

MINUTES OF THE SELECTMEN'S MEETING FINAL
September 21, 2009 6:00pm
Sanford Hall, Town Hall 155 Village Street, 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 6:10PM

The logistics and financials on the sewer extension project were reviewed. Administrator Kennedy reviewed the \$519,000 in expenditures that were not anticipated.

Dave Aimola reviewed the project status as of September 2009. The schedule is slightly behind but he anticipates substantial completion approximately December 1, 2009. It has been anticipated that Cybex will be hooked up in the next two weeks and Alder will be completed by then as well. Selectman Foresto was concerned for the condition of the Alder Street corner for the bus stop. He also mentioned the temporary burms/curbing on the sides of West Street.

Substantial completion date was defined. Selectman Crowley requested that CRPCD should be made aware of the substantial completion date, as a courtesy. At the time of substantial completion SB will be required to have met some key drivers, if the key drivers are met they will be looking for some of their retain age to be returned. MGL determines the % that needs to be released.

Selectman Trindade requested that Trish Brennan, Conservation Agent be made aware of the progress thus far.

Mr. Aimola reviewed the financial analysis of the project. Paul Sirois reviewed the "Other Items" in the Item Overruns section. \$337,881.00 is a real number and a moving target. Some of the items are inflated because of the unknowns. He is hoping that the rock number is going reduce but the projection is based on what we know now.

The contractor has \$159K in his contract to pave, which is actually to mill out the first inch and then pave. SB is expected to return the roads to the way they were before the project started. It's possible the town may do other work in this area and hold the paving off from SB and do it themselves at a later date.

A potential loss of productivity number was discussed. The contractor must justify a true loss and negotiate with Tata & Howard. Administrator Kennedy offered that Town Counsel should be working with Tata & Howard on this negotiation.

Paul Sirois reviewed Revised ETC on the Project Spending Analysis dated 9/21/09.

Another source of funding needs to be determined by December.

Public Comment: 60 Winthrop St. Mr. And Mrs. Mike Ruggieri Beaver issue. Chicken Brook has been flooded and a beaver damn has caused substantial flooding. This is not a Conservation Commission issue but a Board of Health and Department of Public Works issue as their sump pump runs continuously. The beaver damn is town owned property at 50 Winthrop Street. Alternatives were discussed including tearing down of the damn and beaver mitigation. It was stated that it is legal to take action and MA DEP will not have issues.

The cost to fix is approx. \$1500 for services provided by Beaver Solutions. The DPW director has been given the task of dealing with this issue. Administrator Kennedy explained that some plans are in motion but the DPW director on vacation. The conservation agent has been very helpful and has been able to identify the issues and solutions. A FinCom transfer reserve may be necessary to pay the expenses. The Town will update the Ruggieri's in a timely manner.

Chan Rogers, Resident, Planning Board member as well as Water/Sewer Commissioner was present to discuss his dismay with the reorganization of Town Hall. He believes the Town has had no coordination or interface with any Town boards. Selectman Dunne explained that it is not this board's responsibility to oversee the reorganization but it's the Town Administrator's responsibility. Mr. Rogers would like to have elected officials and other town boards notified of the reorganization. He believes there are ill feelings among employees and that it was not done well. He came before the Selectmen to voice his complaint that the Board of Selectmen was not involved and they should have been.

Administrator Kennedy explained that she communicated with the staff and each commission was notified that their meeting spaces would be change. Whatever change is made would not be well received. The offices most frequently visited by the public should be housed on the first floor. This project has been underway for almost a year and she has done the best she could.

Chairman Espinosa explained that the Selectmen do not get involved in the day-to-day operations of town hall. Mr. Rogers believes that all the other boards should have been involved in the planning of this reorganization.

School Committee-Shelley Wieler explained that the School Committee is proceeding with the Middle School improvement plan with MSBA, and would like to have a joint meeting with the Selectmen on the school facilities. The School Committee believes that a facility feasibility study should be performed, as the last one is 10 years old. All school and town facilities should be included in the study. A consultant would be required. The School Committee believes that the Selectmen and the CIPC should be included in the discussion.

Trane update-Work is ahead of schedule. Mrs. Wieler explained that a very positive relationship has been formed with the project manager and a smooth process has taken place. The School Committee is looking to have a power energy project for solar on the HS and MS roofs, which will continue us on the Green path and at no cost to the town/school. Approximately 12 businesses have put in bids for this project. The school needs to act quickly so as to not lose the rebates. Selectman Foresto explained that community involvement/committee (similar to the ESCO committee) in this project has been discussed by the School Committee. Dr. Evans does not want the community involved in this project. The School Committee, because it is not in their budget, will not fund a feasibility facility study, but the School Committee is looking for the Selectmen to pay for the study. It has been determined that the cost for a consultant for this project will not be cheap.

A Trane tour, to show the status/completed projects will be arranged for town officials. Mrs. Wieler offered that she sees that facility projects should be a town wide going forward even though the superintendent is not in agreement.

The Selectmen believe the town should be involved and volunteers sought.

Selectman Crowley asked if the School Committee anticipates presenting a formal presentation to the Selectman on the solar bid award. He believes the contract should be reviewed and presented to the Selectmen before the bid is awarded. Selectman Foresto believes there is a question if it is appropriate for the school to enter into an agreement for 20 years on the schools rooftops. Administrator Kennedy believes the Selectmen should review the financing piece of this project.

Introduction Thomas Holder, Department of Public Services Director---

Administrator Kennedy explained that Mr. Holder has a great deal of experience in water/sewer. Mr. Holder offered his background and experience throughout his career.

Authorization of Chairman to Execute Contract with WL French for Shaw Street Reconstruction.

Mr. D'Amico is on vacation so he was not present to discuss. Administrator Kennedy explained he is still working out the terms and conditions of the contract. This contract will be executed pending Town Counsel's approval.

Selectman Trindade moved that the Board authorize the Chairman to execute the contract with WL French, pending Town Counsel's approval and not to exceed \$303,000; Second by Selectman Foresto; Discussion: Selectman Crowley asked for the construction details. It was decided that the construction details would be put on the Town's website so that residents could see the details and timeline. Mr. D'Amico will be asked to update the Board at the next meeting if appropriate; All ayes 5-0.

Approval to Bond – Treasurer/Collector Melanie Phillips was present.

Ms. Phillips explained she is going to bond all the bands from the last few years. The Town was unable to do this last year and this year there is a good environment and will

possibly get under 4%. All previous bonds from 10/08 and all the projects that were approved at the June town meeting and the amount the water meter bid amount (even though this project hasn't started yet) will be included. The total new bond will be \$7,328,610.00. She explained she needs the Board's approval to seek approval from DOR. This transaction will put the Town right at its bond limit/10% and the Town will remain at its limit until 2012 when we have pay downs. She explained there is a lot of debt retiring over the next 10 years.

Selectman Foresto moved that the Board authorize the Treasurer/Collector to petition the Massachusetts Department of Revenue for permission to bond \$7,328,610.00, which includes \$1,381,300.00 in new money; Second by Selectman Trindade; No discussion; all ayes 5-0.

Appointments- Affordable Housing Trust Fund Committee

Selectmen Crowley moved that the Board appoint Ralph Caton (1 year), Michael Heineman (2 yrs), Teresa O'Brien (1 yr), Ann Sherry (2 yrs) and Glenn Trindade (2 yrs); Second by Selectman Dunne; No discussion; all ayes 5-0.

H1N1 update Bill Fisher

There is currently a low level pandemic. Dr. Wendy Collins has been appointed Medical Director for the town and school, with the town and schools working together on this project recruiting nurses and continually holding meetings to prepare. The VNA will order the vaccines and storage will take place at the police station. Two clinics will take place in the schools, one for in the Middle School and one in High School. Children are top priority for infectious viruses. A review of the finances/expenses took place, with a bottom line number of \$8000 naming the source of funding coming from the state. Selectman Dunne asked Mr. Fisher to provide him with his refrigeration requirements, as his business may be able to donate a cold chamber.

A selectman asked if volunteer's backgrounds would be checked. Administrator Kennedy would like a formal vote by the School Committee to authorize the use of the school facilities.

Selectman Trindade moved that the Board reach out to the School Committee for an authorization to use their facilities; Second by Selectman Dunne; Discussion: Administrator Kennedy will be the point of contact, clinics will be advertised town wide; all ayes 5-0.

Increase senior tax work off- Missy Dzikczek

After confirming numbers of seniors, Mrs. Dzikczek has found there is no need to increase the number of seniors as she has 75 at this time. But she would like to ask for an increase in the hourly rate of pay that is actually a credit off their tax bill. The current maximum tax credit is \$750. This has just been approved to \$1000 by the state.

Selectman Trindade moved that the Board increase the hourly rate for senior tax work off to \$8.00 per hour; Second by Selectman Dunne; Discussion: It has been stated that the Board of Assessors has supported the increase. Mrs. Dzikczek will email a letter of support to Administrator Kennedy for the Town's records; all ayes 5-0.

Approval Section 106 Inspection Fee Increase – Building Dept.

John Emidy, Building Commissioner and Paul Trufant, Fire Chief were present. It is mandatory for annual 106 inspections to be performed on restaurants, schools etc. Mr. Emidy gave a brief description of what is inspected. The fire chief must inspect establishments that sell alcohol. It was suggested that the fee be raised to \$75 for the basic building with up to three uses.

Selectman Trindade moved that the Board approve the increase in the fee schedule that was presented by the Building Commissioner; Second by Selectman Dunne; No discussion; all ayes 5-0.

Water System Master Plan Bruce Adams, Weston & Sampson

Mr. Adams presented the draft water system master plan. He has met with Frank Jordan and Dave D'Amico to review. He is looking for 3 grants to help pay for some of these projects.

Selectman Crowley would like to request a public hearing with the water master plan being presented publicly. It was decided that there would be a presentation at the Fall Town Meeting between 7 and 7:30. Fall Town Meeting date will be determined later in the meeting.

Medway 300th-John Foresto

The group that attended the informational meetings would like the BOS to decide how to appoint the committee etc. This is unofficial group has committee behind it at this point. The Selectmen should decide what the committee should look like. There was a call out for volunteers who are interested in becoming board members. An advertisement will be put on the town website, cable channel etc.

Proposed date fall town meeting

Administrator Kennedy offered 11/9 or 11/16 as proposed fall town meeting dates. Administrator Kennedy is more inclined to choose 11/16, as certified free cash may be known at that time. The warrant would open 10/5 close 11/2, and it would be posted on 11-2.

Selectmen Crowley mentioned the article that was sent by the School Committee regarding the \$250K feasibility study for work to municipal buildings. Selectman Crowley would like to see the math on how they reached the \$250K. Administrator Kennedy believes that the selectmen should be involved in the process to choose an owner's project manager.

Selectman Foresto moved that the Board establish a Fall Town Meeting to be held on Monday November 16, 2009; Seconded by Chairman Espinosa; No discussion; all ayes 3-0. Selectman Dunne left the meeting at 9:00pm and Trindade left the meeting a 9:15.

**A brief recess was called at 9:30pm.
Resume meeting 9:35pm.**

Approval of Warrants

Warrant #12 dated 9/24/09

Town bills \$6,848.62

School bills \$313,764.98

Total \$320,613.60

Selectman Foresto moved that the Board approve the warrants as read; Seconded by Chairman Espinosa; No discussion; all ayes 3-0.

Approval of past meeting Minutes

Selectman Crowley moved that the Board approve the Minutes of the September 8, 2009 as amended; Seconded by Selectman Foresto; No discussion; all ayes 3-0.

Chairman Espinosa moved that the Board approve the Minutes of the July 27, 2009 meeting as amended; Seconded by Selectman Foresto; No discussion; all ayes 3-0.

Selectman Crowley moved that the Board approve the Minutes of the August 5, 2009 meeting as written; Seconded by Chairman Espinosa; No discussion; all ayes 3-0.

Selectman Crowley moved that the Board approve the minutes of the August 14, 2009 meeting as written; Seconded by Selectman Foresto; No discussion; all ayes 3-0.

Chairman Espinosa moved that the Board approved the minutes of the August 20, 2009 meeting as written; Seconded by Selectman Foresto; No discussion; all ayes 3-0.

Action Items- Hold discussion to the October 5, 2009 meeting.

Town Administrator's Report-

Flushing commenced two weeks ago and so far there are no issues. There have been some inquiries by residents and the Town is hoping to complete the project within 5 weeks.

A joint meeting with the School Committee regarding the financial scheme of the power purchase agreement and the MSBA plan will be arranged. Administrator Kennedy handed out a document that stated information on choosing an Owners Project Manager. Selectman Crowley believes that the School Committee has a draft for an OPM ready to go out and that the School Building Committee should be a part of that process. Mrs. Harrington will set up a joint meeting and will invite the Building Committee, FinCom and CIPC to attend.

Selectmen's Reports

Selectman Foresto-CIPC asked the School Committee for their recommendations by the end of September. Selectman Foresto explained the School Committee's pushback due to the beginning of the school year. Chairman Espinosa reiterated that the CIPC plan is annual and the school should understand.

Medway is #37 out of 300+ school districts in the state with MCAS improvements across the board.

Peer counseling has supported the Lion's can drive and the Lion's are very impressed with the student involvement.

There will be a Community dinner in the Café on 11/5/09 of Mexican food, reservations are requested.

Selectmen Foresto has met with the Police on reverse 911. Three bids have been received and reviewed. The shortfalls that some other towns have had were reviewed. Rich Boucher should be making the recommendation and will get engaged, he has been brought up to speed. The police dept. has done their homework.

Selectman Crowley-Selectman Crowley discussed the reorganization of the school's business office. He would like to know if the negotiation of pay would be discussed in open or executive session. Mrs. Wieler responded that she believes this is a personnel issue and Dr. Evans is negotiating privately with the School Committee making the final approval.

Selectman Crowley asked Administrator Kennedy for a spreadsheet showing the breakdown of the \$81,000 account. Administrator Kennedy will take care of providing this information.

Selectman Crowley asked that the Water increase between '08 and '09 be watched closely.

Selectman Crowley asked if the issue with the Kelley Street parking lot has been addressed and he was advised that Dave D'Amico and Dave Verdolino got together and a temporary fix will take place on 9/28/09 with the school covering the cost of the repairs.

The Conservation Commission public hearing on 10/1 was discussed. Selectman Crowley would like to ask the ConCom to move the meeting to 10/14/09 or later in the month of October. Selectman Crowley's reasons for the change in date are as follows: 1. He has asked for a comparison of Millis, Holliston, Hopkinton, and Medfield's rules and regulation and this information is just going out to the consultant today. He believes this information can't be reviewed and given back to all involved by the 10/1 public hearing. 2. Selectmen Foresto and Crowley will not be available until after 10/14. As the appointing the members of ConCom, the full board should be present at that public hearing 3. It was asked that the boilerplate of the rules and regulations be sent for

review, as well as the redlined version. Selectman Crowley has not seen this document to date. It was suggested by Chairman Espinosa that a letter be put together with the reasons stated about and sent to ConCom.

Selectman Foresto moved that a letter be prepared and authorized the Chairman to sign requesting the meeting be changed from 10/1/09 to after 10/12 and strongly recommend because the comparison of other rules and regulations has not been completed to date, a boiler plate/red lined version has not been received by the Board of Selectmen and some Selectmen are unable to attend on 10/1/09; Seconded by Selectman Crowley; No discussion; all ayes 3-0.

Chairman Espinosa- nothing to report at this time.

Next meeting is October 5, 2009

At 10:10pm Selectman Foresto moved that the Board adjourn for the evening; Seconded by Selectman Crowley; No discussion; all ayes 3-0.

Respectfully submitted,

Wendy Harrington

Executive Assistant

*Amended after 10/19/09 BOS Meeting

*Held for approval

*Approved 11/2/09