

MINUTES OF THE SELECTMEN'S MEETING FINAL

September 8, 2009 6:00pm

School Committee Room, 45 Holliston Street, Medway Middle School, Medway, MA

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

Absent:

The meeting was called to order at 6:06PM

Conservation Commission: Ken McKay, Tony Biocchi, Dave Travalini, Glen Murphy, Brian Snow and Trish Brennan, Conservation Agent were present.

Chairman Espinosa explained that the discussion should be focused on the operations of the Conservation Commission, the issues at hand that the Board of Selectmen do not fully understand and would like to consider reducing the Commission size from seven to five. He feels that if the Board of Selectmen understand the operations, things may go more smoothly and may help to open lines of communication.. A discussion on re-appointments should also take place.

Administrator Kennedy explained that statute stipulates that the Commission cannot be less than 3 or more than 7 members and the Board of Selectmen can stipulate the number of members by bylaw.

The Commission explained an associate member and their role if a member is not in attendance. The operations were discussed to familiarize the Selectmen on the Conservation Commission.

Recent court actions were discussed. Town Counsel has suggested that if the Commission wants the Town's bylaws to be effective, they need to establish rules and regulations. The town bylaw is more stringent than the state law. As an example, State laws say the Commission has jurisdiction for a vernal pool. Town bylaw says they have jurisdiction 100 feet around the vernal pool. The rules and regulations would define what can and can't be done within the 100 feet. The rules and regulations offer a means and method to work within the bylaw already in place. The rules and regulations define the bylaw or add detail.

Chairman Espinosa asked the Commission to please consider better acts of customer service in dealing with issues going on in the town. Starting meetings when posted, getting a quorum, notifying residents if meetings will not take place and airing meetings on cable/video taping were all discussed.

Mr. Snow offered that there has been no agent, which has been addressed. Meetings and quorums were discussed as well. Issues with the sewer project were also discussed.

Selectmen Crowley reiterated and asked that meetings start on time, get a quorum to the meetings and tape or go public with meetings. Brian Snow explained that the equipment doesn't work well. The Commission has been asked to please try to get televised and/or taped, so the tapes could be viewed.

Selectman Crowley asked that a public meeting take place so these issues could be discussed again and so the new rules and regulations could be reviewed. He would also like to see the red lined version and he would like to know where the original version came from. He asked if the Commission would be receptive to changes to the rules and regulations if so requested by a resident at a public meeting. A member of the Commission told him that if the request were reasonable they would consider. Mr. Snow explained there would be no changes to the 100 foot buffer zone.

Public Comment: Jeff Devolder, School Committee was present and asked if the Selectmen would be willing to discuss issues with the Kelley Street parking lot at the Middle School. Chairman Espinosa advised this matter would be discussed later in the meeting.

John Emidy, Building Inspector Introduction Mr. Emidy was present to be introduced to the Selectmen. Administrator Kennedy offered Mr. Emidy's background.

Selectman Trindade asked his opinion on the Town's sign bylaw. Mr. Emidy says he acts on complaints and will enforce the bylaws as appropriate. Mr. Emidy is focusing on court cases of unappealing properties (aka Blight areas) and will be looking at the sign bylaws in the very near future. Blight areas include Sanford and Village, a barn on Winthrop Street and a caved in garage on Milford Street.

Approval of 8/20/09 Minutes

Selectman Trindade moved that the Board approve the 8/20/09 minutes; Seconded by Selectman Foresto; no discussion; all ayes 4-0, Selectman Dunne abstained, as he was not present at the 8/20/09 meeting.

Presentation- Town's Fiscal Advisor

A month ago Administrator Kennedy explained we had an upgrade in our rating. The Town's Fiscal Advisors, Lisa Dickinson and Lynn Ludwig were present tonight to explain this rating upgrade. Ms. Ludwig offered a brief outline, which included the rating history of the town, the change to a different rating agency and the reasons for the change. The benefits to Medway (eliminate issuance of state qualified debt, improved market access, enhanced rate environment on borrowed funds and potentially eliminate future need for Bond insurance or the potential reduction of insurance premiums) were discussed.

Selectman Crowley asked how we stand with other towns in this area and he was told that we are right in mean with other towns. Rating 1-10, 10 being best, it was explained that 4 years ago Medway was a 4. Both Ms. Dickinson and Ms. Ludwig agreed that over the last few years we have increased our rating to an 8.

Update- Health Department

Bill Fisher, Health Agent was present to discuss H1N1 and to assure residents that we are working diligently to ensure they are safe.

Vaccines are voluntarily, with two doses of H1N1 and the seasonal flu vaccine would be necessary to protect against this virus. The groups affected were discussed.

On September 16, 2009 a strategic meeting will take place with Town officials (i.e. Superintendent, Police Chief etc) to discuss all roles involved. Communication will take place with the Selectmen after this meeting occurs.

Prevention guidelines were discussed.

Administrator Kennedy explained there may be additional expenses due to this program, some may be reimbursed by the state, but no idea what the financial implications are at this time.

Assessor Appointment

Peter Manning was present to be introduced to the Board of Selectmen by Selectman Crowley. Selectman Crowley, as well as the Town Assessor and a member of the Board of Assessors met with Peter and Selectman Crowley would like the Board to consider his appointment. Selectman Dunne reviewed the process involved and was very impressed with his resume.

Selectman Trindade moved that the Board appoint John Peter Manning for a 3-year term to the Board of Assessors; Seconded by Selectman Dunne; No discussion; 4-0. (Selectman Foresto has left the meeting.)

Selectman Foresto left for another meeting

Approval of Grant Expenditure- Mass. Emergency Management

Chief Tingley was present to explain that the grant will go towards helping to pay for improvements in the plan for the Local Emergency Management Committee.

Selectman Dunne moved that the Board accept the grant from Mass Emergency Management for \$1650 for LEPC; Seconded by Selectman Trindade; No Discussion; all ayes 4-0.

Road race permit

This event will take place on October 3, 2009; it has taken place in previous years and has experienced no issues.

Selectman Trindade moved that the Board approve the road race permit for October 3, 2009; Seconded by Selectman Dunne; No discussion; all ayes 4-0.

Authorization of Chair to Execute Change Order for Financial Software Implementation Project Management Services – JFK Systems

Carol Pratt, Town Accountant was present.

Selectman Dunne moved that the Board authorize the Chairman to execute the Change Order for financial software implementation project management services to JFK Systems in the amount of \$5,500.00; Seconded by Selectman Trindade; Discussion: Selectman Crowley confirmed that the allocation is coming from the accounting department budget and confirmed there is \$3,540.00 left over; all ayes 4-0.

Update on all modules

Carol Pratt, Town Accountant was present

An update was asked of by the Selectman at their last meeting. Ms.Pratt gave a brief overview of what has gone live and how she is moving along. Payroll should go live 4/1/10 and all modules should be up and running by FY11. The UB billing has been having issues that she is working on, which should have been completed by July 1, 2009.

Treasurer/Collector Melanie Phillips explained that there have been very few comments on the water/trash bills, but all that have come in have been positive. She acknowledged the huge savings in efficiencies in manpower and postage to do this change.

Approval – Inter-fund borrowing

Melanie Phillips, Treasurer/Collector was present.

The wing mower died and Mr. D’Amico was slated to buy a new one in a few months. In order to fund the purchase now the Selectmen must authorize the borrowing because she is unable to purchase without a purpose of funds. Essentially we need to borrow from “ourselves” and are able to borrow up to 1% of the budget or the amount in stabilization. Medway has never done this before, and we don’t want to make a habit of it, (loosing money on the interest) but this is an emergency situation. At the same time the server at the Middle School needs to be replaced. The total to lend us is \$60,000, \$50,000 for the mower and \$10,000 for server. All that is required is that the money is repaid to the town and certified by the town accountant, it has to be reported to DOR and has nothing to do with deficit financing.

Source of funds for both are borrowed funds, MGL set up this source of funds, and this is the only means. It will probably be repaid by October, which is when the borrowing comes in and money goes into the general fund. She re emphasized that we were scheduled to borrow the money but now need it sooner, so this is the route we are taking.

Selectman Trindade moved that the Board approve the inter-fund borrowing for \$60,000; Seconded by Selectman Crowley; Discussion: Selectman Dunne emphasized that since we have not done this in the past, let’s not make it a habit; all ayes 4-0.

Authorization of Chair to Execute Contract for Hydrant Flushing Services – White Water

Administrator Kennedy explained that we didn’t have a contract before today. We now have it in hand and it will be sent to Town Counsel to review/sign off on. The contract is for less money than what was budgeted for. A cheaper route was taken but we may have

to come back for more money later. \$32,000 was allocated but this contract is not to exceed \$20,000. Mr. D'Amico was present and he explained flushing would be done during the day instead of evening to consider expenses of overtime etc.

Selectman Trindade moved that the Board authorize the Chairman to execute the contract with WhiteWater not to exceed \$20,000; Seconded by Selectman Crowley; No discussion; all ayes 4-0.

Authorization of Chair to Execute Contract with Mass. Highway Dept – Shaw

Street Road Structure Repair Dave D'Amico was present to discuss. This is standard Mass Highway practice, they give you money and you must sign a contract to use the money. **Selectman Dunne moved that the Board Authorize the Chairman to accept the \$440,000 contract for Shaw St. reconstructure; Seconded by Selectman Trindade; No discussion; all ayes 4-0.** Selectman Dunne asked when the job should be finished as there is an end date in the contract.

Approval of Grant Expenditure – Mass Highway Dept- Shaw Street Road Structure Repair Dave D'Amico was present to discuss if necessary. This is to approve the spending of the grant.

Selectman Trindade moved that the Board approve the grant \$440K for the Shaw Street road structure repair; Seconded by Selectman Dunne; No Discussion; all ayes 4-0.

Kelley Street Parking Lot

An accident took place because of the poor state of the parking lot. The School Committee and Superintendent are afraid this may happen again. Administrator Kennedy and Chairman Espinosa took a tour with the School Committee and it is clearly a situation that needs to be addressed short or long term. Two areas need to be repaired.

Administrator Kennedy believes it is too late in the budget process for the long term to be considered at this time. The Finance team (school finance staff and town finance staff) met today. Superintendent Evans wasn't expecting an immediate solution, but wants on our radar. Administrator Kennedy is concerned with the possibility of a long-term plan with large renovations to be done sometime in the near future.

Funding for this project was discussed. It was explained that there is a net positive of \$81,000 in the remaining High School Project bond account. The school would prefer not to use this money for the repaving of the parking lot, but would rather acquire some technology with the money. There is question whether or not the money can be used for technology or for building use at a school other than the high school.

Jeff Devolder-School Committee Rep believes the short term should be looked at. Short term, patch it, pound it out, so that someone won't get hurt and over the winter figure out the long term.

Administrator Kennedy suggested that Dave D'Amico speak with the school to see what is feasible over the next few weeks and report back to the next meeting.

Selectman Crowley would like FinCom reserve money to be used. This item is 13th on the CPC list, which is an issue. This parking lot needs to be addressed. Mr. D'Amico will work with the school, as this is a community project.

It was determined that a FinCom reserve transfer would be made ready for the October 8, 2009 FinCom meeting.

Summer Street- Selectman Trindade asked when the final pave is going down. Mr. D'Amico explained he's been told 3 weeks, but he thinks it's going to be the spring.

Culvert under Summer Street

Internally taken care of

Middle School reconstruction

Selectman Trindade offered his opinion that in the past it's been the schools job to push forward a project. He explained that ESCO was a town wide group, better work got done and all came together to present to Town Meeting. He would like CIPC, Fincom and the residents to come together to help plan this project, although no official project is planned at this time. Administrator Kennedy explained that MSBA has moving deadlines and the biggest issue is to secure funding for an owner's project manager. A lot is unclear to the superintendent. Mr. Devolder, School Committee Rep explained the MSBA process and all its complexities. They tell you that you are on a list, but nothing definitive.

Selectman Crowley believes a working session, with FinCom is DESPERATELY needed to determine how we are going to focus our energies.

Approval of Automatic Amusement Device License – Papa Gino's

Selectman Dunne moved that the Board approve the renewal automatic amusement devise license for Papa Gino's; Seconded by Selectman Trindade; No Discussion; all ayes 4-0.

Approval of Transient Vendor Liscense – T.A.P. Enterprises, Inc.

Selectman Trindade moved that the Board approve the transient vendor license for T.A.P. Enterprises, Inc.; Seconded by Selectman Dunne; No Discussion; all ayes 4-0.

Communications policy

This document will be sent as a word doc, so all can comment and discuss at a later date.

Warrants

#10 dated 9/10/09

Town Bills \$64,110.83

School Bills \$1,252,472.03

Total \$1,316,582.86

Selectmen Trindade moved to approve the warrants as read; Seconded by Selectman Crowley; No discussion; all ayes 4-0.

9/18 meeting Selectman Dunne can't make any meetings during the day and Selectman Crowley is not free 9/18/09 either. Selectman Trindade will survey the Selectmen for another possible date.

John Foresto returned 9:00pm

Reviewed Action Items

ConCom appointments

The reappointment of Brian Snow, Dave Travalini and Ken McKay was discussed. The group discussed changing size of Commission from 7 to 5, and it was noted that ConCom wasn't in favor of this change but couldn't come up with a solution to the fact that they don't always have a full committee and a quorum.

Selectman Dunne didn't agree he believes things should go more smoothly with a conservation agent now on staff and they should be left with 7 members. Chairman Espinosa is concerned with them never getting a quorum in attendance.

Administrator Kennedy explained that apparently Christine Price has given her resignation to the ConCom and they refused it. Administrator Kennedy explained that she must notify the Town Clerk and she may not be aware of that fact.

Chairman Espinosa believes there should be a change in leadership as there are issues with operations and customer service. Selectman Dunne noted that they appoint their own chair and our position is to appoint membership, not the chair, but the chair is up for reappointment.

Selectman Crowley is inclined to get them down to 5 individuals on their own and then reconvene. Selectman Foresto agreed with the change to 5 and noted they were all articulate and it was a pleasure to meet with the Commission.

Selectman Crowley would like to review the rules and regulations and Chairman Espinosa would like to ensure that they are in sink with the bylaws.

Chairman Espinosa would like to go back to the Commission, tell them we are considering changing the membership to 5, have them discuss amongst themselves and we will meet again to discuss. Selectman Trindade will relay this decision to the Conservation Commission.

TA report-The town will receive an energy grant, which will poise us for more, grant opportunities from the commonwealth capital program and will enable the town to create a town wide energy program.

Space plan at Town Hall has begun, some employees are unhappy, some are fine, will continue to work through it.

Dates for a betterment meeting and presentation of the sewer master plan need to be determined. It was decided a workshop would be set up for 6pm on 9/21/09 before the regular scheduled meeting at 7pm.

Flushing post cards went out. Explanatory info is posted on the website and will be updated weekly.

The consultant who did the report on the Highland street well has been contacted to see if he is interested in updating the emergency water master plan and negotiating the emergency water master plan. The police and fire didn't know there was an emergency water master plan in existence.

Will meet with another "author" on making some slight changes to the CCR, so next year the report may take another route.

Received an Email regarding the SWAP meeting 9/29 to look at shared services. This meeting will be held in Medway Town Hall 7-9pm. Administrator Kennedy will outlook invite the Selectmen.

There was a very long and messy water break in the last few days. It was determined that some of the equipment wasn't adequate. Administrator Kennedy authorized the staff to purchase whatever equipment is needed.

Selectmen's Reports

Selectman Foresto- Selectman Foresto attended the last School Committee meeting. A discussion took place regarding moving ahead with PV's on the roof of the High School. Quotes are coming in and the School is looking at signing a contract with Beth Greenblatt to consult and reviewed the quotes that have already come in. The Board of Selectmen signed the last contract with Ms. Greenblatt. It was explained that an allocation came from FinCom to pay for her fee in 2009. Administrator Kennedy explained that the books are closed, and no money is available in 2010. It was decided that Administrator Kennedy would need to go back to Dave Verdolino to explain this situation.

Selectman Foresto advised the Selectmen of the test scores and the no child left behind situation. There are issues at the Middle School and grades 3 and 4, but only in certain sub groups. The School Committee believes they have addressed these issues with recent program changes.

The lease with Comcast was discussed. There are issues being reviewed by Town Counsel. In order to lease the land, the Town would have to put out an RFP and then go to Town Meeting to have it approved. There is a process, which must be followed. Currently Comcast pays Medway \$100 a month, upon signing a lease they will pay \$500 a month. Administrator Kennedy will work with Selectman Foresto on this matter.

Selectman Crowley questioned if town monies are involved with the Photovoltaic panels. Administrator Kennedy believes there will be a 20 year agreement and proposes a FinCom/School Committee/Board of Selectmen joint meeting to get all of the details on this project. It was explained that the town owns the rooftop. Thus anything going on the roof must get Town Meeting approval. Selectman Crowley would like to authorize the Town Administrator to send a note to the school to ask their intent and ask if there are any costs associated to the town. He would also like to advise Dave Verdolino there are no remaining funds from the ESCO review to pay the same consultant for the review of this agreement.

Selectman Foresto advised the Selectmen of the Ribbon Cutting ceremony at the new Verizon Store this weekend.

Selectman Trindade-nothing to report

Chairman Espinosa- Chairman Espinosa advised that the Rte 109 \$300,000 from the state is still in play. The Governor's office has asked if a PR event could take place in Medway when the money comes through. The \$400,000 Federal money is also still in play for 2010 for design work.

Selectman Dunne-nothing to report

Selectman Crowley- Selectman Crowley asked for an update to the meter replacement project. Administrator Kennedy explained this would need to be discussed in Executive Session, as there could be a potential litigation matter involved.

Mr. Crowley has asked that the Town Accountant prepare a financial report of the High School Project account.

A discussion took place regarding the high school concession stand. In June of 2007 there was a FinCom transfer of \$39,000 for the completion of the Coakley Building Concession Stand. At the time of the transfer Mr. Crowley believes it was set up so that the any income producing advertising, that were arranged for the High School field, the first \$39,000 would be put back into the general fund in order to repay the \$39,000 transfer. He would like this situation investigated and reported on at the next meeting, as he believes this money could be taken out of the High School Project account's remaining balance and placed in the general fund.

At 9:53pm Selectman Trindade moved that the Board move to Executive Session, Exemption 3 (To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining position) with no intent to return to public session. Selectman Crowley seconded; no discussion; Roll Call Vote Trindade-aye; Espinosa-aye; Crowley-aye; Dunne-nay; Foresto-aye.

Respectfully submitted,
Wendy Harrington
Executive Assistant
*Approved 9/21/09