

TOWN OF MILFORD  
SPECIAL TOWN MEETING  
UPPER TOWN HALL  
OCTOBER 25, 2010

COMMONWEALTH OF MASSACHUSETTS

COMCAST Cable recorded the Town Meeting. Copies are available at the Office of the Board of Selectmen.

Moderator Michael J. Noferi called the meeting to order at 7:30 p.m.. The quorum was set at 120 members.

The monitors took attendance and reported *139 present and 102 absent. A quorum was reached.*

The Town Clerk, Amy Hennessy Neves read the Warrant and the Return of Service

**ARTICLE 1:** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money in the amount of \$18,000 to be spent under the jurisdiction of the Board of Selectmen to purchase fire works for the July 4, 2011 celebration, or take any other action in relation thereto.

(Board of Selectmen)

**It was moved:** That the Town raise and appropriate a sum of money in the amount of \$18,000 to be spent under the jurisdiction of the Board of Selectmen to purchase fire works for the July 4, 2011 celebration.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried.*

**ARTICLE 2:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized for the purposes of expert assistance in relation to a Complaint filed by the Board of Selectmen with the State Department of Public Utilities in relation to the Milford Water Company and the recent water contamination issues, and also in relation to proceedings begun before the said Department of Public Utilities by the Milford Water Company for rate increases, or take any other action in relation thereto.

(Legal Department)

**It was moved:** That the Town raise and appropriate a sum of money in the amount of \$20,000 to be utilized for the purposes of expert assistance in relation to a Complaint filed by the Board

of Selectmen with the State Department of Public Utilities in relation to the Milford Water Company and the recent water contamination issues, and also in relation to proceedings begun before the said Department of Public Utilities by the Milford Water Company for rate increases.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried.*

**ARTICLE 3:** To see if the Town will vote to amend its vote under Article 2 of the June 14, 2010 Annual Town Meeting by adding to Section E, Hourly Non-Rated Positions, the following new position classification and rate of pay:

Milford Youth Center Summer Camp Counselor    \$9.12 per hour

or take any other action in relation thereto.  
(Personnel Board)

**It was moved:** That the Town amend its vote under Article 2 of the June 14, 2010 Annual Town Meeting by adding to Section E, Hourly Non-Rated Positions, the following new position classification and rate of pay:

Milford Youth Center Summer Camp Counselor    \$9.12 per hour

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 4:** To see if the Town will vote to raise and appropriate from available funds, the amount of \$17,000, to be spent under the jurisdiction of the Highway Surveyor for the purpose of replacing the fuel pumps located at the Highway Department, or take any other action in relation thereto.

(Highway Surveyor)

**It was moved:** That the Town raise and appropriate, the amount of \$17,000, to be spent under the jurisdiction of the Highway Surveyor for the purpose of replacing the fuel pumps located at the Highway Department.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 5:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$40,000 to be utilized, together with funds previously

appropriated, for completion of the Fino Field Light Pole Project, or take any other action in relation thereto.  
(Park Commissioners)

**It was moved:** That the Town to raise and appropriate the sum of money in the amount of \$40,000 to be utilized, together with funds previously appropriated, for completion of the Fino Field Light Pole Project.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 6:** To see if the Town will vote to authorize the Board of Selectmen to petition the legislature for special legislation to provide for the grant of an additional license for the sale of all alcoholic beverages to be drunk on premises which legislation shall provide substantially as follows:

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding Section 17, of chapter 138 of the General Laws, the licensing authority for the Town of Milford may grant one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises under Section 12 of said Chapter 138, to Fun Zone Milford, LLC, of 110 South Main Street, Milford, Worcester County, Massachusetts for use in connection with premises situated at 110 South Main Street, in said Town of Milford. Said license shall be subject to all of the other provisions of said Chapter 138.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location. The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority. Notwithstanding said Section 17 of said Chapter 138 or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon passage.

or take any other action in relation thereto.  
(David Breen)

**It was moved:** That the Town vote to authorize the Board of Selectmen to petition the legislature for special legislation to provide for the grant of an additional license for the sale of all alcoholic beverages to be drunk on premises which legislation shall provide substantially as follows:

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding Section 17, of chapter 138 of the General Laws, the licensing authority for the Town of Milford may grant one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises under Section 12 of said Chapter 138, to Fun Zone Milford, LLC, of 110 South Main Street, Milford, Worcester County, Massachusetts for use in connection with premises situated at 110 South Main Street, in said Town of Milford. Said license shall be subject to all of the other provisions of said Chapter 138.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location. The license may be re-issued by the licensing authority at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority. Notwithstanding said Section 17 of said Chapter 138 or any other general or special law to the contrary, the licensing authority may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

**SECTION 2.** This act shall take effect upon passage.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried.*

**ARTICLE 7:** To see if the Town will vote to appropriate a sum of money in the amount of \$150,000 to be spent under the jurisdiction of the School Committee for the purpose of construction of a parking lot at the corner of Walnut and Grant Street across from the Memorial Elementary School; and further to see how funds shall be raised, whether from the current tax revenue, by transfer of available funds, by borrowing or otherwise, or take any other action in relation thereto.

(School Committee)

*(There were no objections from the body to allow Mr. Bob Tremblay to speak on this article)*

**It was moved:** That the Town raise and appropriate the sum of \$50,000, said sum to be spent under the jurisdiction of the School Committee for the purpose of construction of a parking lot at the corner of Walnut and Grant Street across from the Memorial Elementary School.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 8:** To see if the Town will vote to authorize the Board of Selectmen to seek special legislation authorizing said Board to establish an employment contract with counsel for the Town of Milford, which legislation would provide substantially as follows:

*Be it enacted, as follows:*

**SECTION 1.** Notwithstanding the provisions of G.L. c. 41, Sections 108A and 108C, and any by-law adopted thereunder, the Town of Milford, acting by and through its Board of Selectmen, may establish an employment contract upon the same terms and conditions, and subject to the same limitations, as contained within G.L. c. 41, Section 108N, applicable to other municipal employees as designated therein.

**SECTION 2.** This Act shall take effect upon its passage.

or take any other action in relation thereto.  
(Board of Selectmen)

**It was moved:** That the Town vote to authorize the Board of Selectmen to seek special legislation authorizing said Board to establish an employment contract with counsel for the Town of Milford, which legislation would provide substantially as follows:

*Be it enacted, as follows:*

**SECTION 1.** Notwithstanding the provisions of sections 108A and 108C of the General Laws, and any by-law adopted thereunder, the Town of Milford, acting by and through its Board of Selectmen, may establish an employment contract with counsel upon the same terms and conditions, and subject to the same limitations, as contained within section 108N of said chapter 41, applicable to other municipal employees as designated therein.

**SECTION 2.** This Act shall take effect upon its passage.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 9:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$345,000 to be utilized by the Board of Selectmen for continued consultant services associated with planning, permitting, design, surveys, easements and construction of the Godfrey, O'Brien and Hospital Brooks restoration project, or take any other action in relation thereto.  
(Board of Selectmen)

**It was moved:** That the Town to raise and appropriate a sum of money in the amount of \$345,000 to be utilized by the Board of Selectmen for continued consultant services associated with planning, permitting, design, surveys, easements and construction of the Godfrey, O'Brien and Hospital Brooks restoration project.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 10:** To see if the Town will vote to accept as and for a public way a private way known as Longview Drive, or take any other action in relation thereto.  
(Board of Selectmen)

*A motion was made to waive the reading of the legal description because it is the same as in the report of the Board of Selectmen...Motion to waive reading carried.*

**It was moved:** That the Town accept as and for a public way a private way known as Longview Drive, as it is described in the report of the Board of Selectmen dated May 26, 2010 as follows:

LEGAL DESCRIPTION

LONGVIEW DRIVE, MILFORD, MA

Legal Description of Longview Drive from Station 17+64.37 to Station 18+91.76 length to be accepted 127.39 feet.

Beginning at concrete bound at the southwesterly corner of the existing portion of Longview Drive and at land now or formerly of Keri L. Collette;

Thence S81°51'27" W a distance of 70.71 feet by said land of Collette and land now or formerly of Donald E. and Rebecca L. Leverock to a concrete bound at a point of curvature;

Thence Southwesterly, westerly, northerly, easterly and southeasterly and curving to the right along the arc of curve having a radius of 50.00 feet, a length of 218.63 feet by said land of Leverock and land now or formerly of Jennifer Pixley Trustee of

The Pixley Family Realty Trust to a concrete bound at a point of reverse curvature;

Thence Southeasterly and easterly and curving to the left along the arc of a curve having a radius of 25.00 feet, a length of 30.77 feet along said land of the Pixley Family Realty Trust to a concrete bound at the northwesterly corner of said existing portion of said Longview Drive;

Thence S 08°08'33" E a distance of 50.00 feet along the westerly sideline of said existing portion of said Longview Drive to the point of beginning.

Said layout of Longview Drive contains an area of 9,500 square feet more or less, and is more particularly shown on a plan entitled: "Layout Plan of Portion of Longview Drive and Sunwood Avenue in Milford, MA, By: Board of Selectmen, Owner: Inhabitants of the Town of Milford, Scale: 40 feet to an inch, Date: March 19, 2010, Guerriere & Halnon, Inc. Engineering & Land Surveying, 333 West Street, Milford, MA 01757"

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried.*

**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$110,000 to be utilized, together with funds previously appropriated, to repaint the exterior of the Milford Town Hall, or take any other action in relation thereto.

(Board of Selectmen)

**It was moved:** That the Town to raise and appropriate a sum of money in the amount of \$110,000 to be utilized, together with funds previously appropriated, to repaint the exterior of the Milford Town Hall.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 12:** To see if the Town will vote to appropriate a sum of money in the amount of \$150,000 to be spent under the jurisdiction of the Fire Chief for the purpose of acquisition of a rescue truck and related equipment; and further to see how said sum shall be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise, or take any other action in relation thereto.

(Fire Chief)

**It was moved:** That the Town raise and appropriate a sum of money in the amount of \$150,000 to be spent under the jurisdiction of the Fire Chief for the purpose of acquisition of a rescue truck and related equipment.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 13:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the Milford Upper Charles Trail Committee to be utilized for the purpose of environmental permitting and final design of the Upper Charles Trail phase III, or take any other action in relation thereto.  
(Milford Upper Charles Trail Committee)

**It was moved:** That the Town raise and appropriate a sum of money in the amount of \$40,000 to be spent under the jurisdiction of the Milford Upper Charles Trail Committee to be utilized for the purpose of environmental permitting and final design of the Upper Charles Trail phase III.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in relation to the Geriatric Authority of Milford, which legislation would provide substantially as follows:

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2 of Chapter 76 of the Acts of 1982 is hereby amended by adding the following sentence to the end of said Section 2:

Notwithstanding any general or special law to the contrary, the Authority may do business under the name of Countryside Health Care of Milford, if deemed appropriate by said Authority, upon the filing of a certificate with the Town Clerk of Milford consistent with the provisions of Section 5 of Chapter 110 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

or take any other action in relation thereto.

(Geriatric Authority of Milford)



**It was moved:** That the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation in relation to the Geriatric Authority of Milford, which legislation would provide substantially as follows:

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2 of Chapter 76 of the Acts of 1982 is hereby amended by adding the following sentence to the end of said Section 2:

Notwithstanding any general or special law to the contrary, the Authority may do business under the name of Countryside Health Care of Milford, if deemed appropriate by said Authority, upon the filing of a certificate with the Town Clerk of Milford consistent with the provisions of Section 5 of Chapter 110 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 15:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the AD HOC Community Field Committee said sum to be utilized for purpose of preparing final design plans and specifications and for construction and renovation of the existing tennis courts, softball fields, football field, track, lights, bleachers, fencing, walkways, facilities, roadways and parking areas located thereon at 31 West Fountain Street; further to see how said sum shall be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise, or take any other action in relation thereto.

(AD HOC Field Committee)

**It was moved:** That the Town appropriate the sum of \$3,000,000 to be spent under the jurisdiction of the AD HOC Community Field Committee, said sum to be utilized for the purpose of preparing final design plans and specifications and for construction and renovation of the existing High School athletic fields, including tennis courts, softball fields, football fields, track and related lights, bleachers, fencing, walkways, facilities, roadways and parking areas located thereon at 31 West Fountain Street; and to meet that appropriation by transferring the sum of \$1,000,000 from the Excess and Deficiency Account and further by authorizing the Treasurer, with the approval of the Board of Selectmen, to borrow the balance of \$2,000,000 under chapter 44 of the General Laws or any other enabling authority.

*(The body did not object to a presentation being made by landscape designer, Mr. Howard)*

*After discussion a motion was made by Louis Arcudi (pr. 4) to Move the Question, requiring a standing 2/3<sup>rd</sup> vote. 91 voted in Favor of Moving the Question and 47 were opposed; having 138 voted, the necessary 2/3<sup>rd</sup> was not obtained and the debate continued.*

*After further discussion...*

*A standing 2/3<sup>rd</sup> vote was then taken on the Motion of the Article as Presented. 123 members voted in favor of the Motion of the Article and 14 voted against. 137 members having voted, the necessary 2/3<sup>rd</sup> vote was obtained. Motion Carried.*

**ARTICLE 16:** To see if the Town will vote to amend Article 2 of the General By-Laws of the Town entitled "Finance Committee" by striking the current Section 3 and replacing it with a new Section 3 as follows:

Section 3 (Filling of Vacancies) – The Board of Selectmen shall promptly fill any vacancies that may occur in the membership of the Committee by reason of death, resignation, removal from Town or other cause.

or take any other action in relation thereto.

(Board of Selectmen)

*A Motion was made to Pass Over this Article requiring a Majority Vote, a Voice Vote was taken ....Voice Vote Carried...Article 16 Passed Over.*

**ARTICLE 17:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$80,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of completing Phase II of the Charles River Improvement Project, or take any other action in relation thereto.

(Highway Surveyor)

**It was moved:** That the Town raise and appropriate a sum of \$80,000 to be spent under the jurisdiction of the Highway Surveyor for the purpose of completing Phase II of the Charles River Improvement Project.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 18:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Vernon Grove Cemetery Personal Services Budget Line Item as voted under Article 4 of the June 14, 2010 Annual Town Meeting, said sum to be utilized by the Vernon Grove Trustees to fund two full time employees at the Vernon Grove Cemetery for an additional eleven weeks, or take any other action in relation thereto.  
(Vernon Grove Cemetery Trustees)

*A Motion was made to Pass Over this Article requiring a Majority Vote, a Voice Vote was taken ....Voice Vote Carried...Article 18 Passed Over.*

**ARTICLE 19:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, to be utilized with funds previously appropriated, and to be spent under the jurisdiction of the Board of Selectmen for engineering, consulting and legal expenses looking towards the cleanup of environmental hazards on Town property off of the Charles River Trail behind property of the Benjamin Moore Company and Sumner Realty Trust, or take any other action in relation thereto.  
(Board of Selectmen)

**It was moved:** That the Town raise and appropriate a sum of money in the amount of \$50,000, to be utilized with funds previously appropriated, and to be spent under the jurisdiction of the Board of Selectmen for engineering, consulting and legal expenses looking towards the cleanup of environmental hazards on Town property off of the Charles River Trail behind property of the Benjamin Moore Company and Sumner Realty Trust.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 20:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the jurisdiction of the Board of Selectmen in order to repair the handicap ramp at Memorial Hall, or take any other action in relation thereto.  
(Board of Selectmen)

**It was moved:** That the Town to raise and appropriate a sum of money in the amount of \$10,000 to be spent under the jurisdiction of the Board of Selectmen in order to repair the handicap ramp at Memorial Hall.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 21:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be utilized by the Highway Surveyor for the purchase of a street sweeper; and further to see how said sum shall be raised whether by taxation, transfer from available funds, borrowing or otherwise, or alternatively, to authorize the Highway Surveyor to enter into a lease purchase agreement for the purpose of acquiring said street sweeper, or take any other action in relation thereto.  
(Highway Surveyor)

**It was moved:** That the Town raise and appropriate the sum of \$140,000 and also transfer the sum of \$10,000 from the Excess and Deficiency Account, said total sum of \$150,000 to be spent under the jurisdiction of the Highway Surveyor for the purchase of acquisition of a street sweeper.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 22:** To see if the Town will vote to transfer the sum of \$34,000 from General Government Line Item 148-5312 as voted under Article 4 of the June 14, 2010 Annual Town Meeting to the Milford School Department, or take any other action in relation thereto.  
(Board of Selectmen)

**It was moved:** That the Town transfer the sum of \$34,000 from Line Item 148-5312, General Government General Expenses, said sum to be added to Line Item 300-5110 School Department Personal Services, both as voted under Article 4 of the June 14, 2010 Annual Town Meeting.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

**ARTICLE 23:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Account as established under Section 5B of Chapter 40 of the General Laws, or take any other action in relation thereto.  
(Board of Selectmen)

*A Motion was made to Pass Over this Article requiring a Majority Vote, a Voice Vote was taken ....Voice Vote Carried...Article 23 Passed Over.*

**ARTICLE 24:** To see if the Town will vote to appropriate a sum of money from available funds, including the Stabilization Account, to be utilized to offset Operating, Capital, or Debt Expenses to fix the tax rate for fiscal year 2011, or take any other action in relation thereto.  
(Finance Committee)

**It was moved:** That the Town transfer the sum of \$500,000 from the Excess and Deficiency Account to be utilized to offset Operating, Capital, or Debt Expense to fix the tax rate for fiscal year 2011.

*A Voice Vote was taken on the Motion as presented...Voice Vote Carried Unanimously.*

A motion was made by Precinct1 Member, Anthony Grillo to dissolve the warrant.

A voice vote was made on the motion to dissolve the warrant...Carried Unanimous.

The warrant was dissolved at 9:50 p.m.

A True Copy of the Record.  
Attest: Amy E. Hennessy Neves  
Town Clerk