel. Wagner, seconded by Sel. Vecchi, that we do grant up to 40,000 gallons/day of sewer extension for the Acorn Street property conditioned upon a full application at a later date and determination as to approval therefore. The motion passed unanimously.

PARADE REQUEST:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant Millis Youth Baseball/Softball a permit to have a parade on April 20th at 9 a.m. subject to coordination with the DPW. The motion passed unanimously.

PLANNING BOARD:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to designate Planning Board members as Special Municipal Employees. The motion passed unanimously.

KENEFICK CHANGE ORDER:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to authorize a change order that will change the contract price to \$116,050.58 for the Main Street culvert replacement project. The motion passed unanimously.

SIGN PERMIT REQUEST:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to allow Millis Flag Football/Chip Fagan permission to place lawn signs for Flag Football from 4/9/13 to 5/31/13. The motion passed unanimously.

FENCING QUOTES:

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we approve a contract with Frontier Fence for the installation of backstops for the Town Park for \$2,950.02 and a contract with B&B Wholesale Fence to provide fencing in the amount of \$3,199.28. The motion passed unanimously.

MINUTES:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve the regular session meeting minutes from 3/25/13. The motion passed with Sel. Hendon abstaining.

EXECUTIVE SESSION: At 10:59 p.m.,

Motion by Sel. Hendon to enter into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel; and the Chair so declares (to discuss the Police Union negotiations, SEIU negotiation status, and Fire Union contract sick time interpretation). By Roll Call Vote: Wagner – aye, Vecchi – aye, Hendon - aye.

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Respectfully Submitted,

Jennifer G. Cederberg, Operations Director