

MINUTES OF THE SELECTMEN MEETING FINAL
October 20, 2008

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

Absent:

7:05 p.m. – Chairman Trindade called the Selectmen’s meeting to order in Sanford Hall

Public Comments: None

GATRA Announcement: Administrator Kennedy

Administrator Kennedy announced that there will be two shelters installed at two GATRA locations, Medway Fire Station and Medway Middle School. Superintendent Evans will be coordinating the installation with Dave D’Amico, DPS Director and will be funded by GATRA. Maintenance will be minimal and they meet Planning Board specifications.

Acknowledgement of Mrs. Maureen Leighton: Chairman Trindade

Chairman Trindade read a letter announcing the sudden passing of longtime Medway Middle School Teacher Maureen Leighton. A moment of silence took place in acknowledgement.

Approval of Warrants: Dennis Crowley, Clerk

Selectman Crowley read the warrants: Warrant number 16, dated October 16, 2008. Town Bills \$543,310.22, School Bills \$409,117.82, Gross payroll town, \$98,854.32, Total \$1,051,282.36.

Selectman Dunne moved that the board accept the warrants as read by Selectman Crowley; Seconded by Selectman Espinosa; no discussion; all ayes 5-0

Approval of Bond Anticipation Notes: Melanie Phillips, Treasurer/Collector

In September the Board voted to approve a borrowing of \$3,508,852.00 for renewal of BAN’s and new money for CIPC projects. The market crashed and credit became tight right before the Town was scheduled to offer the new BAN. As a result of the economic climate and after consultation with the Fiscal Advisor, Ms. Phillips decided to go out to bid on the renewal portion only and wait for a more stable market and looser credit conditions. In the current climate, it is advantageous to have smaller issues. The result is that we split the original amount of \$3,508,852.00 into two smaller issues of \$2,390,542 and \$1,118,310 (new money portion). The town was fortunate to receive two bids which covered the full BAN. Unibank for Savings bid 3.9% on \$1,000,000 of the issue while Citizens Bank offered 3.95% on the entire issue. As a result, Ms. Phillips is requesting the Board to award the BAN to both banks; Unibank for \$1,000,000 and \$1,390,542.32 to Citizens. This provides a blended rate of 3.63% on this issue.

Selectman Dunne moved that the Board award the BAN for \$2,390,542.32 with an issue date of October 24, 2008 as follows: \$1,000,000 to Unibank for Savings at a rate of 3.19% and \$1,390,542.32 to RBS Citizens Bank, N.A. at a rate of 3.95%; Seconded by Selectman Foresto; no discussion; all ayes 5-0.

*Selectman Crowley asked Ms. Phillips to make sure that the corrected dollar amount is placed on the BAN Issue document, as \$3,508,852.

Ms. Phillips asked that the following motion be made as it pertains to Bond Anticipation notes for the sewer project.

Selectman Crowley moved that the Board authorize the Treasurer/Collector to petition the Massachusetts Department of Revenue for permission to borrow \$800,000 as a Bond Anticipation Note for the sewer project; Seconded by Selectman Foresto; discussion-Selectman Crowley confirmed that we are still under deficit financing, that's why going to DOR; all ayes 5-0.

Senior Center Grant; Melanie Phillips, Treasurer/Collector

The first impact of the financial crisis has affected Medway with respect to the grant for the Senior Center. The town has been told that as of 10/20/08 the local aid is safe, but may not be safe going forward, per Rich Dunne's discussion with Rep. Jim Vallee. \$25,000 has been received and there may not be any more money coming in for the Senior Center.

Mr. D'Amico, DPS Director is watching all earmarks closely. There are still a few invoices for projects that remain un-paid; he will keep a close eye on them.

Introduction of Interim Town Accountant Carol Pratt

Carol has been mentored by Barbara Durand.

Authorization to execute a contract with Sullivan, Rogers and Co., Inc.-Town Administrator Kennedy

Administrator Kennedy presented a request for the Board to authorize a letter of engagement for mentoring to the Interim Town Accountant between The Town of Medway and Sullivan, Rogers and Co., Inc.

Administrator Kennedy asked that this item be held to the next meeting and the Board asked that a "not to exceed value" be entered into the engagement letter.

Discussion/Appointment of Medway Christmas Parade Committee

The Medway Christmas Parade is an event in its 16th year that is 100% funded by Town businesses and of no cost to the Town. The proceeds from this event help to pay for the marching band for the Memorial Day parade. Town Counsel has agreed that this is a legal holiday and it will continue to be called a Christmas Parade.

It was agreed that a committee should be formed to avoid any liability to the town as town volunteers organize and hold this event.

Selectman Foresto moved that the Board establish a Christmas Parade Committee; Seconded by Selectman Dunne, no discussion, all ayes 5-0.

Selectman Crowley moved that the Board appoint Scott Guyette, Richard Parella and Chief Allen Tingley to the Christmas Parade Committee, Seconded by Selectman Espinosa; no discussion, all ayes 5-0.

Evergreen Cemetery Historical Preservation of Damaged Headstones;

Kai Nalenz, d/b/a Gravestone Services of New England is a specialist which provides restoration services to gravestones. The cost of this service is \$10,625.00 and the source of funding is CPC.

Selectman Foresto moved that the Board authorize the chairman to execute a contract by and between the Town of Medway and Kai Nalenz d/b/a Gravestone Services of New England for \$10,625.00 to repair damaged headstones in Evergreen Cemetery; Seconded by Selectman Espinosa; all ayes 5-0.

Fall Town Meeting Warrant Article Review and Recommendations

Historically the Board of Selectmen has accepted the articles for the placement on the Warrant without making a recommendation. However, this year, as a result of prior discussions by the Board of Selectmen, Administrator Kennedy brought forth the idea of making a recommendation on each warrant article. The Finance Committee will do the same.

Selectman Foresto moved that the Board approve and recommend Articles 1, 2 and 3 on the Fall Town Meeting Warrant, as they have no financial impact; Seconded by Selectman Dunne; no discussion; all ayes 5-0.

Selectman Dunne moved that the Board approve and recommend Article 4 which transfers money from the Board of Assessors to the Planning Board and Building Inspector; Seconded by Selectman Espinosa; no discussion; all ayes 5-0.

The Finance Committee will conduct a Public Hearing to present and vote their recommendations on the Fall Town Meeting Warrant. Once the meeting is concluded the Finance Committee will advance the motions to the Board of Selectman and the Final Warrant will be published on the Town's web-site. Warrant motions will then be written.

Selectman Espinosa moved that the board accept the amended wording of Article 7 and 11 as submitted by Town Counsel and read by the Town Administrator; Seconded by Selectmen Foresto; no discussion; all ayes 5-0.

A discussion took place regarding Article 12. Administrator Kennedy explained that Town Counsel has reviewed and changed the article and it is simply a placeholder at present.

Dog Hearing; Brenda Hamelin, Millis/Medway Dog Officer

Selectman Trindade moved that the board open the dog hearing at 8:10pm regarding Senaca Gonzalez, adult spade German Shephard, 70 A Village Street, Medway; Seconded by Selectman Foresto; no discussion; all ayes 5-0

Selectman Trindade read the official complaint.

Brenda Hamelin, Dog Officer, was sworn in.

Ms. Hamelin read the Findings of Fact and they were entered into record.

Selectman Foresto moved that the board close the dog hearing; Seconded by Selectman Dunne; no discussion, all ayes 5-0

Separate motions were made on each offense:

Selectman Trindade motioned to accept the violation of leash law dated 12/20/06; Seconded by Selectman Foresto; no discussion; all ayes 5-0

Selectman Trindade motioned to accept the violation of leash law dated 4/1/07; Seconded by Selectman Espinosa; no discussion; all ayes 5-0

Selectman Trindade motioned to accept the violation of leash law dated 10/15/07; Seconded by Selectman Espinosa; no discussion; all ayes 5-0

Selectman Trindade motioned to accept the violation of leash law, unlicensed and harm to another animal dated 7/21/08; Seconded by Selectman Espinosa; no discussion; all ayes 5-0

Selectman Trindade motioned to place Seneca Gonzalez of 70A Village Street, Medway, under MGL c 140, sec 57 on permanent restraining order by tethering, chaining, fencing, caging, or other appropriate means and when taken from the property located at 70A Village Street, Medway, MA he must be muzzled; Seconded by Selectman Foresto, no discussion; all ayes 5-0

Brenda Hamelin must deliver in hand via Medway Police and certified mail and Mr. Gonzalez can contest within 10 days in court.

50 Winthrop Street Public Hearing;

A public hearing was held to enable residents to voice their opinion as to how the property located at 50 Winthrop be used. Chairman Trindade explained that the property, although approved for purchase at the Annual Town Meeting last spring, is not owned by the Town of Medway to date. The purchase of this property is held up as the Estate of the property owner clears through the Probate Court. This process could be timely and there is no end in sight.

A review of potential uses was read by Selectman Dunne. There were a total of 119 responses to the survey that was posted on the Town website. Potential uses include:

Walking and Hiking (30), Organic Farm (29), Farm Activities (25), Community Education (27) and Dog Park (8).

Mark Cerel, Town Moderator and member of CPC reminded those in attendance that the proposed uses must fall within the Community Preservation Act and the final use must be voted on at Town Meeting.

Presentations were made by the following: (brief synopsis of their presentation is included)

Heather Scott-Community Farm proposed. Ms. Scott has founded Community Farm Initiative, which is a non-profit volunteer group with a board of directors. This program has been implemented so if the Community Farm is passed, the process is already started.

The mission is to provide locally, organic grown food, provide an educational and volunteer component and allow for open space for the public to enjoy. This organic farm will be modeled after the Newton Organic farm with mentoring by the Natick Community Farm. The majority of income will be from shares purchased by shareholders, who will in turn receive produce grown. There will be a resident farmer and 50 Winthrop has a house that the farmer could reside in, as well as house a bookshop and classrooms.

Judy Moffett, Nancy Murdock-Dog Park proposed. Both presenters belong to the Friends of Medway Dog Park and propose moving the dog park to a 2-3 acre piece of property from the current 1 acre property where there are 400 dogs registered to use the park. Working in conjunction with the organic farm would provide a water element which the dog park is in need of. They propose that the park commission continue to collect trash at the proposed dog park and volunteers will take care of the rest, with donations being accepted for wood chips and upkeep.

John Schroeder-Open Space Committee-Mr. Schroeder spoke against the dog park as he believes fences block walking and don't give the open appearance and upset the rural character. The town purchased the land with taxpayers being told it would be open space.

Eric Alexander-Mr. Alexander spoke on affordable housing as a former Planning Board member and current Affordable Housing member. He would like to see a portion of the land used for open space and another portion for a small scale affordable housing project.

John Schroeder-Open Space Committee-Mr. Schroeder emphasized the need to preserve the rural character of the property and not sure that affordable housing would mix well with open space.

Candy O'Claire- 47 Winthrop Street-Ms. O'Claire expressed her concern, as a neighbor, for traffic and would like to see the land used for open space and/or farming, she believes Mr. Capadalupe would like it to be kept as open space/farming.

Melissa Kalei, National Honor Society Vice President-Melissa conveyed that the students at MHS are really interested in the organic farm aspect. She explained that MHS is strong in core courses but is weak in electives. With the rising cost of after school activities, students would thrive on becoming involved with a non-profit that they could participate in year round. National Honor Society students would be available to help with all aspects for community service hours. She believes that this is a key project for the community and all of Medway will benefit.

Paul Marble-Mr. Marble agreed with Mr. Schroeder that open space is important and acquiring the other large tracks of land of abutters would only enhance this open space area. Mr. Marble stressed that looking at the long term plan, lease options for the long term and probably not the whole property would be suggested.

Dennis Crowley-Selectman-Mr. Crowley suggested that the organic farm be started on a smaller parcel or land and/or smaller scale to ensure that the project goes smoothly.

Jim Wieler-Master Plan Committee-Mr. Wieler's group would like to see the rural nature preserved and would like to see community pride, education and the tax payers considered in this decision.

Andy Rodenhiser-Resident (not speaking on behalf of the Planning Board)-Mr. Rodenhiser thinks there is plenty of opportunity on this site to use for an organic farm. He believes that education, pride and support are needed. He believes that if Mr. Briggs (property next door) sees positive things happening on this land that his own land could be preserved and help protect the rural character of Medway.

John Schroeder-Open Space-Land on Adams Street was suggested by Mr. Crowley as an alternate location for the organic farm. Mr. Schroeder pointed out that a farm on a side street, with no water source would not be visible and may not do as well. He did explain that there is a residence on Winthrop for a farmer to reside.

Marcy Thomas "speaking for the frogs"-Ms. Thomas thinks that the Town should be sensitive to the wet lands and the vernal pool located on the 50 Winthrop Street property. The land has good soil with which to farm and the inherent value of the wetlands.

Wes Harper-Juniper Lane-Mr. Harper has visited the Newton Community Farm and says it is revenue neutral and believes that Medway should be the same.

Mike Castle-Mr. Castle spoke to the fact that the organic farm would be share based. He explained that Tangerini Farm in Millis costs approximately \$600 per share, with 125 share holders and a waiting list of 100 people waiting to purchase shares. He explained that Ms. Scott's plan has looks for 75 share holders.

Report from AP Associates on the condition of the Highland Street Tank; Ali Parand, Project Mg

Mr. Parand explained in detail the process of inspecting the tank on Highland Street. The inspection was performed by Merithew Inc. on a dry tank on September 23, 2008 and the report presented is dated October 10, 2008. Mr. Parand reviewed the data enclosed in the report with the Selectmen. AP Associates recommended overhaul of the tank will add approximately 15 years life to this particular tank. The question was raised as to whether the tank should be repaired or replaced.

Mr. Flaherty, Water/Sewer Superintendent explained that the master plan is to build tank #5, add an additional, larger tank on Summer Street and discontinue this one. He also believes that there is no guarantee DEP will allow a 5th tank. The board was reminded that 2 years ago the cost to paint was \$200K, which wasn't done and now the cost of necessary repairs is over \$500K.

Approval of Contract Amendment with Tata & Howard for Water Storage Tank and Hydraulic Evaluation; Paul Sirois

Mr. Sirois was involved in a discussion regarding the Highland Street Tank. Two years ago it was proposed and money funded to paint the interior of the tank. After reading the report Mr. Parand prepared, Tata and Howard believe there may be other alternatives. There is a hydraulic issue that requires attention to that tank. Tata and Howard are interested in expanding their contract with the town.

After a lengthy discussion it was decided that a water supply master plan needs to be developed, which encourages development, rehabilitation of Oakland Street well, Populatic well and get the Industrial well online. The master plan should be of the entire project and/or small sections. Selectman Espinosa advised that he would like to take a step back and look at the comprehensive plan, as well as the rate study.

Selectman Dunne moved that the board extend beyond 10:00pm; Seconded by Chairman Trindade; no discussion; all ayes 5-0

It was decided that it is appropriate for the Town to let DEP know the intension so they are aware we are looking at the whole operation. Administrator Kennedy will take care of informing DEP.

Mr. Parand advised that if you maintain chlorination you will maintain water safety.

Mr. Sirois will present an outline of the Master Plan at the November 3, 2008 Board meeting.

Selectman Dunne asked Mr. Flaherty how the Water/Sewer Commission plays into this request. Mr. Flaherty agreed with the plan to determine a Master Plan so long as it doesn't take too long. He said that he may be able to take the Highland tank off line to get rid of having to chlorinate but he is concerned with the capacity if off line.

Chlorination Update; Mark Flaherty, Water Superintendent

Mr. Flaherty explained that the chlorination will continue for some time.

Discussion on Water and Sewer Management Study, Administrator Kennedy

Administrator Kennedy would like to propose that the Board agree to a “soup to nuts” review of the Water Department, its operations and procedures. What the Maintenance plan is, the DEP requirements, new containment rules, meter reading procedures etc.

Ms. Kennedy believes this should be done in tandem with a master plan of the Water/Sewer of the Town. An expense of \$8,000 to \$15,000 is likely and money is available in water surplus to cover the expense.

It was decided at the October 27, 2008 meeting, Administrator Kennedy will present a scope of work and presentation on this idea. Mr. Flaherty will be present and will be given a copy of what is being looked at with regards to his department.

Execution of Termination Agreement and Memorandum of Understanding by and between Town of Medway and Bevilacqua Paving Corporation

The documents reviewed by the board (Termination Agreement and Memorandum of Understanding) were thoroughly reviewed by Town Counsel.

Mr. Bevilacqua approached the Town and Dave D’Amico (DPS Director) with contract issues. Mr. Bevilacqua would be experiencing a substantial financial loss as a result of liquid asphalt prices skyrocketing if he continued with his contract.

Mr. D’Amico, Selectman Crowley and Selectman Foresto met with Mr. Bevilacqua. The town tried to enforce the contract and each Selectman did individually try to gather information regarding this situation to make the right decision for the town.

The town has an insurance bond in case contractors don’t follow through. Mr. Bevilacqua is claiming that the town broke the contract because they didn’t pay one invoice on time. Town Counsel believes we would have won if went to court, but after paying very high legal fees and no guarantee.

If proceeded with legal action the streets that have been started would have had to had the manholes lowered for the winter, at an expense of approximately \$16,000 and then raise them in the spring at another expense of approximately \$16,000.

Thus a compromise was agreed upon. Mr. Bevilacqua agreed to finish three roads. Stanley, Coffee and Blueberry Hill Road at the \$56 bid price, which is \$83 today. Mr. Bevilacqua will complete by November 15, 2008 and will be permitted to bid on future projects for the Town of Medway.

Jim Smith, Dave D’Amico and Suzanne Kennedy agreed, and this is in the best interest of the town.

Selectman Crowley moved that the Board authorize the Chairman to execute the termination agreement by and between the Town of Medway and Bevilacqua Paving Corporation; Seconded by Selectman Foresto; no discussion; all ayes 5-0.

Selectman Dunne moved that the board authorize the chairman to execute a memorandum of understanding by and between the Town of Medway and Bevilacqua Paving Corp for completion of paving of Coffee Street, Blueberry Hill Road and Stanley Road; Seconded by Selectman Foresto; no discussion; all ayes 5-0.

Approval of Solicitor's Permits, Verizon TRG Customer Solutions and Carolina Furniture; Police Chief Allen Tingley

This item was held until a future meeting until all CORI's have been successfully completed on the employees of Verizon and Carolina Furniture.

Approval 2008 Medway Lions Annual Charity Christmas Tree Sale

Selectman Foresto moved that the Board approve the Medway Lions Annual Charity Christmas Tree Sale permit for sales between the dates of Friday November 28, 2008 at 9:00am and approximately December 21, 2008, operating during the hours of 2pm-8pm weekdays and 9am-8pm on Saturdays and 10am-8pm on Sundays; Seconded by Chairman Trindade; no discussion; 4-0 with 1 abstention.

Adoption of Street Layout for acceptances at Fall Town Meeting; Freedom Trail and Independence Lane; Susy Affleck-Childs, Planning Board

Ms. Affleck-Childs was present to ask the Board to approve layout of roadway for Freedom Trail and Independence Lane. The Planning Board is not prepared to go forward with portions of Ivy Lane and Hunter Lane as previously anticipated.

Selectman Foresto moved that the board approve the roadway layout, as a public way, of Independence Lane in its entirety from Station 0+00 to its end at Station 12+60.85 as shown on the Independence Lane Street Acceptance and As-Built Plan for Ishmael Coffee Estates in Medway, MA (sheets 1&2), prepared by O'Driscoll Land Surveying Co, of Medway, MA and Faist Engineering, Inc. of Southbridge, MA, dated September 18, 2008, last revised October 14, 2008; Seconded by Selectman Crowley; no discussion; all ayes 5-0.

Selectman Foresto moved that the Board approve the roadway layout, as a public way, of Freedom Trail in its entirety from Station 0+00 to its end at Station 8+09.23 as shown on the Freedom Trail Street Acceptance and As-Built Plan for Ishmael Coffee Estates in Medway, MA (sheet 3), prepared by O'Driscoll Land Surveying Co. of Medway, MA and Faist Engineering, Inc. of Southbridge, MA, dated September 18, 2008, last revised October 14, 2008; Seconded by Selectman Dunne; no discussion; all ayes 5-0.

Town Administrators Report:

Administrator Kennedy discussed the Annual Statistic Report which underwent a comprehensive review by Susy Affleck-Childs and Water Superintendent Mark Flaherty. This review was performed by considering all comments and commitments and took

corrective actions and noted in the report. Ms. Affleck-Childs is working on a letter to DCR (Department of Conservation and Recreation) to summarize future growth and will be helpful in obtaining the water management permit. Administrator Kennedy supplied the Selectmen with copies of the report

Warrant Article 12;

Article 12 was originally a place holder. Town Counsel has changed the wording on the entire article.

Chairman Trindade moved that the board approve Fall Town Meeting Warrant Article 12 as amended by Town Counsel and as read; Seconded by Selectman

Crowley; no discussion; all ayes 5-0.

Selectmen's Report; Nothing to report

Chairman Trindade; Nothing to report

Selectman Espinosa; Nothing to report

Selectman Dunne; Nothing to report

Selectman Crowley; Nothing to report

11:15pm There being no further business to discuss Selectman Crowley moved that the regular session meeting be adjourned; Selectman Foresto seconded; 4-1

The next regular session of the Board of Selectmen is scheduled for October 27, 2008 at 6:00pm in the Town Administrator's Conference Room.

Respectfully submitted,
Wendy Harrington
Board of Selectmen Secretary

*Approved 3/6/09
