

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
May 20, 2013  
Veterans Memorial Building Room 229  
900 Main Street, Millis, MA 02054**

**CALL TO ORDER:** Chairman Charles Vecchi called the meeting to order at 7:30 p.m. The following persons were present: Chair Charles Vecchi, Vice Chair Andrea Wagner, Clerk Christopher Smith, Town Administrator Charles Aspinwall and Operations Director Jennifer Cederberg.

**ANNOUNCEMENTS:** Recognize Chris Smith and thank Don Hendon; Memorial Day Parade schedule; passing of Joan Schultz and George Cassidy.

**LILAC HOUSE:** The attorney for the Lilac House explained the reason for the transfer of the license and introduced the proposed new manager Jiu Xing Guo. She noted that the function of the restaurant and the name of the will not change. Fire Chief Rick Barrett noted that there were some minor violations found during an inspection of the property including the replacement/removal of an existing screen door that swings inward only and that the Building Inspector needs to do a final sign off. He noted that the new owners have proposed to decrease the occupancy number to approximately 50 with the seating capacity at 42. It was recommended that the hearing be recessed to see if Town Counsel responds to Mr. Aspinwall's text concerning a potential flaw in the published hearing notice.

**Motion by Sel. Wagner, seconded by Sel. Smith, to recess the hearing for a period of time. The motion passed unanimously.**

**Motion by Sel. Wagner, seconded by Sel. Smith, to continue the public hearing regarding the transfer of a liquor license for the Lilac House to June 3, 2013. The motion passed unanimously.**

**AMBULANCE AND TRANSFER STATION RATES:** Chief Barrett noted that he met with Mr. Aspinwall to discuss the current rates vs. the current Medicare rates and it was found that the Medicare rates decreased slightly from last year. He stated that the ambulance fees pay for some staff and that his recommendation is to stay at these rates and not reduce them. Mr. Aspinwall echoed this recommendation. He stated that Medicare will not pay our rates but that other insurance companies have been paying them. Chief Barrett stated that the billing agency has been very successful in their returns.

Mr. Smith noted that the Town's rate is approximately 400% of the Medicare rate. Mr. Aspinwall explained that the Town charges what it costs to keep the service running. Mr. Smith recommended a quarterly review of the charges to see where the Town stands. Bonnie Hilton from Village Street asked what percentage of patients served are Medicare patients. She expressed concern for the seniors in Town who may not have alternate insurance and asked if there is a way for the Town to consider writing off charges. Mr. Aspinwall stated that it is illegal to forgive the bill outright but that individual payment plans have been set up in the past to assist those who need it. Mr. Smith asked if the billing company made a recommendation. Mr. Aspinwall stated that they have not. This item will be discussed at the first meeting in September.

**Motion by Sel. Wagner, seconded by Sel. Smith, that we close the hearing on the 2013 Ambulance rates. The motion passed unanimously.**

Mr. McKay reviewed his budget presentation and noted that there is a need to increase the Transfer Station rates. He stated that in the past, the employee paid for out of this account has only had 20% of his salary allocated to the account and that it was felt it was more appropriate to allocate 80% of his salary to the account since this function is where he spends most of his time. He noted that this can be done in stages until the account/responsibilities match up. Mr. McKay noted that the budget for this account shows an increase in salary as well as an increase in longevity.

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Mr. McKay noted what the current Transfer Station sticker rates are and that they have not been increased in some time. He spoke concerning the elimination of the tiered system and how the pro-rated rates currently are structured. He reviewed the sales of stickers from 2012 which was a total of 849 stickers. He proposed, in agreement with the Town Administrator, that the \$83 tickets be raised to \$85; the \$29 stickers be raised to \$30; and the \$5 replacement sticker price would remain the same. He further noted that he would like to increase trash bags by \$.10 per bag or \$1.75/bag. He stated that there are 10 bags in a package. Mr. McKay noted that he would propose to go up approximately the same amount next year to cover a greater portion of the Transfer Station staff's salary.

Mr. McKay stated that what he has proposed is a two-year plan and that the plan would need to be revisited in year three. He spoke concerning the decreasing revenue in the disposal of large items. He suggested conducting a survey to see if the public would like to see the Town extend the hours of the Transfer Station. Mr. McKay stated that the year one allocation for FY14 Transfer Station would be 60/40 split. He noted that the May/June charges to obtain a Transfer Station sticker will remain as is but be better clarified on the fee schedule.

**Motion by Sel. Wagner, seconded by Sel. Smith, to close the 2014 Transfer Station rate hearing. The motion passed unanimously.**

**Motion by Sel. Wagner, seconded by Sel. Smith, that we set the 2014 Transfer Station rates for the permit, that we change the rate for persons under 62 years of age to \$85 which is \$2 increase over the current rate; for persons 62 or over the rate will be \$30 or \$1 over the prior rate; to leave the current second sticker price at \$5 and to increase the cost of the bags to \$1.75 from \$1.65 per bag. The motion passed unanimously.**

**PD/FD BUILDING UPDATE:** Chief Barrett spoke regarding the public outreach plans to provide information about the process and vote for potentially building a new Police Station and renovating the existing Fire Station for Fire use only. He spoke concerning public forums and open houses that have been scheduled. Chief Edison thanked the public for the vote of confidence at Town Meeting last week. He stated that he and the station will be available for all those who are interested to come by and have a tour. May 30<sup>th</sup> and June 18<sup>th</sup> are the two meetings scheduled at the Town Hall. He stated the open houses are 6/1 and 6/22 from 3-6 p.m. He noted that they will work around the public's schedule if they cannot make the scheduled times.

Chief Edison addressed the question of alternative funding sources as Webster received a grant to build their new station. He stated that their building was built with a private donation by a resident of \$6 million through a family foundation. He noted that this is not a grant and the land was also purchased by a private resident for \$500,000. He stated that he and Chief Barrett are committed to making this project work for the community. Chief Barrett stated that the dates and times for the meetings and open houses will be posted on the website and various other social media. Chief Edison was asked about the potential for grants available in the state. He stated that there are no grants available to build a facility.

**ASSISTED LIVING COMMITTEE:** Mr. Aspinwall reviewed the Planning Board memo dated 4/26/13 where they recommended forming an Assisted Living Ad Hoc Committee to create an Assisted Living Bylaw. He noted the recommended composition of the Committee by the Planning Board. Mr. Aspinwall recommended that the committee have 5 members. Mr. Vecchi expressed confusion over why the Planning Board did not take on this task themselves. The Board discussed the composition of the Board including a member of the ZBA, a member of the Master Plan Committee, a member of the Planning Board, a member of the COA and one member at-large.

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**Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do establish an ad hoc committee which shall be known as the Assisted Living Bylaw Committee, composed of a member of the Planning Board, a member of the ZBA, a member of the COA, a member of the Master Plan Committee and an at-large member and that the committee be charged with the determination as to whether or not an assisted living bylaw is advisable for the Town of Millis and, if so, to draft said bylaw. The motion passed unanimously.**

**ONE-DAY ALCOHOL LICENSES:**

**Motion by Sel. Wagner, seconded by Sel. Smith, that we do grant a one-day special alcohol license to the Boggestowe Fish and Game Club, Inc. for all alcohol for 6/18/13 for a pig roast, for 8/18/13 for a clambake, for 9/15/13 for the Boggestock Musical Festival and on 10/7/13 for a Ham & Bean dinner. The motion passed unanimously.**

**WHITE CANE DRIVE:**

**Motion by Sel. Wagner, seconded by Sel. Smith, to grant a permit to the Millis Lions Club to conduct an Annual White Cane Drive Fund Raiser on Saturday, 6/1/13 from 9 a.m. – 12 p.m. with a rain date of 6/8/13 subject to coordination with the Millis PD and this drive will be at Rt. 109 and Rt. 115, at the Millston Common stop sign onto Millston Road and at Holbrook Square. The motion passed unanimously.**

**WARRANTS:** Mr. Smith read the warrants. Mr. Vecchi reminded the audience that the election is also for the potential new Police Station and renovations to the existing Fire Station for Fire Department use.

**Motion by Sel. Wagner, seconded by Sel. Smith, that we do execute the two separate warrants for the election on 6/25/13, the first one being for a senator in congress for the commonwealth and the second one being for proposition 2 ½ override for a new Police Station and for renovations to the existing Police/Fire Station for Fire Department use. The motion passed unanimously.**

**HOUSING AUTHORITY PROJECTS:** Ray Normandin of the Housing Authority appeared before the Board. Mr. Aspinwall reviewed the history of Town Meeting approving the Daniels Street rehabilitation project from CPC funds and noted that a bill came in toward this project and the contractor was billing 50% up front for materials. He stated that under the law, the Town can only pay for materials delivered or work completed. He discussed the CPC grant agreement and noted that the CPC do not have statutory authority to enter into a grant contract, that this is a function of the Board of Selectmen. He informed the Board that he spoke with Candace Lowen and explained what was required to go forward under the state procurement laws. He noted that she could not be here tonight but could be present at the June 3<sup>rd</sup> meeting. Mr. Aspinwall stated that the Town is unable to pay the Contractor directly but would have to pay the Housing Authority and then the Housing Authority would need to pay the Contractor. He stated that there is information he is waiting for from Candace that is going to be needed prior to any bills being paid. He clarified that tonight's agenda item was strictly to prepare the Board for the 6/3/13 discussion because Candace was unable to be present until that date.

Mr. Normandin stated that he is aware that the Housing Authority would need to be paid and then pay the Contractor. He stated that the project has been held up for 3-4 weeks because of all of the items that they have been informed about after the fact. He said that the project was put out to bid and the lowest bidder was chosen who then turned around and purchased materials to begin work. He stated that they Housing Authority is following state laws and he does not understand what the delay is. Mr. Aspinwall stated that the Town is unable to put 50% of

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the project cost down and there are other contractual issues that need to be looked at. He noted that he contacted Ms. Lowen asking her for items listed in his email dated May 3<sup>rd</sup>. He stated that there are serious liability issues if the items requested are not provided or are not in place to protect the Town. Mr. Aspinwall stated that when he sent this email, he expected that these issues would be provided within a day and to date, they have not yet been received.

Ms. Wagner asked if a contract exists between the Housing Authority and the Contractor as the Town does not have a copy. Mr. Nathan Maltinsky of the CPC provided copies of the bills submitted for payment to the Chairman. Mr. Aspinwall stated that the purpose of tonight's discussion was to inform the Board of the situation and not to sign a contract. He noted that he was prepared to have this information ready for the June 3<sup>rd</sup> meeting which is when Ms. Lowen stated she would be available. He reiterated that the CPC does not have statutory authority to enter into an agreement that will bind the Town. Mr. Aspinwall stated that Town Counsel will be present at the next Selectmen's Meeting to address all of the issues that have arisen. He agreed to meet with Mr. Normandin, Ms. Lowen and Mr. Maltinsky prior to the next BOS meeting to gather the necessary materials he requested.

Mr. Maltinsky stated that this process has been very taxing on the CPC and that there are no other grant agreements currently in effect. He stated that he was told that there needed to be a grant agreement in place for this project and now he is being told that the grant agreement needs to be in place between the grantee and the Board of Selectmen. He asked that Mr. Aspinwall come to the next CPC meeting and explain the proper process so that there is no confusion in the future about what is needed. He stated that Ms. Lowen has been very organized in his dealings with her and that this Daniels Street project process has gone on too long and hopefully can be ironed out on Thursday. Mr. Aspinwall suggested that Town Counsel attend the CPC meeting with him to explain the bidding and procurement laws in detail. There was some discussion about the motion for Town Meeting which might help clarify the process. There was also discussion about the function of the CPC Coalition which our CPC receives advice and guidance from.

This item will be continued until the June 3<sup>rd</sup> meeting.

**UNION CONTRACTS:** This item will be continued as some of the bargaining units memberships have not voted on their contracts yet.

**MINUTEMAN RENEWAL:**

**Motion by Sel. Wagner, seconded by Sel. Smith, that we authorize the Town Administrator to enter into an agreement with the Town of Millis and the Minuteman Library Network Inc. to renew the contract with that network in the amount of \$25,760 for one year. The motion passed unanimously.**

**MODEL DESIGNER SELECTION:** Mr. Aspinwall stated that the Town needs to have in place written Designer Selection Procedures before the Town secures any architectural services. MGL Ch. 7 requires this. He noted that this typically would be managed by the Permanent Building Committee. He reviewed the recommended text entitled "Designer Selection Procedures" and what must be included in these procedures. He highlighted particular sections concerning procedures for handling emergencies, professional liability insurance requirements, etc. Mr. Smith suggested that the PBC review the proposed procedures and make suggestions. Mr. Aspinwall stated that the procedures are already being followed but the Town needs to have them in writing. The Permanent Building Committee will be asked to review the proposed procedures and provide feedback and comments to the Board of Selectmen.

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**NIAGARA PROJECT:** Mr. Aspinwall stated that Mr. Prufer provided the Town with a proposed contract which was sent to Town Counsel for review. He noted that the question has come up as to whether or not the rear portion of Niagara Hall would be in more suitable shape before the dedication of the new Library on September 21<sup>st</sup>. Mr. Aspinwall stated that the project process all depends on the total cost of the work, with a certain dollar threshold requiring sub-bids to 18 different trades and adding weeks to the process. He noted that a project in excess of \$100,000 would be a 6-week bidding process. Mr. Maltinsky spoke concerning the timeline for the project and what different phases would entail. He addressed questions concerning the amount of the appropriation that remains and when that appropriation was made. He stated that the cost of the project escalates due to the prevailing wage rate and bond requirements.

Mr. Aspinwall clarified that the contract with Mr. Prufer needs to be finalized and the total project cost needs to be estimated to determine whether or not the 6-week bid process kicks in. He stated that the alternative is putting out smaller bids to accomplish particular parts of the project if found to be estimated at under \$25,000. He said that no one bid on the rebuilding of the hose tower when that portion was put out to bid, particularly because of the bond requirements and prevailing wage rates which kept local contractors away. Keeping the project under \$100,000 takes away the some of the bond requirements. Mr. Vecchi stated that they might be better off doing the exterior work prior to the Library opening and then working on the remainder of the building. Mr. Maltinsky stated that he would like to do the rear of the building and the side porch and then concentrate on the inside. Mr. Aspinwall stated that he will work with Mr. Maltinsky and Mr. Prufer to put together a contract and a bid.

**MINUTES:** Mr. Smith pointed out that the Board did not adjourn at 7:25 but rather recessed and adjourned at the end of Town Meeting.

**Motion by Sel. Wagner, seconded by Sel. Smith, to accept the regular session meeting minutes from 5/13/13 subject to the correction that the Board recessed at 7:25 and subsequently adjourned at 11:10 p.m. The motion passed unanimously.**

**ADJOURN:** At 9:52 p.m.,

**Motion by Sel. Wagner, seconded by Sel. Smith, to adjourn. The motion passed unanimously.**

*Respectfully Submitted,*

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*Jennifer G. Cederberg, Operations Director*