

MINUTES OF THE SELECTMEN SESSION MEETING
April 7, 2008

Present: Selectmen Richard Dunne, Dennis Crowley, Andrew Espinosa and John Foresto; Town Administrator, Suzanne Kennedy and Board Secretary, Wendy Harrington were present. Selectman Glenn Trindade was absent.

7:00 *p.m.* – Vice-Chairman Dunne called the Selectmen’s Regular Session meeting to order in Sanford Hall, All stood for the Pledge of Allegiance.

Public Comments: None.

Selectmen’s meeting.

- **Agenda item number 3.** Selectman Foresto made a motion to accept the donation of an exercise bicycle from Cybex to be used by the Council on Aging. Seconded by Selectman Espinosa; all ayes 4-0-0 (voted) Missy Dziczek was present on behalf of the Council on Aging.
- **Agenda item number 4:** The Board of Health has been awarded a “mini grant” in the amount of \$640.00 for a compliance check on tobacco product sales within the Town of Medway. The Board of Health will hire an outside consultant to do checks to ensure the sellers are in compliance. Motion by Selectman Crowley to accept the grant for the purpose of hiring a consultant to do compliance checks of sellers of tobacco products within Medway. Seconded by Selectman Foresto; all ayes 4-0-0 (voted). Mark Fisher was present on behalf of the Board of Health.
- **Agenda item number 5:** Authorization of Chairman to execute a contract by and between the Town of Medway and David G. Roach & Sons, Inc. in connection with the Choate Pond Dam Rehabilitation. Motion by Selectman Crowley to accept and enter into a contract by and between the Town of Medway and David G. Roach & Sons, Inc. This is in connection with the Choate Pond Dam Rehabilitation in the amount of \$109,889.00 motion is to also authorize Selectmen Vice Chairman Dunne to sign on behalf of Selectmen Chairman Trindade. Seconded by Selectman Dunne. Selectman Crowley raised a question. Would the project be complete by May 1, 2008? Mr. D’Amico will try his best to complete by May 1, 2008, but if he does not complete by May 1, 2008 it is not a violation of the grant; all ayes 4-0-0 (voted).
- **Agenda item number 6:** Authorization of Chairman to execute a contract by and between the Town of Medway and Green Acres Landscape & Construction Company, Inc. This contract is in connection with the Middle School Athletic Field Irrigation project. Motion by Selectman Crowley to accept and enter into a contract by and between the Town of Medway and Green Acres Landscape &

Construction Company, Inc. This contract is for field irrigation at the Middle School in the amount of \$125,900.00. Motion is to also authorize Selectmen Vice Chairman Dunne to sign on behalf of Selectmen Chairman Trindade. Seconded by Selectman Espinosa; all ayes 4-0-0 (voted).

- **Agenda item number 7:** Update on Route (Rt.) 126 & Rt. 109 Intersection. David D'Amico DPS Director was present to discuss. Director D'Amico submitted a request to the state to add turning lanes at this intersection. The state would agree with a left-hand turn (on Rte 109 traveling East, taking a left hand turn onto 126 N), and they did justify additional expense, however if the town wants to pursue anything more than that, they could do so at their own expense. Director D'Amico doesn't think at this time, and based on the numbers it's worth the additional expense. This could be revisited in a period of time. Director D'Amico is going to go ahead with the state and update our plan.

Selectman Crowley asked where would the Town get the added land necessary to complete the project. Director D'Amico explained that the land is there and there were no takings involved.

- **Agenda item number 11:** Authorization of Chairman to execute contract by and between the Town of Medway and Newport Collaborative Architects, Inc. in connection with 2B Oak Street. Director of DPS, David D'Amico and Mark Cerel representing CPC were present to discuss. The design will be done for \$200,000 and landscaping will be included. Selectman Crowley wanted to make it duly noted in the record that \$25,000 of this \$200,000 shall be set aside for the landscaping. Motion by Selectman Crowley to accept and enter into a contract by and between the Town of Medway and Newport Collaborative Architects, Inc. This contract is in connection with 2B Oak Street and also authorizes Selectmen Vice Chairman Dunne to sign on behalf of Selectmen Chairman Trindade. Seconded by Selectman Foresto. Discussion: There is a \$200,000 grant for this project. CPC Committee will set aside \$25,000 for landscaping design; all ayes 4-0-0 (voted)
- **Agenda item number 8:** Planning Board-Street Acceptance for 2008 Annual Town Meeting. Suzi Affleck-Childs was present to discuss on behalf of the Planning Board. Suzi explained that this vote is a vote of intent to layout roads as public ways. The steps are outlined on the attached document. Once this vote of intent passes the Planning Board will come back to BOS on 4/21 to layout the roads and then to Town Meeting to officially accept. All three are needed and are not optional. It was explained that each motion be approved individually.

Motion by Selectman Dunne to move that the Board of Selectmen express its intent to lay out as a public way Broad Acres Farm Road in its entirety from Station 0+00 to its end at Station 38+35.93, as shown on the Countryview Estates Subdivision Acceptance Plan Broad Acres Farm Road and Road As-Built in

Medway, Ma, prepared by DeSimone & Associates of Medway, MA, dated March 1, 2004, last revised January 18, 2008 and to refer this matter to the Planning Board for a report and recommendation. Second by Selectman Crowley; all ayes 4-0-0 (voted)

Motion by Selectman Dunne to move that the Board of Selectmen express its intent to lay out as a public way Stable Way from Station 11+50 to Station 25+48.52, as shown on the Countryview Estates Subdivision Acceptance Plan and Road As-Built – Stable Way in Medway, MA, prepared by Colonial Engineering, Inc. of Medway, MA, dated October 12, 2007, last revised January 18, 2008 and to refer this matter to the Planning Board for a report and recommendation. Second by Selectman Crowley; all ayes 4-0-0 (voted)

Motion by Selectman Dunne to move that the board of Selectmen express its intent to lay out as public ways Stable Way from Station 0+00 to Station 3+96.84 and from Station 0+00 to Station 11+50 and Olde Surrey Lane from Station 2+62.50 to Station 3+76.48, as shown on the Broad Acres Subdivision Acceptance Plan and Road As-Built in Medway, MA, prepared by Colonial Engineering, Inc. of Medway, MA, dated November 15, 2002, last revised January 18, 2008 and to refer this matter to the Planning Board for a report and recommendation. Second by Selectman Crowley; all ayes 4-0-0 (voted)

Suzie explained that she believes these are the only roads that will make it through to Town Meeting. Selectman Crowley asked Director D'Amico how many miles of public roads are in Medway. Director D'Amico believes there are 80 miles of public roads in Medway.

- **Presentation by Brad Stoler, MAPC-Pre Disaster Mitigation Plan (Metropolitan Area Planning Council)**

Mr. Stoler's presentation qualified as an open public meeting. A copy of his presentation is attached herewith.

Selectman Dunne requested a copy of Mr. Stoler's presentation to place on the Board of Selectmen web-site.

Board of Selectmen should review and relay any changes to Mr. Stoler within one month's period of time. Mr. Stoler will then submit Medway's requested changes to the state/FEMA for review. Mr. Stoler is hopeful that the State will review before September 2008.

Participation in this plan will allow for Medway to apply for MAPC-Pre Disaster Mitigation grants next year. There are over a dozen grants that have been identified. Mr. Stoler was unaware of the length of time for the grant process but

would get back to the Selectmen with that information. The grants are competitive, grants can be awarded for a portion of a project, not necessarily for the entire project. There are many options out there to consider.

The Board of Selectmen will take under advisement and post information on the Town of Medway's web-site.

- **Agenda item number 9:** CIPC Recommendations.

CIPC FY'09 Capital Improvement Project Recommendations were discussed. A memo dated April 4, 2008 with a list of CPIC plans was submitted. (See memo attached)

Items which monetary amounts have changed are:

Software-Financial	\$275,000	to	\$225,000
Fire Engine	\$200,000	to	\$220,000
COA building add.	\$150,000	to	\$185,000
Sidewalk Plow	\$100,000	to	\$110,000
Energy Mgmt System	\$ 40,000	to	\$ 50,000
New Garage Doors	\$ 15,000	to	\$ 18,000

Software has been combined with another purchase, received additional outside funding. Reduced from \$275,000 to \$225,000 due to a permitting software grant. This allows us to combine the permitting and financial software into one package. There are 300 communities using this software and the state sets the price. \$297,000 was the original price for financial and permitting software. The \$76,000 grant brings the price down to the \$225,000 range, assuming going with the Munis package. Munis is a system Barbara is familiar. Going with a bid for a high end program but will do an RFP anyway.

Energy Mgmt System for the school better estimate of cost, increased this item from \$40,000 to \$50,000. Another example of increase in cost with a more accurate figure is Garage Doors for the Fire Station increase from \$15,000 to \$18,000.

Police AC request was combined with the Roof Snow Rails request for a combined total amount of \$25,000 coming out of Free Cash.

A discussion took place on the removal of the tank from the school. A question was posed as to the cost for the removal. It was explained that this expense was approximately \$50,000, it has been paid for and the school has put in for a grant to pay for approximately 50% of the total cost. Selectman Crowley asked if it is not appropriate to add this \$25,000 expense to the list, for the tank removal to the CIP

or to pay for it with Free Cash. CIPC explained that \$25,000 to pay for the tank removal would not added to this proposal. We can make a separate article to pay for this tank removal, but at this point there is no exact figure on this expense.

CIPC will make their recommendations to Town Meeting. CIPC explained that individual items may be amended from the floor at Town Meeting.

\$1,393,500 is enough to cover their proposal at no cost to the town as it is leverage on existing bonding coming off. Selectman Crowley explained that there would be no money left. CIPC explained that there would be small amounts available in a few years, but nothing left until 2014 aside from debt exclusion or operating money only.

Selectmen decided to go over each individual item on the Memo dated April 4, 2008. Comments to CIPC are as follows:

Roads: Selectman Espinosa suggested adding side walks, as they are the same life span. Selectman Crowley explained \$300,000 left over from existing funds. \$250,000 is needed to finish Cottage Street, so that leaves \$50,000. Document says \$306,000 plus CIPC \$300,000. Are we committed to spending \$606,000 over the next few years to make our roads better? Director D'Amico explained he is prepared to invest \$606,000 over the next few years on our roads.

Software: Already covered

Fire Engine: CIPC discussed whether or not to remove the Fire Truck or leave \$200,000 in a reserve fund. If there was a catastrophe in town (i.e. Town Barn falls down) the money put in a reserve fund could pay to fix that instead of replacing the fire truck. If the money hasn't been borrowed specifically for the fire truck purchase it is possible to get the money out of the fund. If borrowed the money and haven't spent it yet BOS could go back to Town Meeting to re appropriate the funds. It was mentioned that a real catastrophe would be helped with the stabilization fund and possible true disasters should be insured.

Originally the fire engine expense was \$200,000. \$220,000 is a firmer number. If the engine is not ordered before January 2009 there will be a 10% increase in cost. After January 2009 the price would increase to \$250,000, the more delayed, the more increase in price. The original recommended fire truck was a custom pumper, the \$220,000 is for a commercial pumper.

Sidewalk plow: This to replace the sidewalk plow we already have. Selectman Espinosa asked the policy on who decides what gets plowed. It was explained by Director D'Amico that the list of sidewalks is on the town web-site. Route 126 area is at the bottom of the list and that the school handles the sidewalk area around the school.

Highway barn: There will be a change to the wording from New Highway Barn to Highway Barn Study. Selectman Crowley explained a few years ago there was money allocated at Town Meeting for renovation/repair of Town Hall for \$160,000. There is approximately \$40,000 left over and it would make sense to change the wording to Highway Barn/Town Hall study. Selectman Espinosa agreed that this would allow for a broadening of the study. Town Administrator Kennedy will discuss with Fiscal Advisor to decide on the best wording for this item.

Dump Truck: Selectman Crowley suggested change the dump truck wording to vehicle/lift. This may give more options of what to purchase. Selectman Espinosa asked how often is a bucket truck used. Director D'Amico explained that a lot of departments could use and it would make sense to purchase a vehicle that would benefit everyone.

File Server: OK

New Garage Doors: OK

Technology: OK

Free cash: At bottom of April 4, 2008 memo. All ok.

CIPC explained they would be presenting to the Finance Committee and would take the BOS suggestions and ideas under advisement.

Approval of Warrants:

- Selectman Espinosa moved that the Selectmen approve Warrant as read in the total amount of \$363,673; seconded by Selectman Dunne; all ayes 4-0-0 (voted).
- **Agenda item number 12:** Board Acceptance of Massachusetts State Lottery – KENO-to-go option. A letter was received from MA State Lottery Commission dated March 27, 2008 explaining the new KENO-to-go program being offered to existing non-KENO agents. Town Administrator Kennedy recommended that BOS accept in a motion no objection to the KENO-to-go in all of the premises listed on page two of the March 27, 2008 letter. Selectman Dunne motion to accept with no objection the 10 eligible/qualified agents in the KENO-to-go program, second by Selectman Espinosa; all ayes 4-0-0 (voted)

- **Agenda item number 13:** Yard Sale Fundraiser at Medway Plaza requested by Medway Gridiron. Medway Gridiron has requested to run a yard sale at Medway Plaza on Saturday May 10, 2008 from 7am to 3pm, with a rain date of May 17, 2008. Motion by Selectman Dunne to approve the request from Medway Gridiron to run a yard sale fundraiser on Saturday May 10, 2008 (rain date May 17) from 7am to 3pm, second by Selectman Espinosa. Discussion: There were no problems with this fundraiser/yard sale last year. All ayes 4-0-0 (voted)

- **Agenda item number 10:**

Acceptance of Deed and Limited Power of Attorney relative to the 50 Winthrop Street Acquisition.

The Owner of 50 Winthrop Street have requested that the Real Estate Closing/Sale of this property be postponed from April 15, 2008 to April 30, 2008. The Owner is purchasing another property and this request is perfectly reasonable and has been approved by Mr. Cerel. Motion by Selectman Crowley to extend the closing date for the sale of 50 Winthrop Street to on or before April 30, 2008, second by Selectman Dunne; all ayes 4-0-0 (voted)

A Quitclaim Deed was presented to the Board of Selectmen to transfer title from the current owner of 50 Winthrop Street to The Town of Medway in conjunction with the purchase of that property on or before April 30, 2008. Motion by Selectman Crowley to accept the Quitclaim Deed in connection with the sale of 50 Winthrop Street as provided, contingent upon the current owner signing, and as read and approved by Town Counsel second by Selectman Dunne; all ayes 4-0-0 (voted)

A Limited Power of Attorney was presented and discussed. This would authorize Chairman Glenn Trindade to sign all closing documents on behalf of the other Selectmen in the real estate transaction of purchasing 50 Winthrop Street from its current owner. Motion by Selectman Dunne to allow Chairman Glenn Trindade to serve as Limited Power of Attorney, second by Selectman Espinosa; all ayes 4-0-0 (voted)

Motion by Selectman Dunne to authorize Chairman Glenn Trindade to execute form 8283 Non Cash Charitable Contribution form on behalf of the Medway Board of Selectmen, such form must be signed by April 30, 2008, second by Selectman Crowley; Discussion: this form is necessary because the current owner has essentially gifted \$175,000 to the town in this transaction; all ayes 4-0-0 (voted)

Approval of Minutes:

- **Agenda item number 2:** Defer approval of Minutes Sessions: February 4, February 11, March 3, March 10, March 17, March 24; Executive Session of March 24. to a future meeting.
- **Agenda item number 14:** Report of Town Administrator was deferred to a future meeting.
- **Agenda item number 15:** Report of Selectmen was deferred to a future meeting.
- **Agenda item number 16:** Report of the Chairman was deferred to a future meeting.
- **Agenda item number 17:** Town Administrators Time Sheets was deferred to a future meeting.

8:45 p.m. There being no further regular business to discuss, Vice-Chairman Dunne moved that the regular session meeting be adjourned and the Selectmen enter Executive session for reason number 3 “To discuss strategy with respect to collective bargaining or litigation...” with no intent to return to open session; Selectman Foresto seconded; roll call vote:
 Dunne—aye; Espinosa—aye; Foresto--aye; Crowley—aye; All ayes 4-0-0 (voted).

9:05 p.m. Executive session opened, discussion on grievatory issues ensued regarding William Donohue and Shirley Heaton.

Executive session ended at 10:10 p.m.
 Respectfully submitted,
 Wendy Harrington
 Board of Selectman Secretary