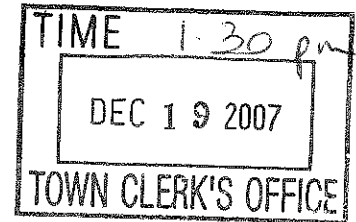


**TOWN OF MILLVILLE
BOARD OF SELECTMEN**

Minutes of November 19, 2007



Board Members Present: Chairperson Diane McCutcheon, Vice Chairman Paul Savage, Selectmen Tom Petrowicz, Charlie Poulin and Karin Furno.

Others Present: Executive Secretary Helen Coffin

Chairperson McCutcheon called the meeting to order at 7:00 p.m.

ANNOUNCEMENTS:

- The Special Town Meeting is scheduled for Monday, December 3, 2007, at 7:00 p.m.
- The Blackstone Millville Regional band came in second place in the recent competition.
- There are vacancies on various boards.

Public Hearing: Lincoln Street Pole Location

The Chairman opened the public hearing and read the public hearing notice that was duly posted in the town hall and newspaper for pole relocations on Lincoln Street.

Mr. Pawlowski, property owner, does not agree with putting the poles on the sidewalk. He feels that due to the solid rock, the stone wall could possibly break or crack and this not an easy place to access. Mr. Pawlowski agrees that the poles need to be replaced and hopes that they can be replaced in the existing spot.

The Chairperson read the petition to relocate. She read the documentation that was presented. The Mass Electric representative stated that the poles are in rough shape and need to be replaced. The road was in fact built around the poles. The electric company is 100% liable if anything happens.

Resident Mr. Hurteau wants to make sure that the land has been surveyed.

Selectman Petrowicz is fearful that the poles may be placed in the spot recommended by Mass Electric. He is not comfortable with the location there. He would like to explore other possibilities.

The Chairperson suggests that maybe a Mass Electric representative could be present to address the location possibilities and other alternatives. Helen will schedule to have a representative present at a follow-up meeting.

- On a motion made by Tom Petrowicz and seconded Karin Furno, the Board of Selectmen voted unanimously to continue the public hearing until the next meeting on December 3, 2007 at 6:00 p.m.

Afonso Estates Layout

- The Board of Selectmen received a letter from the Planning Board stating that there are no issues at Afonso Estates.
- The Chairperson wanted to know, what is the depth of the pavement and the layers of the pavement?
Chairman Hull from the Planning Board indicated that the depth is four inches and the layers are two. The engineer reported back that it is acceptable.

FY08 Budget Adjustments:

- The Parks and Recreation Department wanted to discuss the FY08 budget adjustments. John Dean is going to request that this article be stricken. Parks and Recreation are getting a lot of donations for the irrigation system. The Finance Committee will be meeting this Wednesday to address some of the adjustments.
- Fire Department: Vehicle Equipment of \$3,000. Chief Mullaly submitted an article for \$3,000 to request 2 defibrillators. The guidelines state that the regulations are changing on how to apply CPR. The certification and standards are changing and the old ones do not meet the standards, thus the need to purchase new ones. All employees must be trained with the proper equipment. If the town does not have this, the town could lose its license. The department must be trained in specific equipment. The money could be transferred from the ambulance fund. This is an item that cannot wait.
- Long term Debt Title V
- Software maintenance
- Electricity has doubled
- Fund a clerical position for \$2,500 for 6 hours a week. This needs to be explored further.

Planning Board – Procedural Issues:

Chairman Hull of Planning Board wanted to request that if any legal action is taken against a resident in regards to a Special Permit, the Planning Board be notified. Mr. Hull became aware of the court hearing at the Planning Board meeting. He felt that this was an embarrassment to the Board since they were not notified in advance. It was communicated back to Mr. Hull that the Building Inspector filed with the court about the Cease and Desist Order at 366 Chestnut Hill Rd. Chairman Hull would like to request a joint executive session with the Planning Board, Board of Selectmen and the Building Inspector to address this matter.

Attorney Brackett suggested that it would be possible to have a meeting with the Chairmen of the Boards to discuss the communication issues within open session. Chairman Hull feels that it would be helpful to have the board members present since there are different directions among the members on how to handle these issues.

Resident, Jackie Wheeler, 32 Allard Court:

Ms. Wheeler wanted it noted that the Building Inspector did post a sign on the property at 366 Chestnut Hill Rd. about the Cease and Desist Order on June 4, 2007. She feels that there has been nothing posted at Town Hall or on any agenda in regards to legal action on this property. The date was back in April 2007 when the Building Inspector requested legal from the Board of Selectmen on this matter. She wanted to know if the Building Inspector contacted legal within the 15 days based on the rules that the Board of Selectmen established.

It was communicated back to Ms. Wheeler that since this legal request was approved back in April, this gave the Building Inspector authorization to use legal services with respect to this matter until resolution.

MINUTES/WARRANTS:

- On a motion made by Karin Furno and seconded Tom Petrowicz, the Board of Selectmen voted unanimously to accept the meeting minutes from November 5, 2007 held at 5:00 p.m. for the retention grant.
- On a motion made by Karin Furno and seconded Tom Petrowicz, the Board of Selectmen voted unanimously to accept the meeting minutes from November 5, 2007 at 6:00 with the Bylaw Committee.
- On a motion made by Tom Petrowicz and seconded Charlie Poulin, the Board of Selectmen voted unanimously to accept the regular meeting minutes from November 5, 2007 with the noted changes.
- On a motion made by Tom Petrowicz and seconded Charlie Poulin, the Board of Selectmen voted unanimously to accept the meeting minutes from November 7, 2007 with the Finance Committee. Selectman Savage abstained.
- On a motion made by Tom Petrowicz, and seconded by Paul Savage, the Board of Selectmen voted unanimously to approve the warrants.

GOOD & WELFARE:

Resident, Jackie Wheeler, 32 Allard Court:

Ms. Wheeler wanted to inform the public that there was a court hearing last week between the Lima family and the Building Inspector about the Cease and Desist Order which was issued by the Building Inspector to the property owners who reside at 366 Chestnut Hill Rd. Ms. Wheeler wanted to know why there was no notice given to abutters about this court date. Ms. Wheeler was not present at the court but wanted to let the Board of Selectmen know that she was informed that Mrs. McCutcheon, the Chairperson for the Board of Selectmen, was present at the court. Ms. Wheeler

wanted to know how Mrs. McCutcheon knew about this court date. Ms. Wheeler communicated that she feels that there was a personal agenda and reason for Mrs. McCutcheon to be there. Ms. Wheeler also presented pictures to the Board of Mr. and Mrs. McCutcheon sitting with Town Counsel. Ms. Wheeler doesn't feel it is right for Mrs. McCutcheon to be there speaking with town counsel, and hopes that the town does not have to pay for any services which the town attorney may be giving to Mrs. McCutcheon.

Chairperson McCutcheon stepped down to speak as a resident.

Mrs. McCutcheon agreed that she and her husband were at the court house since they are appealing the decision of the Planning Board in the issuance of the Special Permit given to the abutters that reside at 366 Chestnut Hill Rd. Mrs. McCutcheon further explained that her personal attorney hired by her and her husband, not Gary Brackett, informed her about the court date. Mrs. McCutcheon communicated that as a citizen and resident of the town, she has the right to protect her property and did not go to court as a representative of the Board of Selectmen. Mrs. McCutcheon expressed that she did not receive any information from Attorney Brackett about this case. The court records and all the proceedings are part of the public record for all to view.

Planning Board Chairman Hull wanted it noted that there is a criterion that all board members are being held to and all must be careful to avoid the appearance of impropriety.

Selectman Savage communicated that Diane McCutcheon would never muddy the name of the town or her family. She has always held her head high and has acted in a professional manner despite the recent gestures and comments made by the public during meetings. Selectman Savage does not believe any of the allegations which are being made.

Selectman Savage wanted to know if Selectman Poulin asked the Animal Control Officer to be present at the meeting?

Selectman Poulin communicated to the Animal Control Officer that it might be a good idea for him to be present.

Selectman Savage wanted to remind all that the Board of Selectmen are a five member board and all decisions on whom should be asked to come to the meeting is the decision of the board. He further reminded all members that any complaints or pictures taken of anything must be given to the appropriate boards. The Board of Selectmen will be at risk if this is not adhered to.

Selectman Poulin communicated that the complaint was brought to the appropriate board.

Mr. Polny, Factory Auto, Main St:

Mr. Polny was upset since the Building Inspector recently issued him a Cease and Desist order since his business sign was not in compliance. He wants to know who filed a complaint against him and who is the higher authority giving the Building Inspector the command orders. Mr. Polny wishes that the boards could communicate and resolve these issues verbally without having to resort to the scare tactics.

Town Clerk, Dog Licensing Issue:

The Town Clerk explained that there was an issue at Afonso Way with a resident not licensing their two dogs. A fine was issued to the resident. This resident complained to the Chairperson of the Board of Selectmen about this situation. The Town Clerk wanted to know why the fee was waived. The town clerk is upset since the complaint did not go to her, but instead to the Executive Secretary.

The Chairperson explained that there was a complaint made to her about the Assistant Assessor going to a resident's home to assess the property and then issuing a fine to the resident for not licensing their dogs. The complaint was questioning the presence of impropriety.

Selectman Savage feels that the Conflict Resolution Policy should be reenacted.

Town Clerk, Mrs. McNamara, feels that a fine is a fine and it should not have been waived. Mrs. McNamara said that the Animal Control Officer told her that the Executive Secretary pressured him to waive the fine. She communicated that there have not been any issues until this year. Ms. McNamara wanted to know why this complaint needs to go to the Board of Selectmen. The Executive Secretary responded that since the complaint was received addressed to the Board of Selectmen, it must be addressed by that Board and that she did not pressure the Animal Control Officer to waive the fine.

Selectman Savage suggested that a policy be written so that all know the procedure. The Executive Secretary communicated that the initial list of residents with dogs provided to the Animal Control Officer, Gary Fagan, did not have this particular resident's dogs on the list. The list that Ms. McNamara had did have this resident on her list. Since Animal Control Officer Gary Fagan did not have this resident's dog on his list, a decision was made to waive the fine due to the complaint.

CORRESPONDENCE:

- There will be a meeting on Tuesday, December 4, 2007 for Emergency Dispensing Site at 6:00 p.m.
- The Inspectors report indicated that the permits issued were 7 totaling \$545.00 for a total year to date \$4,180.00 and that there were 11 inspections done totaling \$385.00.
- The School Committee meeting is to be held tomorrow evening.

- A letter came from Gerry Finn, informing the town that the student enrollment at BVT is increasing to 46 students this is a 4.5% increase over the last year. BVT ranked #1 for the MCAS scores in the State for Vocational schools. The budget timetable was attached through March, 2008.
- The Department of Environmental Protection did more water tests on Kempton Rd. and the information is on record at the Board of Health office. Please contact the Board of Health if interested.
- The Town Clerk mentioned there was a vote that bridges cannot be named after specific people. The Executive Secretary will follow up with the Town Clerk on this.
- The Chairperson met with the Council on Aging on November 9, 2007 and it was a great meeting and everything was worked out between the Council and the Building Committee.

EXECUTIVE SECRETARY REPORT:

Library, Request for Legal Services:

- On a motion made by Paul Savage and seconded Karin Furno, the Board of Selectmen voted unanimously to authorize the library to utilize Town Counsel to review their policies.

Reserve Fund Transfer: Maintenance of Fire Vehicle:

- On a motion made by Tom Petrowicz, and seconded by Karin Furno, the Board of Selectmen voted unanimously to pay the bill for \$4,745.00 from the Reserve Fund account.
Karin Furno abstained from vote.

Christmas Eve:

- On a motion made by Tom Petrowicz and seconded Charlie Poulin, the Board of Selectmen voted unanimously to close the Town Hall on Christmas Eve.

Naming Bridge:

- The naming of the bridge ideas have been submitted. There were 137 suggestions. This will be tabled until the next meeting.

Millville Elementary School Water System:

- The town received a bill for \$4,300 and Selectman Petrowicz was under the impression that this was to be a proposal, not a bill. Mr. Petrowicz suggests that the bill be held. Selectman Petrowicz is working with Deb Bray.

Landfill:

- The town is in good shape with closing the landfill. BATG has contracted with Horsley and Whitten.

OLD BUSINESS:

Police Policies:

- The Board of Selectmen received the next group of policies from the Police Department.

On a motion made by Paul Savage and seconded by Tom Petrowicz, the Board of Selectmen voted unanimously to accept the policies.

NEW BUSINESS:

Board of Health Well Testing:

- The Fire Department does not need a new well, but will need a softener. This will be further explored.

MIA Loss Control Recommendations:

- Capital Planning suggested these repairs be paid out of the Town Hall Budget.

MASS Highway:

- Mass Highway found a septic vault on Main Street and will be filling it. The Board of Selectmen would like the Board of Health to comment on this.
- Senator Moore sent a letter about this dissatisfaction with the progress of the bridge. It was also noted in the letter that it was his understanding that an access area to the land below was to be included.
- **On a motion made by Paul Savage, and seconded by Karin Furno, the Board of Selectmen voted unanimously to send a letter to Mass Highway to support the letter sent by Senator Moore.**

Lynch Property:

- There was a workshop earlier in the evening with an Attorney from Brackett and Lucas about the Lynch property. The Board of Selectmen would like to set up a workshop meeting with owner.

Street Acceptance:

- **On a motion made by Paul Savage and seconded by Tom Petrowicz, the Board of Selectmen voted unanimously to accept the street acceptances as presented earlier regarding Afonso Estates.**

GOOD & WELFARE:

Resident, Jackie Wheeler, 32 Allard Court:

Ms. Wheeler wanted to know if it is standard practice to have a police officer present at the Board of Selectmen meeting. Chairperson McCutcheon responded that the police were requested due to the number of people present at the meeting.

On a motion made by Tom Petrowicz and seconded by Charlie Poulin, the Board of Selectmen voted unanimously to adjourn the meeting at 10:20 pm.

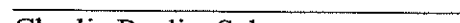
Respectfully Submitted,


Amy Sutherland


Diane McCutcheon, Chairperson

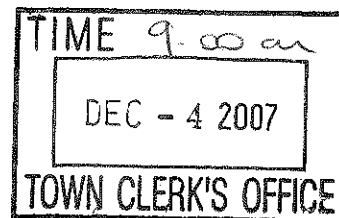

Paul Savage, Vice Chairman


Tom Petrowicz, Selectman


Charlie Poulin, Selectman


Karin Furno, Selectman

**TOWN OF MILLVILLE
BOARD OF SELECTMEN
Minutes of November 19, 2007
5:00 p.m.**



Members Present: Chairperson Diane McCutcheon, Selectmen Thomas Petrowicz, Charlie Poulin and Karin Furno. Vice Chairman Paul Savage arrived late.

Others Present: Executive Secretary Helen Coffin, Attorney Heather White Kingsbury and Resident Margaret Carroll.

Chairperson McCutcheon called the meeting to order at 5:00 p.m.

The purpose of this Meeting is to review and discuss the title exam prepared in connection with property located at 21 Hope Street. Attorney Kingsbury explains the outcome of the title exam and advises that the result of the title exam is good news for the Town. She advises that the engineered plan for the 46 Hope Street project did not include the boundaries of the passageway at 21 Hope Street. She further explains that if the Board would like, she will provide a legal opinion advising that the resident is not allowed to keep personal property on this site.

The Board asks for the available options.

Attorney Kingsbury explains that a letter could be sent to the resident from Town Counsel addressing the problems and outlining the steps that should be taken to resolve the encroachment issues. Depending on the resident's response, the Board could set up a meeting with the resident. The next step would be to file a complaint with the land court. Discussion follows among the parties concerning what process should be followed.

Coffin will contact the Building Inspector to see if any permits were taken out when the resident paved the driveway and contact the Conservation Commission to see if they have any information on the property.

Attorney Kingsbury will check on the statute of limitations with respect to the resident's use of the property. There is question of a claim of adverse possession because the personal items have been there for so long. However, the Town does have the right to ask the resident to remove his personal property. Discussion follows among the parties concerning the paving of the passageway and installation of the gate/fence.

The Board needs to establish what it would like to request of the resident. One goal is so that people are able to walk through the passageway. Carroll reminds the parties that the deed from the previous owner explicitly shows the passageway. Attorney Kingsbury points out that the boundaries of the passageway are still not perfectly clear.


Petrowicz wants to see the gate/fence removed but the pavement left as is.

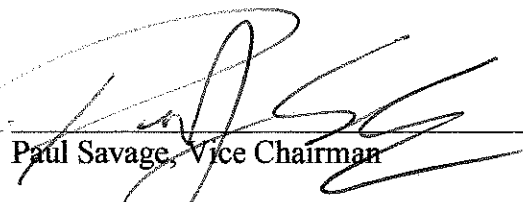
Motion by Savage, second by Petrowicz, to take the property back and have Town Counsel send a letter to the resident explaining the matter and asking for a Meeting to discuss the issues. Motion passes by unanimous vote.


Attorney Kingsbury will prepare a letter to the homeowner advising him that the Board will contact him to schedule a meeting to discuss the issues that need to be rectified. Attorney Kingsbury will send a draft of the letter to the Board for review prior to sending.

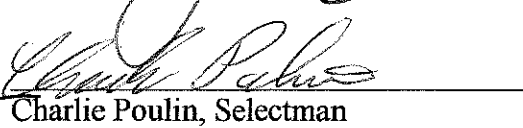
Respectfully Submitted,

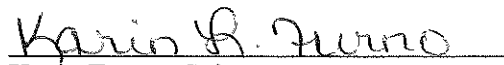
Helen M. Coffin


Diane McCutcheon, Chairperson


Paul Savage, Vice Chairman

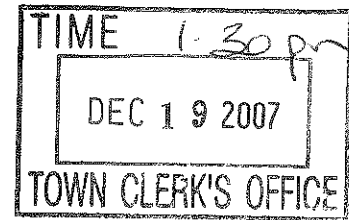

Thomas Petrowicz, Selectman


Charlie Poulin, Selectman


Karin Furno, Selectman

**TOWN OF MILLVILLE
BOARD OF SELECTMEN**

**Minutes of November 19, 2007
6:00 p.m.**



Board Members Present: Chairperson Diane McCutcheon, Vice Chairman Paul Savage, Selectmen Tom Petrowicz, Charlie Poulin and Karin Furno.

Others Present: Executive Secretary Helen Coffin, Town Counsel Gary Brackett, Judy Sambor, Dottie DiLorenzo and Jennifer Dean-Wing (Board of Assessors)

Chairperson McCutcheon called the meeting to order at 6:00 p.m.

The Chairperson for the Board of Selectmen opened the meeting with the Board of Assessors at 6:00 pm. Mrs. McCutcheon stepped off the Board stating it was due to ongoing litigation with the Assistant Assessor and then left the room. Vice Chairman Savage proceeded in running the meeting.

Selectman Savage wanted to address several issues with the Board of Assessors. He clarified that the Board of Selectmen are not and do not have any intention of firing anyone. The goal is to improve the communication between all parties.

The Board of Assessors feels that there is a push to get rid of the Assistant Assessor.

Selectman Savage wanted it noted that the Board of Assessors needs to address in writing how the most recent complaints against the Assistant Assessor are being addressed. Selectman Savage would like the Board of Assessors to meet with the Assistant Assessor and would like a written report provided back to the Board of Selectmen.

The Board of Assessors agree that there was a complaint filed, but feel that the issue has become a much bigger issue than it should have been. They are upset that the complaint went to ethics. Executive Secretary Helen Coffin informed that ethics had requested the information about the complaint and as part of her job she had to supply it to ethics. The Executive Secretary communicated that she did not call ethics on this matter and Assistant Town Clerk Susan Winstanley was asked to pick up the field cards. The Board of Assessors wishes that the person who filed the complaint would have come to the Board first.

Selectman Savage wanted to know why nobody on the Board of Assessors has addressed this issue with the Assistant Assessor? He further communicated that issues like this can go through the liaison.

The Board of Assessors wanted to know why did the complaint go to the Board of Selectmen in the first place and not to the Board of Assessors until a month after it was received.

The Board of Selectmen wanted to know if there a policy for conflicts? The Board of Assessors did say that there was a process and training for potential conflict and problems. The Board of Assessors wanted to know how the complaint was filed.

The Executive Secretary stated that the complaint was hand delivered and there was not a signature on the complaint, but the resident did type their name on the bottom.

Selectman Savage agrees that this should have gone back to the Board of Assessors and hopes that with the liaison the communication will only improve.

Selectman Furno is the liaison for the Board of Assessors and has communicated that she has had issues being able to meet with the board. She also wanted to know why did the Board of Assessors state in their meeting minutes that they are not satisfied with her even though the board has never met with her. Selectman Furno has asked that she be notified in writing of any meetings and be provided with the times and dates.

Selectman Savage feels that if there are pressing issues, there is not a need for memos. The liaison is to be in a position where one can just pick up the telephone and check in about the status of the board. The meeting times should be provided to the liaison. There should be a time and date worked out between both parties. He hopes that all will make an effort to use the telephone.

Board of Assessors member, Jennifer Wing Dean provided a memo to the Board of Selectmen that elaborated on the current issues. She explained that the telephone conversation that took place between herself and Selectman Furno was not conveyed back to the Board of Selectmen accurately. The Board of Assessors wanted a mutually agreed upon time to meet with the liaison, but this was difficult to do given the liaison's work schedule. The Board of Assessors did post for an emergency meeting.

Attorney Gary Brackett wanted to point out that he does represent all the town boards, and the October 16, 2007 meeting which was posted as an emergency does not qualify as an emergency meeting. Attorney Brackett suggested that due to litigation by the Assistant Assessor, Sue McNamara, a conversation was held in August with Ms. McNamara's Attorney, and it was suggested that a mediator be appointed due to the pending litigation.

Attorney Brackett clarified that it is not improper or illegal to meet with legal counsel and the liaison. He further wanted to know if the Board of Assessors have received any legal advice from anyone other than our town counsel?

Member, Jennifer Wing Dean communicated that they have not received any information from another attorney.

Attorney Brackett further explained that any outside litigation should not have any effect on the running of the Board of Assessors office.

Selectman Petrowicz feels that there needs to be closure here and everyone must work together and there needs to be give and take on all sides.

Selectman Furno wanted to know what is the Board of Assessors policy in regards to compensation time?

The Board of Assessors stated that there is not one.

Selectman Savage feels that it would be beneficial for the Board of Assessors to write up and adopt policies that must be adhered to. He hopes that going forward, the Board of Selectmen and Board of Assessors can work together. The Board of Selectmen are validating departments and making sure that things are working.

Selectman Furno wanted it clarified what authority does the Executive Secretary and the Town Treasurer have over Assistant Assessor.

Attorney Brackett clarified that the Board of Selectmen are the appointing authorities. The daily administrative duties must be worked out together and issues regarding the impact of a decision can be addressed specifically, and there must be a cooperative working environment. The policies around work hours and where everyone falls into place must be adhered to.

In a memo dated May 17, 2007, the Board of Assessors agreed to have the Assistant Assessor provide weekly reports along with timesheets to the Town Treasurer. This is currently being done on a monthly basis. If the Board of Selectmen is asking this, then, the Board of Assessors should be providing this.

The Board of Assessors Jennifer Wing Dean had contacted 14 area towns about their Board of Assessors and 7 towns have these positions as elected, and 7 other towns have the position as appointed positions. She feels that the Board of Assessors has been very accommodating, but the treatment they are receiving is really not typical. She feels that the board never agreed to provide weekly reports.

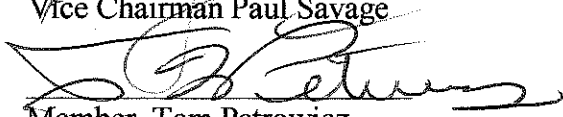
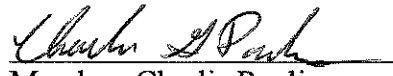
There was a question about the use of email. Attorney Brackett informed all that email can be used for scheduling purposes, but a board cannot discuss any issues. All email exchanges can be used as part of the public record.

On a motion made by Tom Petrowicz, and seconded by Karin Furno, the Board of Selectmen voted unanimously to close the workshop meeting.

The meeting will turned back over to Chairperson McCutcheon.

Respectfully submitted,

Amy Sutherland


Vice Chairman Paul Savage
Member, Tom Petrowicz
Member, Charlie Poulin
Member, Karin Furno