

BOARD OF SELECTMEN'S MEETING FINAL

November 3, 2008
Sanford Hall, 7:00pm

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

Absent:

7:02 *p.m.* – Chairman Trindade called the Selectmen's meeting to order in Sanford Hall

Public comments: none

Approval of Bond Anticipation Note-Treasurer/Collector Melanie Phillips

TC Phillips advised the Board that she had gone out to bid on a ban amount of \$1,893,310 for new money for Capital Improvement Projects. Three bids were received with the low bid being 2.99% by TD BankNorth. Any borrowing is due to deficit financing and is reviewed by DOR.

\$800,000 for sewer construction is needed for cash flow, this is the first borrowing for this project and will be paid back from betterments. Selectman Crowley asked that a rough betterment estimate be prepared for taxpayers with how they can pay and the interest rate available. Administrator Kennedy will work with the Water Superintendent on obtaining this information.

Selectman Foresto moved that the Board award the combined BAN issue for \$1,893,310 with an issue date of November 13, 2008 to TD BankNorth at 2.99% interest rate; Seconded by Selectman Espinosa; no discussion; all ayes 4-0. Selectman Dunne had not yet arrived.

7:10pm Chairman Trindade moved that the regular session meeting be adjourned and the Selectmen enter into Executive Session with the intent to return to open session for reason number six "To consider the purchase, exchange, taking, lease or value of real property if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm, or corporation." Selectman Espinosa seconded; Roll call vote: Crowley-aye; Trindade-aye; Espinosa-aye; Foresto-aye; all ayes 4-0. Selectman Dunne had not yet arrived.

7:36pm There being no further business to discuss Chairman Trindade moved that the Executive Session adjourn and the Selectmen return to Regular Session. Selectman Foresto seconded; Roll call vote: Crowley-aye; Trindade-aye; Espinosa-aye; Foresto-aye; all ayes 4-0 Selectman Dunne had not yet arrived.

Tata & Howard Water Master Plan Presentation-Paul Sirois

Paul Sirois presented a detail scope of service of a water master plan his company has prepared. A detailed presentation was distributed and discussed. This plan outlined items such as; general engineering services, flushing, future projects, updating models to the expected population in 2030, water quality and capital improvement plans. Mr. Sirois

believes there are a lot of areas that need assistance including regulatory issues, tank issues and procedural issues.

Selectman Espinosa highlighted what he believes are the issues at hand (operational issues, infrastructure issues, projects in the works as well as the coordination of all). He believes we are currently being reactive and would like to see the whole picture presented including Administrator Kennedy's vision.

The Selectmen asked that Administrator Kennedy prepare a one sheet outline of who's doing what, the major components of water/sewer dept, strategic plan, management, infrastructure, and a master plan.

Tata & Howard stressed that it is prudent to look at the whole picture before making any decisions on one portion of the project and the cost of a master plan preparation is approximately \$100K.

It was agreed that Tata & Howard will present a scope of services for a Master Plan and the Highland Street tank which will be specifically designed to meet the needs of Medway on Saturday November 8, 2008 at 8am in Sanford Hall.

Flushing

The flushing program began this week and the Water/Sewer Department met some unforeseen challenges as they found that the infrastructure wasn't documented. This resulted in loss of water pressure in unforeseen areas. Cooler weather is starting to restrict flushing and the project may need to reconvene in the spring.

Water Main Issue-Greg Eldridge, Haley and Ward

Greg Eldridge presented a need to extend the diameter of the water main from an 8" pipe to a 12" pipe. An analysis was prepared focusing on the future growth of the industrial park and current uses including sprinkler systems. He believes that the current hydrants and water main could fulfill the needs if a looping main or replacement to 12" pipe or a parallel 12" water main is installed. The looping is good for moving water and water quality and if there is a break the water will keep flowing through the parallel pipe. This would be of major benefit to that area. The four selectmen present (Foresto, Espinosa, Crowley and Trindade) all agreed this is the right path to follow.

Mr. Eldridge explained he has received a revised price quote from the contractor and his price has increased. He suggests this be put out to bid in the winter and layout would begin in the spring.

Selectman Crowley moved that the Board request Haley and Ward return before the Board of Monday November 10, 2008 to provide and engineering proposal for purposes of designing and building a 12" main to be prepared for bid in the spring of 2009; Selectman Foresto seconded; Discussion: funding-bond allocation of TM from building of the Industrial Street well. This would be approximately a \$50K

contract to Haley and Ward and a budget of approximately \$293K to go out to bid; all ayes 5-0 (Selectman Dunne arrive in time for this discussion and vote).

Authorization of the Chairman to execute a contract by and between the Town of Medway and Caffrey Roofing and Painting Co. for the police station roof-Dave D'Amico, DPS Director

This pertains to the Annual Town Meeting article which moves \$25,000 from free cash to installing snow rails on the police station roof. The roof is metal and therefore when the snow melts it slides down and residents/employees have been hit with falling snow above the doors. It was recommended by the Town's insurance company that this step be taken. The original bid was high at \$25,000 and came in at \$14,908.

Selectman Foresto moved that the Board authorize the Chairman to execute a contract by and between the Town of Medway and Caffrey Roofing and Painting Co. with the condition that there needs to be a contingency on the availability of funds by the Town Treasurer; Selectman Espinosa seconded; no discussion; all ayes 5-0.

Town Construction contracts and late payments-Dave D'Amico, DPS Director

In the past the Selectmen have questioned why we don't require 100% payment and performance bonds on all contracts. Per Town Counsel it is not a State requirement, but nothing precludes us from doing this if we so choose. The Town Accountant has voiced some concern that if we do this, we can expect our contract prices to climb slightly to cover the added bonding costs. A bigger concern is that we may actually hinder some bidders because of an inability to bond for small jobs. This reduced number of bidders could result in higher prices to the Town. This is something the Selectmen should consider prior to implementing a change in procurement policy.

The Selectmen have questioned we have a late payment cancellation clause. It would be in the Town's best interest to remove this from all contracts. Per Town Counsel, State law requires the Town to make payments within 30 days. Failing to do so does provide the Contractor with a breach of contract argument regardless if the clause is explicitly stated or not. We can remove it, but it remains a contractual obligation. The recommendation is to leave the standard contract as it is.

Administrator Kennedy will reach out to other communities regarding their cancellation clauses and a clarification on specific wording from Town Counsel with respect to payment due 30 days from date of invoice or date of receipt.

2010 United States Census-Chan Rogers-MAPC, Paul Yorkis-SWAP, Dave D'Amico-DPS Director

2010 US Census preparation information was handed out and the group advised the Selectmen that they would appreciate the help of the community as the census results plays a roll in the amount monies received by the schools, town and for road repair. It was suggested that the Town and School notify residents to participate and the group will prepare a timeline with key dates for the Selectmen to follow.

Update Route 109 Improvement Project-Chan Rogers-MAPC, Paul Yorkis-SWAP, Dave D'Amico-DPS Director

The group updated the board on the progress of their work. The necessary forms (which were prepared by Judi Laplan, who was a critical contributor to getting the documents prepared and submitted early) were submitted in October and a meeting that was to take place in December took place in October. Congressman Jim McGovern is very committed to this project and they have been advised that the \$300K earmark bond bill is still there and not yet released. The group will be attending a Mass Highway meeting tomorrow and will receive more information on the process. Sgt Watson has gathered necessary accident report data but the group believes between \$2,000 and \$10,000 will be necessary to contract a consultant to analyze the data. More information/specifics will be presented at a future Selectmen's meeting.

Discussion FY09 and FY10 Budgets-Administrator Kennedy

Administrator Kennedy spoke with staff three weeks ago regarding the need for budget reductions. In anticipation of unforeseen circumstances they have been asked to reduce their budgets by 5% in revenues and 2 % in expenditures.

Free Cash-Administrator Kennedy

Administrator Kennedy suggested that in the event of unforeseen circumstances free cash could be used to supplement the state aid that has been cut. It is proactive to start to plan for these reductions and policy discussions on future budgets (specifically 2010) should begin now. Expenses are holding steady and will be watched very closely in the 3rd and 4th quarter with a better snapshot being available after the proper controls are put in place.

Administrator Kennedy suggested a joint meeting with the Finance Committee take place early in December. It will be proposed to the Finance Committee and School Committee that a joint meeting be held on Monday December 1, 2008 at 7pm. Location TBA. An agenda will be prepared and level service v. level funded should be discussed and defined.

Approval of Warrants-Clerk Dennis Crowley

Warrant #18 dated November 6, 2008 totaling \$904,629.05.

Selectman Espinosa moved that the Board accept the warrants as read; Selectman Dunne seconded; no discussion; all ayes 5-0.

Approval of Minutes

Selectman Espinosa moved that the Board accept the minutes of February 23, 2008 as amended; second by Selectman Crowley; no discussion; all ayes 4-0 (Selectman Dunne abstained as he was not present at the February 23, 2008 meeting).

Selectman Dunne moved that the Board accept the minutes of February 27, 2008 as written; second by Selectman Espinosa; no discussion; all ayes 5-0.

Selectman Espinosa moved that the Board accept the minutes of March 1, 2008 as written; second by Selectman Dunne; no discussion; all ayes 5-0.

Selectman Dunne moved that the Board accept the minutes of March 7, 2008 as amended; second by Selectman Crowley; no discussion; 4-1 voted.

Selectman Crowley requested that a discussion and the release of the Assessor's Overlay account be placed on a December meeting agenda.

Town Administrator's Report Hold for future meeting

Selectman Dunne's Report-Hold for future meeting

Selectman Crowley's Report-Hold for future meeting

Selectman Foresto's Report-Hold for future meeting

Selectman Espinosa's Report-

Selectman Espinosa requested that a discussion with the Fire Chief be placed on a December meeting agenda. Items to be discussed should include staffing, financing, EMT account, Full Time Fire Chief, Interim Stage, where the department is going, emergency preparedness plans, looking to a broader picture and police chief and fire chief roles.

The Selectmen were reminded that a proclamation for Veteran's day be prepared. Administrator Kennedy's office will take care of producing this document.

9:50pm Chairman Trindade moved that the regular session meeting be adjourned and the Selectmen enter into Executive Session with the intent to return to open session for reason number three "To discuss strategy with respect to collective bargaining or litigation..."

Selectman Foresto seconded; Roll call vote: Espinosa-aye; Crowley-aye; Trindade-aye; Dunne-aye; Foresto-aye; all ayes 5-0.

Respectfully Submitted,

Wendy Harrington

Executive Assistant

*Approved 3/16/09