

**BOARD OF SELECTMEN**  
**REGULAR SESSION MEETING MINUTES**  
**March 28, 2011**  
**Veterans Memorial Building, Room 229**  
**900 Main Street, Millis, MA 02054**

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

**OAK GROVE FARM:** Steve MacInnes from the Oak Grove Farm Commission appeared before the Board to request for additional funds to be released to their account for unexpected expenses. He presented a copy of an invoice for goals which needed to be purchased for the soccer season. He noted that there is one set which will need to be destroyed and others that will need to be repaired. Steve stated that this expense puts the Commission over the \$10,000 allocated annually from their revolving fund. He noted that it is proposed that the revolving fund be raised to \$15,000 at the next Town Meeting.

**Motion by Sel. Wagner, seconded by Sel. Hendon, to increase the amount that the Oak Grove Farm can withdraw from their Revolving Fund in the amount of \$3,288.56. The motion passed unanimously.**

**LEWIS LIQUORS:** Sel. Hendon read the hearing notice. Attorney Peter Zahka reviewed the history of the application and the earlier transfer request stating that there were tax issues with the seller at the time the previous application came forward. He stated that there has been no change in the application materials since the last time his client was before the Board. Att. Zahka stated that the location has been a liquor store since the 1940's and that his client intends to maintain it as a full package store open 7 days per week. He stated his client has been in the business for over 20 years and has owned other package stores. Sel. Wagner asked for clarification on the remainder of the licensing process.

**Motion by Sel. Wagner, seconded by Sel. Hendon, to transfer an all alcohol package store license from Lewis Liquors to Highland Wine & Spirits, Inc. doing business as Lumpy's Liquors and that we do recognize Jeffrey Wilson as the Manager of Record and that we allow the business to be known as Lumpy's Liquors. The motion passed unanimously.**

**POLICE BUDGET:** Chief McGowan appeared before the Board with a review of where the department stands currently in terms of items voted on at the last Town Meeting. He began with an overview of the Dispatch Department and their function within the Town. He noted that there are four full-time employees and that he has requested an increase for step raises for FY12 in the salary line item and that expenses are holding steady. He then went on to review the Police Department budget and the salary wages with the retirement of Officer Acerra and hiring of an officer at the beginning step. He noted an increase in the overtime line item. He stated that the Department has been as aggressive as possible in realizing savings in the expense budget. He noted that the increase requested in the expense budget is approximately \$7,000. Sel. Vecchi asked for clarification in the increase in the line item for overtime. Chief McGowan noted the history of the line item and that he felt it was prudent given this history to request a more realistic line item budget. Mr. Aspinwall stated that there are reductions in other areas of the budget to help make up for this amount.

**RECREATION BUDGET:** Kris Fogarty appeared on behalf of the Recreation Department. She noted that she is only requesting funds to cover her salary and \$1 for expenses in the event she should need a Reserve Fund Transfer. She stated that her fund balance is around \$75,000 which also pays for her salary. Sel. Vecchi reminded the Board that the department is self-sustaining. Mr. Aspinwall stated that the salary is the only portion of the department's budget that is paid for out of taxation. He stated that the Rec. fees will also be helping to pay for field and tennis court maintenance in the coming year which will help the DPW and that additional programs will be offered in conjunction with the Town of Medway.

**ANIMAL CONTROL BUDGET:** Brenda Hamelin from Millis/Medway Animal Control reviewed the history of the past year including 6 cruelty cases, a loose bull in Medway, a hoarding case in Millis involving 13 cats and a major

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case in Medway with an individual feeding feral cats where a trap/spay/release program was instituted. She noted the major positive financial impact the Per-Fect Cat Shelter has had on her ability to manage complex cases. She said that the new ACO truck came in at a lower cost than anticipated and is using substantially less gas than the old truck. She noted that there is no increase proposed in the salary line item and that the expense budget is the same as last year. She reminded the Board that Medway/Millis is still splitting 55%/45% due to the number of calls received. Ms. Hamelin stated that about five years ago, both towns stopped paying for afternoon coverage and that she remains on-call most of the week and frequently has to leave her home to address domestic animal accidents, bats in houses, etc. She estimated that the total cost of this service annually would be \$6,080 which could be split with Medway. Mr. Vecchi asked how the split arrangement with Medway is working. Ms. Hamelin stated it is working well with her two deputies but is currently down one deputy which means she is on-call every other weekend.

**CHILDREN'S LIBRARIAN:** Mr. Aspinwall reviewed the history of the resignation of the Children and Youth Services Librarian and correspondence and conversations between himself and Library Director Tricia Perry. He stated that due to the closeness of this vacancy and the vote for an override, he instructed Ms. Perry to go through the recruitment process but not fill the position until the Town has a more certain budget position for FY12. He noted that there are other positions in the same predicament and his policy is not to currently fill any non-safety positions. He stated that the Library Trustees asked to come tonight to discuss this issue with the Board of Selectmen.

Beth Krimmel, Chair of the Library Trustees, stated that the Trustees feel they need to come to a different resolution and that this position is a core position to the Library. She noted that the position's annual salary is already paid for the remainder of the current fiscal year, which is equivalent to 9% of their total budget. She stated that if the Library's budget is to be cut, the Trustees would decide where those cuts would come from. She reviewed what would be impacted if the position is not to be filled. She requested to be allowed to fill the position and then address cuts in ways they feel more appropriate if budgetary reasons dictate that. Library Director Tricia Perry stated that the position has been advertised and about 15 applications have been received, most of which have met the MLS qualification. She stated that the single most important thing the Library does is engage children in reading and literacy. She stated that to lose a Children's Librarian would be devastating to the community. She stated that she has not yet interviewed any candidates.

Mr. Aspinwall stated that they are within 2-3 weeks of what he would like to see happen and what the Trustees would like to do. He urged the Library to narrow down the list of candidates to interview as there are several steps along the way of the interview process. He noted that the downside is not knowing what State Aid is going to be or if the override is going to pass which means that we do not have a certain budget process. He reminded the Board of his responsibility under the Charter. He stated that significant services will be cut as a result of failure of an override. He also stated that there would be a burden of unemployment benefits if someone were hired and then had to be laid off.

Sel. Vecchi stated that the projected unemployment burden would be huge and acknowledged that it is a very important position. Mr. Aspinwall stated that if the Trustees were to guarantee that the position would be funded through State Aid regardless of what the numbers come in, this would be an option to move forward. Ms. Krimmel stated that they would close the Library for a day if need be to make up the funds for the position. Sel. Wagner stated that initially she was not in favor of funding the position right now but she would be open to suggestions on how to proceed. She questioned why the Trustees do not continue with the process. Ms. Perry stated that she has two candidates that she is very interested in interviewing now but is hesitant to start the process in the event that the rug is pulled out from under her as a result of the override. She gave statistics of the usage of the Children's Library and the importance of the position. She noted that it has already been 4 weeks since she was notified that the position was going to be vacated.

Mr. Aspinwall stated that we should move forward and that it is unlikely a candidate would be ready to be appointed by the Board meeting on 4/25 and the meeting after that is being held at Town Meeting. He reminded the Board that

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the Trustees can guarantee that they will use State Aid to fund the position. He stated that there is a lot of uncertainty right now.

Nancy Doyle stated that it would be horrendous if the position were to be cut. She stated that they have the money to hire someone now and that she sees the direct impact this would have on the children. Library Trustee Beverly Temple stated that she feels they are being forced to give up the position. Wendy Berry stated that she feels that this is a Library management issue.

Mr. Aspinwall reminded the Board of how his position came about and what his responsibilities are. He reminded the Board of the history of keeping a Fire Department position open for over a year because we knew tough times were coming. He noted that at best, we are talking about weeks with the Library position.

Chris Smith of the Finance Committee spoke in support of Mr. Aspinwall's position and reminded the Board of the looming deficit of \$800,000 and what type of cuts the Town can expect if the override doesn't pass. Town Clerk Lisa Hardin stated that it doesn't seem appropriate that the Board of Selectmen and Town Administrator tell Department Heads that they have to cut certain positions. Sel. Wagner stated that the Board never said that they were cutting the position. She reminded the audience that the Administrator said we are not filling any non-public safety positions until we see what the budget situation is. She stated that she is open to creative situations.

Jennifer Farrar stated that she doesn't understand why the two boards aren't working together. Library Trustee Diane Jurmain stated that she doesn't understand why everyone isn't clear that the Trustees will not cut the Children's Librarian position and that she would be willing to sign something saying so, so that unemployment concerns will no longer exist. Mr. Aspinwall stated that there are multi levels involved when it comes to decision making about where cuts will be made if finances dictate it. Ms. Jurmain stated that putting children's programs in place takes a lot of work and a lot of time and if it isn't worked on now, it may mean that there are no children's programs in June. Ms. Doyle stated that closing the Library a day would be more acceptable to the staff than being told that they cannot fill a position. Mr. Smith stated that it is too preliminary to know where the cuts are being made.

Mr. Aspinwall suggested that the funds that exist could be used to pay for a temporary person or a consultant to come forward and make sure that things keep moving forward. Ms. Krimmel stated that she feels there have to be exceptions: that this is not a black and white issue. Ms. Perry stated that the Board hired her to manage the Library and she should be permitted to do so.

Mr. Aspinwall stated that we will know on 5/2 if the override passes and we still do not know how much of the deficit would be allocated toward the school and how much would be on the municipal side. He stated that he is encouraging the Library to move forward with recruiting and that if the override passes, he would feel comfortable appointing a candidate at the BOS meeting on the night of Town Meeting.

Sel. Hendon stated that the Board never said that they did not want a Children's Librarian and that the Trustees have been encouraged to move forward with the recruitment process as well as moving the children's summer program forward instead of continuing to argue. Sel. Vecchi stated that the Trustees need to move ahead and be honest with candidates who are probably already familiar with the state of municipalities. He stated to expect to fill the position and be optimistic about it. He offered to continue this discussion at any future meetings and reiterated that the Board has not said that they won't fill the position.

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**AM VETS:**

**Motion by Sel. Wagner, seconded by Sel. Hendon, to grant the Millis AM Vets Post 495 a one day alcohol license on the following dates: 5/30, 7/4, 8/20 and 9/5 for a series of events; the hours will be from 8 a.m. – 8 p.m. and this will be for an all alcohol license. The motion passed unanimously.**

**LIONS CLUB:**

**Motion by Sel. Wagner, seconded by Sel. Hendon, to grant the Millis Lions Club a permit to hold a Trivia Night Fundraiser on 4/30/11 at the St. Thomas Large Hall for wine & beer from the hours of 7 p.m. – 10:30 p.m. The motion passed unanimously.**

**GEOTECHNICAL CONTRACT:** Mr. Aspinwall reviewed the proposed contract for geotechnical and environmental consulting services for the new Library project. He stated that the low bidder has done satisfactory work for the Town in the past.

**Motion by Sel. Wagner, seconded by Sel. Vecchi, to award a contract to AMEC, Inc. for geotechnical and environmental consulting in the amount of \$16,000. The motion passed unanimously.**

**PARADE PERMIT:** Sel. Hendon read the notice.

**Motion by Sel. Wagner, seconded by Sel. Vecchi, to grant a permit to Millis Youth Baseball/Softball, Inc., to have a parade on Saturday, April 23<sup>rd</sup> to have their annual opening day parade from 8:30-8:45 a.m. subject to coordination with the Police Department. The motion passed unanimously.**

**NATIONAL KIDS TO PARKS DAY:** Sel. Vecchi reviewed the request. Sel. Hendon read the proposed proclamation.

**Motion by Sel. Wagner, seconded by Sel. Hendon, to declare 5/21/11 National Kids to Parks Day in Millis. The motion passed unanimously.**

**RESOLUTION FOR BOTTLE BILL:** Sel. Vecchi informed the Board that this bill is to add the nickel deposit to teas, water, and various other drinks. He noted that there are 150 towns that have supported this bill so far. Sel. Hendon read the proposed resolution.

**Motion by Sel. Wagner, seconded by Sel. Hendon, to adopt the resolution to support the updated Massachusetts Bottle Bill. The motion passed unanimously.**

**TOWN MEETING WARRANT:** Mr. Aspinwall reviewed the list of warrant articles. He noted that articles 1 and 2 are for action by the ballot and that there is only one unpaid bill that falls under Article 4. He stated that Article 5 is cutting it close as the consultant may not have all the information ready for Town Meeting. Article 6 is for all union and non-union wage increases which is a 2% increase. He stated that unemployment is being set at \$100,000 but that if the override does not pass, this amount will only get us to the November Town Meeting. The audit is article 9. The OPEB Valuation has to be done every two years. Property valuation is the annual request from the BOA based on new building permits. Article 12 is to complete the project to fix the outside of the VMB. Fire Chief has requested replacement of his vehicle. DPW equipment is for a multi-purpose tractor. Chapter 90 is an annual amount given to us by the state. Local road funds are subject to the override. Crestview & Klifford is a borrowing to finish improvements currently under design. Articles 18 and 19 are FEMA grants that have been applied for. Water improvements are light for this year. Stormwater Management is an increase as new rule will be in place on 7/1. There

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is a request to fund the Tree Nursery Phase II. Article 23 is a placeholder. Articles 24-35 are School Department articles. CPC budget is article 36. Thirty-seven is also a CPC article to assess a piece of land offered to the Town for sale. Article 38 is for the Board of health to appoint agents. Thirty nine is to establish revolving funds. Forty is to make a correction to the zoning map. V-B district also needs to have a correction made. Forty two is a placeholder. Forty three is a request from the DPW and veterans in Town have been reached out to. Forty four is to purchase a 5.4 parcel acre of land from the Dewey's. Article 45 is to accept a gift of land. Articles 46 and 47 provide senior citizen tax deferral and abatement. Forty six is to increase the gross receipts that seniors may have to be eligible to defer taxes. Article 47 is modeled on special legislation from the Town of Hamilton to adopt a tax exemption for certain qualifying parcels of land owned by seniors. Articles 48-51 fund contracts between the Town and several unions: Firefighter, Police, Dispatch and DPW. None of these contracts are settled at this point. The Firefighter and DPW contracts are in mediation. Article 52 is in the event the override passes to hold capital projects in the stabilization fund. Article 53 is to complete painting of the Oak Grove Farmhouse. He explained how the warrant would look different if the override doesn't pass. Mr. Smith stated that right now, the separate articles for the various stabilization accounts are not on the warrant as they will all be lumped into the general Stabilization Account and addressed at the November Town Meeting.

**MINUTES:**

**Motion by Sel. Wagner, seconded by Sel. Hendon, that we do approve the regular session meeting minutes from 3/14/11. The motion passed unanimously.**

**Motion by Sel. Wagner, seconded by Sel. Hendon, to release the Executive Session meeting minutes from the Board of Selectmen's meetings on: 8/31/09, 4/23/07, 5/7/07, 12/27/07, 9/11/06, 10/16/06, 6/5/06, 6/19/06, 12/18/06, 12/11/06, 8/7/06, 9/25/06, 2/28/08, 8/4/08, 4/13/09, 10/19/09, 11/17/07, 7/23/07, 8/20/07, 9/20/07, 7/9/07, 1/14/08, 5/19/08, 6/2/8, 7/7/08, 9/8/08, 9/22/08, 10/6/08, 12/15/08, 5/11/09, 6/15/09, 6/29/09, 7/13/09, 8/3/09, 3/8/10, 4/26/10. The motion passed unanimously.**

**ADJOURN:** At 10:17 p.m.,

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

*Respectfully Submitted,*

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*Jennifer G. Cederberg, Administrative Assistant*