

MINUTES OF THE SELECTMEN'S MEETING FINAL
October 6, 2009 7:00pm
Medway Senior Center, 76 Oakland Street, Medway, MA

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

Absent: Glenn Trindade

The meeting was called to order at 7:03pm

H1N1 Review Administrator Kennedy reviewed the proposed schedule of clinics and other information presented by Bill Fisher, Health Agent. The Town Staff will conduct a tabletop exercise October 7, 2009.

Eagle Scout Project at 2B Oak Street.

The information sent by the Design Review Committee was reviewed. Chairman Espinosa asked if it is known who will review the signs wording before it is completed. This was unknown from the information presented. It was suggested that the DRC's role should be reviewed and their recommendations reviewed. Eagle Scout Trevor Baker will be invited to attend the next Selectmen's meeting by Mrs. Harrington. Trevor will be asked to present his project to the Board of Selectmen.

School Committee Liaison report-Mrs. Trindade

The date and topics to be discussed at the combined meeting between the School Committee and the Board of Selectmen was reviewed. Selectman Crowley asked that information pertaining to the solar panels be sent ahead of time. He would like to see the RFP, the proposals that came in and the price structures. Selectman Foresto explained this is a 20 yr commitment and Selectmen would like to review to ensure the process is correct. Selectman Crowley added that it be economically feasible as well. Selectman Dunne suggested that only a summary of the RFP process, selection, reasoning and cost analysis be needed. Administrator Kennedy suggested the Selectmen need to look at any lease agreement. She will contact Dr. Evans for these documents.

Mrs. Trindade gave a brief update on the Trane project.

The MSBA project and town wide facilities review was briefly discussed. Selectman Crowley asked for a breakdown of the \$250K for the MSBA project.

Chairman Espinosa asked going forward any/all items for the agenda should go through him and not Administrator Kennedy.

The 5-year outlook discussion, which was to be presented by Ms. Pratt, Town Accountant, was held for another meeting.

Betterment presentation Chris Woodcock

Betterment workshop/Question and Answers

Mr. Woodcock reviewed his presentation documents with the board. He explained that within 6 months of the completion of sewer extension project, the various departments in town need to start the betterment process.

Article 17, of the May 2003, Annual Town Meeting authorized the debt exclusion and the 50% betterment not to exceed \$12,000. This means that the maximum betterment is \$12K and the betterments will pay for 50% of the project. There are different methods of assessing betterments. (frontage, area of property, equivalent dwelling unit) The article was reviewed and the above was explained in detail. There are 110 residential properties and about 12 businesses.

Chairman Espinosa offered his thought that the bottom line is all the monies for the project were factored in, including an amount of \$800K for betterments. He understands there is a deficit but he doesn't believe it has anything to do with the betterments.

It was explained that the most you could charge any property is \$12K. If you use the state formulas, the biggest landowner gets charged \$12k; the other landowners would be a lot less. This is based on the state formulas. Basically the formula was not considered. All lots/betterments need to be formulated the same way. Because of the formulas using acreage the most you can collect is \$400K, original figures were based on \$800K, which was wrong. The intent of the article was 1/2 of the cost on the homeowners.

It was asked how do we as a town go forward so this makes sense to all of the other residents in town.

The last page of Mr. Woodcock's presentation was reviewed and suggested going to Town Meeting with a new article, eliminating the \$12K maximum and use the other items in the state formula. It was discussed what the fall town meeting article might say.

The town needs to raise approximately \$750K to pay for the project, preferably funding at the Fall Town Meeting. Administrator Kennedy will consult with Town Counsel. Mr. Woodcock mentioned that Town Counsel told him there were other items not in the article.

Selectmen Dunne offered that residents need to know why the project is over by \$750K, and we will have to decide which is the best formula to use.

Mr. Woodcock said that it might be interesting to change the wording so that the residential betterment is no more than \$12,000. Maybe that was the original intent. This would be a good sell to the homeowner. Town Counsel believes it is TM's vote to decide on the formula. Mr. Woodcock believes the Selectmen could recommend something to Town Counsel. Mr. Woodcock believes frontage should be used and has most likely

been used in previous projects. Frontage is most fair. The entire shortfall should be covered.

It was clarified that betterments should be set within 6 months of completion of the project. Completion is defined as when the contractor completes all of his services, full acceptance, final paving, same as final completion. Betterments are based on the total cost.

Ms. Phillips, Treasurer/Collector explained you could borrow for the additional money if Town Meeting approves. Mr. Woodcock explained that it is possible to do a preliminary and then a final betterment.

Selectman Dunne wondered about the warrant article and why it wasn't done correctly. Selectman Crowley explained that the authors were trying to push it through to get a state grant.

Mr. Woodcock explained he is concerned about the frontage and the \$12K maximum as there are a few lots that have more frontage and without that cap would exceed the \$12K.

Selectmen Foresto, Espinosa and Dunne believe that \$12K is a good number and if a residential lot is over \$12K they can get an abatement to \$12K. Keeping it at \$12K is keeping with the spirit of the original article.

Chairman Espinosa suggested an executive session to determine the specifics. Selectman Crowley suggested Mr. Woodcock come back with the specifics after re working the formula.

Marian Community Center Liquor License Request

The documents were reviewed.

Selectman Dunne moved that the Board approve the Marian Community Center liquor license pending the property authorizations that are still pending; Selectman Crowley seconded; No Discussion; All ayes 4-0.

Comcast

Selectman Foresto explained the residents would be getting a refund, the Town will be getting a settlement, and the Town will be getting new fiber optic network for town use. The idea behind the settlement was that everyone would get something out of it.

Selectman Dunne moved that the Board approve the settlement agreement as of October 6, 2009 between the Board of Selectmen of the Town of Medway and Comcast of Massachusetts/New Hampshire, LLC; Selectman Crowley seconded; No Discussion; All ayes 4-0.

Selectman Dunne moved that the Board approved the Joint Motion for Approval of the Settlement Agreement between the Board of Selectmen of the Town of Medway and Comcast of Massachusetts/New Hampshire, LLC; Selectman Foresto seconded; No discussion; All ayes 4-0.

Selectman Foresto offered that the cable service at town hall has been poor. Medway cable is constantly complaining to Comcast about the service. Selectman Foresto spent some time with Joe McLaughlin, there has been an internal issue with camera 4. The issues are the responsibility of the Cable Access Studio. This situation is ongoing and will continue to be monitored.

Open The Fall Town Warrant

Selectman Dunne moved that the Board approve to open the Fall Town Meeting Warrant; Selectman Crowley seconded; No discussion; All ayes 4-0.

Warrants

Warrant #14 dated 10/8/09

Town Bills \$653,534.93

School Bills \$105,032.46

Total \$758,567.39

Selectman Dunne moved that the Board approve the warrants as read; Selectman Foresto second; No discussion; All ayes 4-0.

At 8:58pm Selectman Crowley 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. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel) with no intent to return to public session. Selectman Dunne seconded; no discussion; Roll Call Vote Foresto-aye; Espinosa-aye; Crowley-aye; Dunne-aye.

Respectfully submitted,
Wendy Harrington
Executive Assistant
*Approved 10/19/09