

FINAL MINUTES OF THE SELECTMEN MEETING
September 15, 2008

Present: Chairman Glenn Trindade, Selectmen Andrew Espinosa, Dennis Crowley, John Foresto, Town Administrator, Suzanne Kennedy and Board Secretary, Wendy Harrington were present.

Absent: Rich Dunne

7:02 p.m. – Chairman Trindade called the Selectmen’s meeting to order in Sanford Hall, Medway Town Hall.

Public Comments: None.

Cable Broadcast from Town Hall:

- Chairman Trindade explained that cable infrastructure in Town Hall is owned by Comcast. The system is dated and the Town, along with the Cable Access Committee are working with them to repair the system and to ensure a better quality picture and sound. Although the committee is working to expedite these issues, the changing of equipment should be complete by the first quarter of 2009.
- Replays of meetings held in Sanford Hall will continue to be replayed on Medway Cable Channel 11 and streamline video of meetings will soon be available to view on www.medwaycable.com.

Amendment of June 16, 2008 Meeting Minutes:

- Administrator Kennedy suggested a recast of the Executive Session Minutes from the June 16, 2008 Selectmen’s Meeting. The revised edition will add more substance to the discussions, which took place during Executive Session. Administrator Kennedy asked that the Board consider whether it was appropriate to release the Executive Session Minutes or hold until the pending issues (regarding personnel issues and a real estate transfer) have been resolved.

Selectman Foresto moved to amend the executive session minutes of the June 16, 2008 meeting and to redact those items that are pending litigation; Selectman Espinosa seconded; no discussion; all ayes 4-0-0 (voted).

Approval of FY 2010 Budget Calendar:

- Administrator Kennedy reviewed with the Board the FY 2010 Budget Calendar as deemed appropriate by the Charter. The Calendar should be issued, by September 15, 2008. Administrator Kennedy acknowledged some changes and challenges in the Calendar and the process of laying out the steps as dictated by the Charter.
- Administrator Kennedy advised the Board that Department Head meetings would commence in February and suggested only an electronic version of the preliminary budget be sent to FinCom prior to receiving a final paper/book version after the Board’s review.
- Selectman Crowley asked the Town Accountant if a system could be developed for tracking changes and/or revisions in her system, for ease in following the revisions. Mr. Crowley also

requested that copies of documents being discussed at Board of Selectmen's, as well as other town meetings, be placed in the back of the room for attendees to view.

Five Year Revenue Forecast:

- Administrator Kennedy announced that the five-year revenue forecast would be placed on the agenda of the September 22, 2008 meeting.

Upcoming meeting changes and workshops:

- Chairman Trindade announced that there will be a Board of Selectmen meeting commencing at 5:45pm on Monday September 22, 2008 in Sanford Hall
- Chairman Trindade announced the following workshops
 - Open Meeting Law-Monday September 22, 2008 at 7pm in Sanford Hall
 - Tax Recap-Kathy Reed-DOR-Wednesday September 24, 2008 at 7pm in Sanford Hall
 - Public Records Law-Wednesday October 15, 2008 at 4pm for Town Hall employees
7pm for Boards and Committees

Fall Town Meeting Warrant:

- Chairman Trindade explained that the Fall Town Meeting would take place on November 10, 2008. The Fall Town meeting is for the purpose of disclosing the financial standing of the town and any other pertinent business.
- Articles 1,2 and 3: Barbara Durand-Town Accountant presented a summary of articles 1,2 and 3. There will be three Warrant Articles for the Fall Town Meeting pertaining to accounting procedures for the Solid Waste, Water, and EMS enterprise funds. These articles will rescind articles 3, 6 and 8 from the May 2008 Town Meeting and replace with the DOR recommended accounting presentations for these articles. The new accounting presentation for the enterprise articles will book all enterprise revenue and allocate expenses including indirect costs and reserve monies to the enterprise fund and eliminating a "double" accounting of indirect expenses. A handout, which explains the articles, will be handed out at the Fall Town Meeting to supplement the explanation of the changes to the accounting procedure.
- Article 4: Administrator Kennedy-There will be a redeployment of one staff person from the Assessor's Office to a part-time building inspector staff person/part-time planning board staff person. The extra \$4,000 is to be transferred from the Assessor's to Planning Board and Building Inspector's budgets through this article.
- Article 5: Administrator Kennedy-This article is for increases in salaries pursuant to contract negotiations. These employees are not union members but historically they follow the union contract. Employees involved work in the Town Administrator's office; Treasurer, Town Accountant and as police dispatcher.
- Article 6: Administrator Kennedy- The Article is to accept cost items of the police union, which the Board of Selectman accepted and already provided the money from the salary reserve to the police reserve.
- Article 7: Dave D'Amico-DPS Director-This article is to change the appropriation amounts for the items, which were approved by Article 9 of the Spring Town Meeting, there is no difference in the total amount to be appropriated, but the individual amounts have changed.

Fire Alarm Lift-Originally approved for \$30,000, Mr. D'Amico was able to find a late model truck, which has been fully inspected and suits all needs. Appropriated cost is \$12,000.

Sidewalk Plow/Sweeper-Originally approved for \$110,000, costs have increased considerably each year. The vehicle purchased has been investigated and the equipment requested meets all needs. Appropriated cost is now \$123,000.

Dump truck-Originally approved at \$40,000 the 2008/2009 appropriated cost is now \$45,000.

- Article 8: Dave D'Amico-DPS Director- This article will vote to authorize the BOS to acquire by gift or purchase or take by eminent domain the property necessary for construction of crosswalk ramps on Route 109; and further to raise and appropriate, borrow or transfer to complete this project. Total bid for this project is \$31,000. Letters have been sent to four businesses owner's whose property is involved. It was agreed that while Mr. D'Amico is on vacation the Town Administrator's office will proceed with contacting these businesses to move the project forward. Mr. D'Amico is hoping the businesses will gift the portion of their property to the town.

Trench permit article-Mr. D'Amico explained a new state law that the town must permit any owner digging a trench if the trench is 3 feet deep and over 3 feet long. This is to ensure the safety of all residents.

Selectman Foresto moved that the Board open the Warrant; Selectman Espinosa seconded; no discussion; all ayes 4-0-0 (voted).

Selectman Crowley moved to see if the town will vote pursuant to General Laws chapter 82A section 2 to designate the Board of Selectmen as the means by which the Town will designate the board or officer to issue trench excavation permits and carry out said statute, and further to see if the Town will enact any general bylaws relative to the implementation of said statute, or act in any manner relating thereto. Seconded by Selectman Foresto; no discussion; all ayes; 4-0-0 (voted).

- Article 9: Presented by Melanie Phillips-Treasurer/Collector-Article 9 is to vote to designate a place on the tax bill where taxpayers may voluntarily check off, donate and pledge an amount of money. This shall establish a Town Aid to the Elderly and Disabled Taxation Fund for the purpose of defraying the real estate taxes of elderly and disabled persons of low income.
- Article 10: Articles 10, 11 and 12 presented by Mark Flaherty-Water Sewer Director-Article 10 transfers unspent monies to the Water Testing Account.
- Article 11: Article 11 transfers monies to an account to pay for unexpected emergencies.
- Article 12: Article 12 votes to appropriate the remaining funds previously borrowed under Article 21 of the October 2006 Special Town Meeting for the purpose of the Industrial Well. This is to sure up finances in case of any litigation expenses. Selectman Crowley suggested a handout at Fall Town Meeting with the exact costs so the taxpayers are clear on these articles.
- Article 13: Administrator Kennedy presented- Article 13 is to appropriate a sum of money from the CPC fund account for the purpose of paying legal bills associated with the purchase of 50 Winthrop Street.
- Article 14: Administrator Kennedy presented- This article is to authorize the BOS along with CPC to solicit proposals to conduct farming and related agricultural activities on a portion of the property located at 50 Winthrop Street. Selectman Crowley was uncomfortable presenting this

to the town without a statement that says there will be no expense to the town. This Article was held for further discussion at another meeting when all Selectmen are present.

- Articles 15-25; Andy Rodenheiser-Chair of the Planning Board and Susy Affleck-Childs, Planning Board Assistant.
- Article 15, 16, 17: These articles are to establish specific authority in the Zoning Bylaw to impose conditions and mitigation measures on private developers. This puts developers on advance notice that they may have to construct off-site improvements that are needed as a result of the impacts of their development. It also strengthens the Town's ability to withstand legal challenge.
- Article 18: This article is to clarify the process for approving modifications to a previously approved site plan; to make it more user friendly for developers; to provide more direction on what constitutes a "substantial" modification.
- Article 19: The reason for Article 19 and the intent of the AUOD is to provide an economic option to encourage the use and renovation of older Main Street residences by allowing them to be used for limited commercial or mixed-use purposes.
- Article 20: The intent of the article is to reduce the number of commercial zoning districts and make consistent Medway's primary commercial/business zone.
- Article 21: The intent of this article is to make the list complete. This is a "housekeeping" article.
- Article 22: This article is solely for street acceptance. This article has been put on the September 22, 2008 Board of Selectmen's meeting agenda to discuss in more detail.
- Article 23: Through participation, priority development sites receive marketing attention by the State. This will also enable the Town to apply for grant funds to support the legal work necessary to assemble the other Oak Grove/bottle cap parcels for future economic development investment and for technical assistance services from mass Development.
- Article 24: This article has been withdrawn and replaced with Article 25. See discussion below.
- Article 25: Article 25 is to expand the supply of affordable housing in Medway; to work toward attaining the 10% target goal.

Discussion regarding 9 Walker Street, Medway

Article 24 involved property owned by the Town of Medway located at 9 Walker Street. A homeowner in the Town of Norfolk wished to donate a house to be moved to another property within the Town of Norfolk. Norfolk refused this gift. Medway Affordable Housing became interested in the house and moving it to 9 Walker Street. Article 24 involved conveying the property with the donated house to a developer to renovate and develop as affordable housing. Norfolk is now considering revisiting the proposal at their Town Meeting a week after Medway's Fall Town meeting. This would be conveyed at no cost to the Town, and due to the date of Norfolk's Town meeting after Medway's this has been removed from the Warrant.

Sign Bylaw Discussion

The Planning Board is working on many projects and they have not been able to put together a Sign bylaw for the Fall Town Meeting. There will need to be many discussions and meetings held on this subject. Mr. Rodenheiser has asked to be put on a future agenda of the Board of Selectmen to discuss.

Senior Center Update-The project is progressing towards a completion date of October 15, 2008. Chairman Trindade asked if there could be a discussion placed on the September 22, 2008 agenda to

discuss the progress, and amendment to add the purchase of gutters and paint with the Bond money and that Missy Dziczek attend to ensure all concerns are covered.

Selectman Foresto moved that the Board accept Warrant Articles 1-23, remove 24 and allow Article 25 for inclusion; Selectman Foresto seconded; no discussion; all ayes 4-0-0 (voted).

Selectman Espinosa moved that the Board close the Warrant; Selectman Foresto seconded; no discussion; all ayes 4-0-0 (voted).

Presentation-GASB Statements 43 & 45 and other post employment benefit Reviews-Siegel Company: Kathleen Riley, Sr. Vice President and Actuary and Barbara Durand, Town Accountant were present.

- Ms Riley presented a report on the Segal Company's actuarial valuation of postemployment welfare benefits as of June 30, 2007 under GASB Statements Number 43 and 45. It establishes the liabilities of the postemployment welfare benefit plan in accordance with GASB Statements Number 43 and 45 for the fiscal year beginning July 1, 2007 and summarizes the actuarial data. This report was based on information received from the Town of Medway. The actuarial projection was based on the assumptions and methods described in Exhibit II and on the plan of benefits as summarized in Exhibit III. See attached.

Presentation by Melanie Phillips on establishing maximum useful life for capital improvement projects:

Ms. Phillips explained that she is unable to borrow for capital improvements for five year terms unless she can establish a longer useful life for particular projects.

Selectman Foresto moved that the Board approve the established maximum useful life for the list of capital improvements projects presented which starts with the fire station and ends with the dump truck. The list includes the useful life for each project. Selectman Espinosa seconded; no discussion; all ayes 4-0-0 (voted).

Ms. Phillips noted, to date, all departments have not asked for the funding for their approved projects.

Presentation by Melanie Phillips-Treasurer/Collector on Bond Anticipation Note:

Ms. Phillips explained she will be requesting a Ban issuance in October. This will be for the renewal of two previously issued bans. This process will involve rolling bans into each other until all funded projects are complete. Upon completion, the Bond balance will be \$3,508,852.00.

Selectman Crowley moved that the Board authorize the Treasurer/Collector to petition the Massachusetts Department of Revenue for permission to borrow \$3,508,852.00 as a Bond Anticipation Note as follows:

RENEWALS:	BAN-Well/Water Tank/School Projects	\$1,714,000.00
	BAN-New Well/HS	\$ 676,542.00
NEW FUNDS:	CIP Projects	\$ 818,310.00
	New Well-Additional Funds	\$ 300,000.00

The note is to be dated October 24, 2008 and mature October 23, 2009. Seconded by Selectman Espinosa; no discussion; all ayes 4-0-0 (voted).

Similar to refinancing, a 1997 Bond which began at \$11,980,000 now has a balance of \$4,940,000. This Bond will establish a new interest rate with an approximate net interest cost savings of approximately \$180,000 over the remaining life of the bond. It should be noted that interest earned on this Bond goes to the general fund.

Selectman Crowley moved that the Town of Medway authorize the Treasurer to seek permission from DOR to issue bonds or notes for the purpose of refunding all or any portion of the Town's \$11,980,000.00 Municipal Purpose Loan of 1997 Bonds originally dated as of September 15, 1997 including, if any, the payment of any premium and accrued interest associated therewith, and all other costs incidental and related thereto, under and pursuant to Chapter 44, Section 21A of the Massachusetts General Laws, or any other enabling authority. Seconded by Selectman Foresto: no discussion; all ayes 4-0-0 (voted).

Administrator Kennedy asked that Ms. Phillips manage all signatures in connection with this transaction.

Tyler Technologies

Selectman Foresto moved to authorize the Chairman to execute a contract by and between Tyler Technologies, Inc. and the Town of Medway. This contract is for the Town and School financial/payroll software. This authorization is with the understanding that the items outlined by Town Counsel, are incorporated into this contract. Seconded by Selectman Crowley. Discussion: Implementation will take place January 1, 2009, with the understanding that permitting software is included and there will be an overall reduction in the annual software expense. All ayes 4-0-0 (voted).

Authorization of Chairman to Execute Contract:

Consideration on One-Day Liquor License Requests:

This discussion was as a result of two one-day liquor license requests for fundraisers to be held at The Marian Community, Inc., One Marian Way, Medway. Event dates are September 27, 2008 7-11pm and November 8, 2008 7-11pm. All departments have reviewed and approved the request, as appropriate.

Selectman Foresto moved that the Board approve two one-day liquor license requests at the Marian Community Center on September 27, 2008 and November 8, 2008; Selectman Espinosa seconded; no discussion; all ayes 4-0-0 (voted).

Approve and sign warrant:

Selectman Espinosa moved that the Board approve and sign warrant eleven (11) dated September 18, 2008 as read in the total amount of \$1,165,874.65; Selectman Foresto seconded; no discussion; all ayes 4-0-0 (voted).

Approval of Minutes:

Selectman Foresto moved that the Board approve the minutes from August 18, 2008 as changed; Selectman Espinosa seconded; no discussion; all ayes 4-0-0 (voted).

Selectman Espinosa moved that the Board approve the minutes from August 20, 2008 as read; Selectman Foresto seconded; no discussion; all ayes 4-0-0 (voted).

Report of the Town Administrator:

Administrator Kennedy read the following statement that was posted on the town web-site.

On September 16, 2008 beginning at 8:00 a.m. engineers will be conducting a hydrant flow test throughout the Town for a hydraulic flushing model. The flow test may cause loss of pressure and/or discoloration of water for a short time. The area's being tested are Laurelwood Ln., West St. near Millbrook Rd., Milford St. near Fisher St., Bayberry Ln, Village St. near Cottage St., Broad St. near highway barn, Main St. near Post Office, Industrial Rd., end of Green Valley Rd., Winthrop St. near Colonial Rd. For additional information contact the Water Department at 508-533-3208.

Administrator Kennedy announced updates on newly formed committees:

Revenue Enhancement Committee to begin 9/16/08

Snow and Ice Committee to begin 9/24/08

DPS Consolidation discussions have begun

Fire Department Study Committee formation is ongoing

Chief Tingley is working on an alcohol policy for local businesses not in compliance

Drinking water discussion: Administrator Kennedy explained that the Highland Street tank is back on line as of September 15, 2008 at 2:30pm after a thorough disinfectant process that began on September 8, 2008. All tests have come back negative and divers were in last week to perform a preliminary examination of the tank. The Town's expectation is that the consulting firm will issue bid specs for the required work with bids returned by October 31, 2008. A discussion will take place with Tata & Howard regarding keeping the well off-line during a meeting set for September 22, 2008.

Report of the Chairman:

The Chairman had nothing to report at this time.

Report of the Selectmen:

Selectman Foresto: There is a meeting set for Thursday September 18, 2008 with Comcast to discuss the microwave site on the top of the Highland Street Tank. Currently there is no lease between Comcast and the Town/Water Sewer Department to house the microwave unit on that site and it has been there for the past twelve years with no lease.

Selectman Espinosa: A reminder that MA State Primary is being held this week at the Middle School. The hours are 7am to 8pm.

Selectman Crowley: The Water/Sewer Department is performing the takings for the sewer project on September 16, 2008. Mr. Crowley has been in touch with Dave Aimola regarding the Notice to Proceed, which should be dated October 1, 2008. Mr. Crowley would like to have the Notice to Proceed added to the agenda of the September 22, 2008 Board of Selectmen's meeting.

Mr. Crowley would like to discuss ways to utilize the \$300,000 in funds for the Choate Park Dam; he has asked that this discussion be placed on the October 6, 2008 agenda.

9:27pm There being no further business to discuss Chairman Trindade moved that the regular session meeting be adjourned and the Selectmen enter into Executive Session not to return to open session for reason number three "To discuss strategy with respect to collective bargaining or litigation..." and for reason number six "To consider the purchase, exchange, lease or value of real property..." Selectman Foresto seconded; Roll call vote: Foresto-aye; Espinosa-aye; Crowley-aye; Trindade-aye; all ayes 4-0-0 (voted)

The next regular session of the Board of Selectmen is scheduled for September 22, 2008 at 5:45pm in Sanford Hall.

Respectfully submitted,
Wendy Harrington
Board of Selectmen Secretary
*Minutes approved, as amended 10/27/08