

MINUTES OF THE SELECTMEN'S MEETING  
JUNE 18, 2007

Present: Selectmen Glenn Trindade, Dennis Crowley, Rich Dunne, Andrew Espinosa, John Foresto, Town Administrator, Suzanne Kennedy and Administrative Services Assistant, Celeste Hanson were present.

7:05 p.m. – Chairman Trindade called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

***Public Comments: NONE.***

***Approve and sign warrant:***

- Selectman Dunne moved that the Board approve and sign warrant number fifty one (51) for fiscal year '07 as read in the total amount of \$835,852.25; Selectman Espinosa seconded; all ayes 5-0-0 (voted).

***Frank Ravinal—Government Study Committee Update***

- Frank Ravinal, Chairman of the Government Study (GSC) was present to report on the status of the committee's progress. Mr. Ravinal also introduced Mr. Jack Robinson, member of the committee who was also present at the meeting. Mr. Ravinal explained that the Government Study Committee was organized by the Selectmen per the recommendation of the Department of Revenue's Financial Management Report. The Government Study Committee's task is to explore the overall operation of the town's government structure and its various departments. The GSC has been conducting various public meetings and have been conducting interviews with Medway town officials, town departments and surrounding town representatives. The GSC will submit a final report of findings and recommendations to the Selectmen and will also make the report available to residents. The GSC will also prepare a draft charter and will conduct public hearings in anticipation of fall town meeting vote for charter approval. Mr. Ravinal explained the preparation involved with drafting a town charter and also explained the process associated with the town charter approval process.
- Selectman Espinosa stated that the GSC has performed a great job. He has concerns relative to keeping residents up to date with accurate information.
- Mr. Ravinal stated that all the GSC meetings are open to the public and encouraged public attendance and participation at the meetings. Mr. Ravinal also stated that reports will be generated for Selectmen and public review. Also, GSC committee meeting minutes are available for viewing on the Town website.
- Chairman Trindade stated that the GSC has performed a terrific job and looks forward to reading the GSC final report.

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***Fire Chief Vinton—Acceptance of Fire Grant:***

- Fire Chief Vinton came forward and explained that he applied for a Student Awareness of Fire Education (S.A.F.E) grant through the Commonwealth of Massachusetts Office of Public Safety. The grant in the amount of four thousand nine hundred eighty dollars and seventy-five cents (\$4980.75) was awarded to the Fire Department. The grant is available to municipalities in order to provide student awareness of fire education programs, including risks caused by smoking. Grant funds must be expended within fourteen months of receipt. Fire Chief Vinton stated that he is requesting that the Board accept the grant and approve expending the funds.
- Selectman Dunne moved to accept and expend the Student Awareness of Fire Education (S.A.F.E.) Grant in the amount of four thousand nine hundred eighty dollars and seventy-five cents (\$4,980.75); seconded by Selectman Espinosa; all ayes 5-0-0 (voted).

***Approval of Town IT Services Agreement:***

- Town Accountant Barbara Durand came forward and explained that she and the Assistant Town Accountant recently coordinated an RFP for IT Services. Several bids were received. The Town's current IT consultant, Technical Solutions, came in with the best bid proposal. Mrs. Durand explained that Technical Solutions has been servicing the town for approximately ten (10) years and recommends that the Selectmen approve the proposed agreement for services. The agreement for services is effective July 1, 2007, and expires June 20, 2008, and includes an optional one-year extension clause.
- Selectman Dunne encouraged town officials to obtain contracts for services with lock-in rates whenever possible.
- Selectman Crowley asked what the town has expended in IT services thus far. Mrs. Durand stated that thirty thousand (\$30,000.00) dollars was budgeted; however, in some instances various departments may cover some of the expenses, thus far approximately forty thousand (\$40,000.00) dollars has been expended.
- Chairman Trindade moved that the Board approve the agreement for IT services with Technical Solutions as recommended; seconded by Selectman Dunne; all ayes 5-0-0 (voted).

***End of Year Budget Transfers:***

- Town Accountant Barbara Durand and Chief Saleski were present to answer questions regarding their requests for end-of-year budget transfers. The parties entered into brief discussion regarding the budget transfer requests.
- Selectman Dunne moved that the Selectmen approve the budget transfer in the amount of thirty thousand (\$30,000.00) dollars requested by Chief Saleski for the

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purchase of a new police cruiser also recommended by the Town Accountant from department 210, the Police Salary account 510 to department 210, the Police Vehicle account 5852; seconded by Selectman Foresto; all ayes 5-0-0 (voted).

- Chairman Trindade moved that the Selectmen approve the budget transfer request for one hundred dollars (\$100.00) as recommended by the Town Accountant to cover extra cost associated with printing the Annual Town Warrant books from department 132, the Finance Committee (Fin Com) Reserve account 5783 to department 131, the Fin Com Copying/Binding account 5342; seconded by Selectman Dunne; all ayes 5-0-0 (voted).

***Ratification of VADAR Contract:***

- Treasurer Collector Phillips was present to answer questions regarding the VADAR contract. Mrs. Phillips stated that VADAR is the Town's financial software and the contract before the Selectmen represents the Treasurer/Collector Tax Collection and Financial application module. The term of the agreement is two years effective July 1, 2007 to June 30, 2009 will cost two thousand twenty-nine dollars and fifty cents (\$2029.50) annually. Administrator Kennedy stated that Town Counsel reviewed the contract and has approved as to form. There was a brief discussion regarding the contract agreement.
- Chairman Trindade moved that the Board approve the VADAR Tax Collection and Financial Application software agreement as submitted and recommended by the Town Administrator and the finance team; seconded by Selectmen Dunne; all ayes 5-0-0 (voted).

***Ratification of Assessor's Contract Agreements:***

- Board of Assessors, Mr. Pace Willisson and Marjorie Sanford were present.
- Administrator Kennedy stated that she did not have the opportunity to properly review the contracts and that she was unsure if Town Counsel was able to review such as well. Administrator Kennedy recommended that the Board not go forward with execution or approval of contracts until she and Town Counsel thoroughly reviewed the contracts.
- Chairman Trindade indicated that he had concerns as well after being informed on Friday by the Administrative Services Assistant that the contracts were submitted for Selectman review and approval. The Administrative Services Assistant stated that the Assessor's Administrative Secretary had inquired if the contracts were going to be presented for Selectmen's approval as she had not noticed the item on the meeting agenda. She had indicated that the contracts had been placed in the Selectmen's mail box for approval. The Administrative Services Assistant explained that new staff did not realize these items needed to be placed on the Selectmen's agenda and were mistakenly placed in the Administrator's correspondence file for review upon her return from vacation. Chairman Trindade

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suggested that a "contract policy" be drafted to include the process and time line for approvals. The Board entered into a brief discussion regarding the matter.

- Assessor Willisson indicated that the Software Licensing Agreement with Kapinos and Associates had unknowingly expired and that the process of renewal had been started months ago. Assessor Willisson indicated that the agreement with Kapinos represents software associated with the Assessor's software database and holding action on this contract may cause some issues with the software vendor. Assessor Willisson indicated that holding action on the DeLauriers contract which provides updates and reproduction of Assessors' tax maps and GIS services would not impact the department as much.
- Chairman Trindade indicated that both contracts would be expedited at the next Selectmen's meeting scheduled for July 10 (Tuesday).

***Public Hearings:***

**Class II Auto License -- Al's Auto Sales**

- Chairman Trindade announced that the Public Hearing relative to the Class II Auto License application filed by Al's Auto Sales would be continued to Tuesday, July 10 as the applicant was not present.

**Alteration of current premises – Restaurant 45**

- It was moved and seconded to open the public hearing on the All Liquor License Application to alter premises located at 45 Milord Street filed by Night-N-Day, Inc., d/b/a Restaurant 45, Mark Smith Manager.
- Attorney Ernest Pettinari representing the applicant came forward to explain the application request submitted for the Selectmen's review and approval. The applicant, Mark Smith, Manager of Restaurant 45 also came forward to answer or clarify any concerns or questions associated with the application.
- Attorney Pettinari stated that the applicant had received Planning Board approval to go forward with the intended expansion and alteration of premises to include the addition of two rooms and an outdoor deck/waiting area. Attorney Pettinari stated that the applicant also needs to seek approval from the Selectmen as the expansion effects the current liquor license. It was represented that the deck area would serve as a waiting area for patrons of the establishment who are waiting to be seated for dinner. The sale of alcohol will be excluded from the deck area, patrons would need to purchase a beverage from the lounge bar and take it to the deck area. There will be no wait service on the deck area.
- Selectman Foresto asked if there were other restaurants in town that featured this sort of wait area. The Administrative Services Assistant indicated that there was one establishment.

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- Selectman Crowley asked the applicant to indicate the two additions to the existing structure. Mr. Smith pointed to the areas on the site plan that was submitted for the Selectmen's review.
- Chief Saleski came forward and indicated that Mr. Smith runs a fine establishment and there have been no incidents thus far involving the consumption of alcohol; however, he has strong concerns regarding public alcohol consumption on the outside deck/waiting area. Chief Saleski stated that the VFW has an outdoor pavilion (the establishment that the ASA referred to); however, he has concerns that allowing alcohol consumption on the outside deck/waiting area will set a precedent for other local restaurants to begin outdoor services; another concern is the neighborhood subdivision with young children that is adjacent to the establishment and potential situations that could arise from unconsumed alcohol left by patrons.
- Selectman Dunne asked how the establishment would control unconsumed alcohol and cleaning the premises.
- Mr. Smith indicated that outside deck/waiting area will be utilized strictly by patrons waiting for a table to have dinner at the restaurant. There will be no lounge atmosphere on the deck area, there will be no alcohol tabs or sale of alcohol on the deck area. Patrons will have to purchase alcohol or any other beverages from the inside lounge and take the beverage with them while waiting on the deck for their table. Mr. Smith indicated that his alcohol sales average only eighteen percent (18 %) of his total business profit. Mr. Smith indicated that the area would be cleaned on a continuous basis as patrons enter and exit the deck area.
- Selectman Crowley asked if the Selectmen had any recourse should problems arise in the future. The Administrative Services Assistant indicated that in accordance with the standard Town departmental policies, the police department would notify the Selectmen's office relative to problems that occur at businesses/establishments, especially if alcohol is a contributing factor. She also indicated that license renewals are scheduled in late fall and if any problems did occur the Selectmen could review such at that time and that the Selectmen could also hold public hearings for any establishment that violates the liquor policies.
- The Board entered into a discussion. There being no other questions or matters to discuss, Chairman Trindade moved to close the public hearing; Selectman Dunne seconded; all ayes 5-0-0 (voted).
- Chairman Trindade moved that the Board approve the application of Night-N-Day, Inc. d/b/a Restaurant 45 to expand the current premises and allow the consumption but not the sale of alcohol on the outside deck/waiting area from April 1 through October 31 between the hours of 5:00 p.m. and 9:00 p.m.; seconded by Selectman Crowley; all ayes 5-0-0 (voted).

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***Thayer House Property Update:***

- Mark Cerel, Chairman of the Community Preservation Committee (CPC), and Rob Pomponio, Chairman of the Historical Commission (HC) were present for the discussion on proposed uses for 2B Oak Street (Thayer Homestead).
- Mr. Cerel summarized the CPC's role in the 2B Oak Street/Thayer Homestead matter. Mr. Cerel stated that the CPC and HC require the Selectmen's direction of where they would like to take the project in order to move forward with restoration of the property. Mr. Cerel stated that CPC and HC prepared reports that were included in the Selectmen's meeting packets for discussion and review.
- Mr. Pomponio stated that three alternative spending scenarios (labeled Exhibit A, B, and C) have been submitted for Selectmen's consideration. Mr. Pomponio stated that the Town is required to submit a plan to the State showing how the two hundred thousand dollar (\$200,000.00) grant funds will be expended prior to June 30, 2007 or the Town will lose the grant award.
- Mr. Cerel and Mr. Pomponio reviewed the submitted spending scenarios with the Board. A lengthy discussion ensued over which part of the property (house, barn or land) was most important and what part of the property should, therefore, receive priority stabilization utilizing the expected two hundred dollar grant award funds. The parties also discussed concerns regarding maintenance of the property after expending the two hundred dollar grant award. Several ideas, including development of a town committee of volunteers to raise funds and coordinate events, etc., as well as a potential on-site care taker for the property were discussed. Immediate use of the property was also discussed. Mr. Cerel commented that the property may not immediately generate revenue for the Town, and he believes that restoring the property is worth the investment due to its historical significance as this property was one of the first industrial buildings in the Town.
- Chairman Trindade moved that the Board of Selectmen go forward with Exhibit A as outlined in the Historical Commission's report and seconded by Selectman Foresto; ayes 2 (Foresto and Trindade) nays 3 (Dunne, Crowley and Espinosa)--motion failed.
- Selectman Dunne moved that the Board of Selectmen go forward with Exhibit B as outlined in the report of the Historical Commission and seconded by Selectman Espinosa; ayes 2 (Dunne and Espinosa) nays 3 (Crowley, Foresto, and Trindade)—motion failed.
- Selectman Crowley moved that the Board of Selectmen accept Exhibit A with the provision that the funds allocated for the Site Preparation be increased from fifteen thousand dollars (\$15,000) to twenty-five thousand dollars (\$25,000); seconded by Chairman Trindade; all ayes 5-0-0 voted.

***Update of Village Street Truck Exclusion/noise continued to the July 10 meeting in the School Committee Room at the Middle School.***

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***Coakley Building Emergency Funds Transfer:***

- Chairman Trindade announced that he and Selectman Espinosa would recuse themselves from any discussions/actions as ruled by the State Ethics Commission because they have children who are active high school athletes, who therefore pay fees, and revenue earned from the concession stand could be used to lower said athletic fees. Vice Chairman Dunne would conduct this portion of the Selectmen's meeting. (Espinosa and Trindade exited Sanford Hall).
- Vice Chairman Dunne stated that Selectman Crowley would bring the Board up to date regarding the construction status of the Coakley Building and the need surrounding the Emergency Transfer Request of thirty-nine thousand dollars (\$39,000) presented by Administrator Kennedy.
- Selectman Crowley stated that a local benefactor has withdrawn an offer to provide funding for completion of the project. Selectman Crowley indicated that Town Counsel has confirmed that the purpose for utilizing emergency transfer funds does fall under the "unforeseen expenses" category. Selectman Crowley indicated that the funds granted from the proposed emergency transfer would cover cost associated with supplies needed to complete the project (there would also be donated materials and volunteer services as well). Going out to bid for construction services to complete the project could result in a cost of two hundred thousand dollars (\$200,000). Selectman Crowley stated that the building needs to be completed for a few reasons--health and safety concerns related to not having adequate public restrooms at the field (patrons are forced to walk back and forth to and from the high school in order to use restrooms and the lack of restrooms also leads to patrons relieving themselves in the surrounding wooded areas adjacent to the fields and the Athletic Director's concerns regarding security at events when patrons can roam freely between the buildings, fields and parking lot areas). Selectman Crowley passionately recommended that the board approve the submitted emergency transfer request. The parties entered into a brief discussion. Selectman Crowley stated that the Town would be reimbursed the thirty-nine thousand (\$39,000.00) dollars from the first thirty-nine thousand (\$39,000.00) dollars generated in revenue from the sale of advertising signs located at the high school complex.
- Selectman Crowley moved that the Board approve the Emergency Transfer Request in the amount of thirty-nine thousand dollars (\$39,000) to be used for supplies in connection with completion of the concession/maintenance shed at the high school; seconded by Selectman Foresto; all ayes 3-0-0 (voted).

Chairman Trindade and Espinosa rejoin the meeting. Selectman Foresto moves that the board continue past 10:00 P.M. to complete the remaining board business; seconded by Selectman Espinosa; ayes 4; nays 1 (Dunne) motion passes.

**Report from Department of Public Services Director:**

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- Director D'Amico reported that the Town has received four hundred thousand dollars (\$400,000) to date in grant funds for several projects. Director D'Amico brought the board up to speed on the status of each project.
- Director D'Amico indicated that every year the State awards funds to towns according to the total amount of roads in the town. Medway has received approximately two hundred thousand dollars (\$200,000) on a regular basis based on this formula. Director D'Amico explained that these funds can be accumulated for use as the Town sees fit. This year, Director D'Amico would like to utilize the funds to repair Holliston and Main Street. Director D'Amico indicated that before moving forward, he needs approval from the Selectmen. Selectman Crowley moved that the Board authorize expending Chapter 90 funds repairs to/on Holliston and Main Street as recommended by Director D'Amico; seconded by Selectman Dunne; all ayes 5-0-0 (voted).
- Director D'Amico also provided an update on the Route 126 road construction project. He indicated that closure of Route 126 will be necessary in order to complete the project quickly. Director D'Amico encourages residents to view regular updates of the project on the Town website.

***Reports of the Selectmen***

- The Selectmen did not have reports this week.

***Report of the Chairman.***

- Chairman Trindade did not have a report this week.

***Ratification of GATRA contract:***

- Selectman Crowley stated that he, Administrator Kennedy and town representatives have been working very diligently with GATRA representatives and have prepared the contract presented to the Selectmen for their review. Selectman Crowley stated that there are a few minor changes to be addressed. Administrator Kennedy added that the Town would need to establish a revolving fund at the next scheduled special town meeting.
- The board entered into a discussion regarding the GATRA contract. Chairman Trindade moved that the GATRA contract be approved with the condition that the Town Administrator and Selectman Crowley resolve the pending issues discussed; seconded by Selectman Espinosa; all ayes 5-0-0 (voted).

***Consideration of Solicitors Permit applications:***

- Selectman Dunne moved to approve the Solicitor Permit application submitted by William Masterson to conduct a town wide canvass to sell emergency night vision



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signs from 9:00 a.m. to 7:00 p.m. from June 13 to August 28, 2007; seconded by Selectman Foresto; all ayes 5-0-0 (voted).

- Selectman Dunne moved to approve the Solicitor Permit application submitted by Tyler Shafer to conduct a town wide canvass to sell educational books and software from 9:00 a.m. to 7:00 p.m. from June 4 to August 28, 2007; seconded by Selectman Crowley; all ayes 5-0-0 (voted).

***Consideration of Tri-State Bike Trek:***

- The Board entered into a brief discussion. Selectman Dunne moved that the Board approve the request to conduct the Fifth Annual Tri-State Bike Trek fundraising event requested by Tri-State Trek to support the A. L. S. Foundation scheduled for July 20, 2007; seconded by Selectman Crowley; all ayes 5-0-0 (voted).

***Consideration of a One Day All Alcohol License:***

- Selectman Espinosa moved to approve the application for a one day all alcohol license requested by the Marian Center on Sunday, June 24, 2007; seconded by Selectman Dunne; all ayes 5-0-0 (voted).

***Approval of Minutes:***

- Selectman Crowley moved to approve the regular session meeting minutes of June 4, 2007; seconded by Selectman Foresto; all ayes 5-0-0 (voted).

***Report of the Town Administrator:***

- Administrator Kennedy reported that she spoke with the department managers regarding the proposed employee luncheon. Administrator Kennedy indicated that it was suggested to hold the employee luncheon at the kick off of the new fiscal year which begins July 1, 2008. The parties entered into a brief discussion and it was agreed to hold the employee luncheon on Friday, June 13, 2007.

*10:55 p.m. There being no further business to discuss, Selectman Dunne moved that the meeting be adjourned; Selectman Foresto seconded; All ayes 5-0-0 (voted).*

Respectfully submitted,

Celeste Hanson  
Administrative Services Assistant

***NOTE: APPROVED BY BOS ON***

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