

MINUTES OF THE SELECTMEN'S MEETING FINAL

June 1, 2009 7:00 pm

Sanford Hall, Medway Town Hall

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

Absent:

The meeting was called to order at 7:06pm

Public Comment: Paul DeSimone, CRPCD

Mr. DeSimone came before the Selectmen with a copy of a letter from the CRPCD that he put together and took to Jim Vallee's office regarding Shaw Street. He explained that there is a 100 feet of wash out. Selectman Trindade read the letter. Mr. DeSimone's letter explained the damage and that there is a sewer main that runs down the center of Shaw Street that may have damage if this roadwork is not repaired.

Selectman Dunne read a letter from Jim Vallee's office to the District 3 Highway Department in Worcester dated May 19, 2009. This letter explained that the Selectmen went to the site with Rep Vallee the day of the Fire Truck Dedication to show them (Dykema, Spilka and Vallee) the site and damage. A copy of the letter was given to Jeff Nutting as well.

Administrator Kennedy explained there might be emergency funds available from the Highway Department. Mr. D'Amico has been in touch with Jim Vallee and estimates for repairs have been submitted

Public Hearing – New Class II Car Dealers' License – MWAG Auto, Inc., 2 Main St.
Selectman Trindade moved that the Board open the public hearing; Selectman Dunne Seconded; no discussion; all ayes 5-0.

This is not a new business, it is strictly a licensing technically so the business can get auction licenses, and enables the corporation to function. Ms. Potter explained that there are estate issues with the property where the business is located. There is no limit to the number of licenses that can be given out. Ms. Potter explained there were no problems per town counsel. There will be no in-operable vehicles stored on the property.

Selectman Trindade moved that the Board approve the issuance of the new class II car dealers' license to MWAG Auto, Inc.; Selectman Foresto seconded; Discussion: Ms. Potter explained there will be no more or no less vehicles than what are housed there currently and the business will operate with the same sign and same building; all ayes 5-0.

Selectman Trindade moved that the Board close the public hearing at 7:20pm; Selectman Dunne seconded; no discussion; all ayes 5-0.

Contract Amendment (#2) with Tata and Howard for Modeling New Well and General Consulting

Selectman Trindade moved that the Board authorize the Chairman to execute the contract amendment #2 \$2,900, model new well; Selectman Foresto seconded;

Discussion:

This will assist the implementation of the flushing program if it moves forward.

POSTPONEMENT OF THE VOTE UNTIL AFTER THE FLUSHING DISCUSSION

Flushing Program Discussion

Administrator Kennedy explained that at our last discussion regarding flushing we discussed a risk assessment to flushing during the summer. She explained she had a brief conversation last week with Dave and Frank on the industrial well and it's operation. Frank reported some issues with the volume of pumping. The issue is on the industrial park well is the yield. They are trying to put all the answers together and are looking towards flushing in the fall.

Ms. Kennedy is going to set up a meeting with Haley & Ward, Frank and Dave to find out the yield on the pump. When the industrial well was put on line, it went to low alarm that shows a low level of yield. It is pumping 290 per min. and they were told it should pump 450 per min. She explained there are a lot of questions out there and this meeting will hopefully enable us to get the answers. It doesn't look like we will be able to flush in the summer regardless of what happens with the Oakland well. The hope is to possibly flush in the fall. An update will be presented at the next meeting.

Administrator Kennedy explained that a water rate increase needs to be approved in order to pay for flushing, if not, staff will need to be laid off in that department. She reminded the Selectmen that due to issues that arose the fall flushing was not completed.

Vote on the previous motion: 5-0.

Custom Copper & Slate, Ltd. Change order for Thayer Barn Restoration

Mr. D'Amico explained that as the sheathing was pulled off the barn, additional items in need of repair were discovered. After this change order there is about \$2000 left in the grant. Since a meeting at the site last week they have uncovered possibly \$10,000 in stone foundation issues that may be funded by CPC.

Selectman Trindade moved that the Board authorize the Chairman to execute change order #001 for \$6,800.00 to Custom Copper & Slate, Ltd. For Thayer Barn restoration; Selectman Foresto seconded; Discussion: Selectman Dunne wants to ensure there are no expenses over the grant amount; All ayes 4-0 (Selectman Crowley had left the room).

Street Acceptance Discussion-Andy Rodenhiser, Susy Affleck-Childs and Barbara Saint Andre, Town Counsel

Mr. Rodenhiser read a memorandum he wrote and sent from the Planning Board dated 6/1/09. He explained that previous town counsel had a different way of doing things; a more refined fashion has been developed. We are now holding a different standard. Town Counsel explained that things have evolved in the area of accepted ways. Over the years, the town has become more aware of the requirements. Each situation should be looked at individually. Town Counsel referred to her letter dated 5/28/09. This is all about easements. If the homeowner has a mortgage, it is a difficult process to get the banks to sign off on the easements. If we're going to accept these streets, there is not going to be an easy way to get these easements done. The drainage easements are being shown on the subdivision plans. If there is a drainage easement, she explained implied easements and that the easements are shown on the subdivision plans. She is more concerned with subsequent owners. Selectman Trindade asked the cost involved. It is believed to be about \$2000.00 per subdivision but depends on a lot of variables. The process being discussed now is only about cleaning up the old subdivision issues. The planning board is keeping a list and is being consistent in looking at each one individually.

Town Counsel is looking for a recommendation for Article 31 Street Acceptance based on the recommendation of the Planning Board and recommends the Selectmen vote to recommend acceptance of Ishmael (Freedom Trail and Independence Lane)

Selectman Dunne moved that the Board, based on the information supplied by the Planning Board, recommends at positive motion on Freedom Trail and Independence Lane at ATM on 5/16/09; Selectman Trindade seconded; no discussion; all ayes 4-0 (Selectman Crowley has not returned yet).

Water tank replacement program- Weston & Sampson

Bruce Adams-Weston & Sampson was present to discuss the water tank relative to the water system master plan. The tank conditions, available volume, rehab of existing v. replacement of the tank and the memo dated 5/29/09 were reviewed.

Lovering tank holds 1.9 to 2 million gallons; no rehab is needed to date. Highland tank holds 400K gallons and is nearing the end of useful life. The Town should consider doing something with it. Both of the previous two reports on the tanks were reviewed.

Currently there is 2.3 million gallons available but existing needs are equal to what have out there now.

Tank is still holding it's own, could put a few hundred thousand into it to keep it going for a few years.

Selectman Foresto asked if the tank is nursed along would there be any issue with paint breakdown. Mr. Adams believes there are minimal issues. He reviewed a timeline to get a new tank online is approximately 1 year and recommended a small glass fused to steel

to replace the Highland Street tank as it's a confined space. Hydraulically this site is well suited.

Mr. Adams offered that the concrete and glass-fused to steel are neck and neck. The aesthetic preference can be looked into in more detail. Most communities decide the type before going out to bid.

Selectman Foresto asked if there were going to be any issues with abutters. He explained that the well is about the same size, but may require removing some trees etc. A lot of issues need to be resolved.

Administrator Kennedy asked about painting, epoxy or urethane, and asked if there are any VOC issues with the paint used. Mr. Adam's explained the DEP's standards.

It was explained that the source of funding is unknown at this time and a Special Town Meeting in late summer could possibly be held.

Route 109 Project-Paul Yorkis and Dave D'Amico (Chan Rogers, not present)

Mr. Yorkis explained approximately 6-8 months ago the Selectmen met to talk about the renovations of Route 109 from Millis to Milford. This is moving at an expedited pace, and there is lot going on.

Mr. D'Amico highlighted the goal as the redevelopment of Route 109, in particular the business district. Initial focus was to get 109 renovated through the TIP process. Through Mr. Yorkis' efforts, we didn't have to go through the standard funding process. He explained that they have been trying since last July to garner the funds (design and construction) for the project.

The group has worked with Karen Spilka, Jim Vallee and Carolyn Dykema to obtain \$300K from a bill from the state. Because of the efforts of the BOS and letters that have been sent the \$300K is assured and is very much in play. It most likely will not be received in FY2009 but has been assured from Office of Administration and Finance that it's "in the mix". Not in our hands, but in play, while other projects have gone by the wayside.

Separate from the \$300,000 bill, Jim McGovern is supporting earmark funds of \$9.383 million as a high priority request, approved by congressman McGovern's office, and has been sent to a higher office. Congressman McGovern is keeping us up to date and has explained that we may not get the \$9.383 million all at once. We have received great guidance Mass Highway, who has approved our project. This has all happened in an incredibly short amount of time.

Copies of the presentation presented to the TIP were given to the Selectmen

There was a discussion on getting the project to 25% completion. It was suggested to use Ch 90 money or delay until after 7/1/09. There has also been money moved to Free Cash

to improve roadways and sidewalks. This money could be used as well. Mr. D'Amico is concerned with using money and having it be refunded later.

Selectman Crowley recommended that the Board move ahead with the RFP and make it contingent on funding from the state. Mr. Yourkis believes the \$300K will be approved for release but the project must be at 25% to get on the TIP and he would like that to happen before September. Chairman Espinosa believes that if we receive the 9.383 million we need to ready to move forward because it's not part of the TIP.

Selectman Dunne moved that the Board authorize the Chairman to send a letter as directed by Mr. D'Amico and Mr. Yourkis; Selectman Crowley seconded; no discussion; all ayes 4-0 (Selectman Trindade left at 8:40pm).

Carolyn Dykema and Michelle Goldberg (Karen Spilka's assistant) were at the TIP meeting and emphasized how important this is for not only Medway but for this region.

**Tyler Technologies, Inc. contract amendment for Accounting Office consulting
*Selectman Dunne moved that the Board authorize the Chairman to execute a contract amendment with Tyler Technologies, Inc; Selectman Foresto seconded; no discussion; all ayes 4-0.***

Direct Energy contract for PSC Services and Electricity

This electrical contract is due to expire. Mr. Verdolino has previously worked on this, as the School Department has the majority of the use. If this contract is not signed within two days the Town will lose the bidding amount. This has been a very time consuming process and Town Counsel has resolved all of the language issues. Mr. D'Amico explained that this bulk power contract has been in effect for some time and the town has been added. A standard utility contract was presented. This one-year contract is a 10% savings compared to last year and includes all of the bigger town accounts.

Selectman Foresto moved that the Board authorize the Chairman to execute the contract with Direct Energy for PSC Services and Electricity, pending approval by the Town Accountant and Town Counsel; Selectman Dunne Seconded; Discussion: Selectman Crowley asked why this is being presented two days before it must be signed. Administrator Kennedy explained there was a lot of "back and forth" with Town Counsel on this contract; vote 3-1 (Selectman Crowley was opposed due to the last minute presentation).

Bicycles Battling Cancer Route- American Cancer Society, New England Division

Selectman Dunne moved that the Board approve the bicycle route as presented; Selectman Foresto seconded; no discussion; all ayes 4-0.

Appointments:

There are many positions up for re-appointment as of 6/30/09. The appointment procedure was discussed and it was decided to only have those new to a position come before the Board for interviews.

Selectman Dunne moved that the Board only ask those that are new appointees come before the Board for an interview; Selectman Foresto seconded; no discussion; all ayes 4-0.

Warrants:

#48 dated 6/4/09

Total \$1,475,143.09

Selectman Dunne moved that the Board approve the warrants as read; Selectman Foresto seconded; no discussion; all ayes 4-0 (Selectman Trindade left early).

Minutes

2/18/09 Minutes: It was agreed that the meeting of 2/18/09 was not an official meeting as only two Selectmen were present. There is no need to approve the minutes but they will be kept in the budget development process file.

3/2/09 Minutes:

Selectman Foresto moved that the Board approve the minutes of 3/2/09 as amended; Selectman Espinosa seconded; no discussion; all ayes 4-0.

3/16/09 Minutes:

Selectman Foresto moved that the Board approve the minutes of 3/16/09 as amended; Selectman Crowley seconded; no discussion; all ayes 4-0.

4/13/09 Minutes:

Selectman Foresto moved that the Board approve the minutes of 4/13/09 as amended; Selectman Espinosa seconded; no discussion; all ayes 4-0.

4/21/09 Minutes:

Selectman Foresto moved that the Board approve the minutes of 4/21/09 as amended; Selectman Espinosa seconded; no discussion; all ayes 4-0.

4/17/09 Minutes:

Selectman Foresto moved that the Board approve the minutes of 4/27/09 as presented; Selectman Crowley seconded; no discussion; 3-0, Selectman Dunne was no present at this meeting.

Chairman Espinosa would like to move the meeting minute discussion/approval to the beginning of the meeting so as to review the previous meeting minutes and would like any old minutes to be discussed at the end of the meeting. Action items will also be discussed at the beginning of each meeting. Ms. Harrington will review this procedure with the Chairman.

Town Administrator's Report

The Administrator reported the resignation of the Building Inspector. She explained that interviews for this open position are being held this week and there has been a healthy response to the advertisement for this position.

The position of DPS Director has also been advertised and this to has received a healthy response.

Administrator Kennedy has set up weekly meetings with Dave D'Amico and Frank on all water department issues and they are looking into back flow testing soon.

Selectman Crowley is concerned that it may take a few weeks to get a replacement for the Building Inspector. Administrator Kennedy is aware of the magnitude and can't guarantee that she will have someone on staff right away, but is working on it to the best of her ability.

Selectmen's reports:

Selectman Foresto- nothing to report

Selectman Dunne-nothing to report

Selectman Crowley- Offered a reminder the first Medway 300 meeting is 7^{pm} 6/2 at the Medway Senior Center. This will be an informal kick off meeting.

Chairman Espinosa- The Town Clerk has a document that she is in the process of preparing which explains committee and committee member roles. This will document the responsibilities and laws governing committees etc. Information on Open meeting laws will be in the packet for each new member coming on board.

Selectman Dunne questioned the upcoming meeting schedule. Typically the Selectmen should meeting twice a month, but with numerous agenda items needing to be addressed, more meetings have been scheduled. Chairman Espinosa has been researching on how to move the meetings along faster and he asks for the cooperation of members and asked that they consider their own conduct during meetings, as this will help to move the meetings along. The hope is to get back to only two meetings per month.

The next meetings have been set for: 6/15, 6/29, 7/13, 7/27 and possibly an off site meeting to discuss goals in August.

Water meeting discussion:

It was announced that the new chairman of Water/Sewer Board is Cranston Rogers. Mr. Crowley explained that there was no discussion on the water rates.

There being no further business to discuss at 9:50pm, Selectman Foresto moved that the Board adjourn for the evening; Selectman Dunne seconded; no discussion; all ayes 4-0.

Respectfully submitted,
Wendy Harrington
Executive Assistant
*Approved 7/13/09