

MINUTES OF THE SELECTMEN'S MEETING FINAL  
October 19, 2009 7:00pm  
Sanford Hall, Medway Town Hall 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:**

The meeting was called to order at 7:05pm

**Public Hearing:** All Alcohol Restaurant License Request – Veterans Building Association d/b/a VFW Medway Post 1526 Paul Kenney, Esq. was present. The basic reason for this hearing is to correct the records of the ABCC which have been incorrect since 1986. The holder, VFW Post 1526, Inc. never existed. The Town Administrator's office was notified that this was incorrect. The actual applicant is stated above. ABCC has been asked to correct their records in the past and they have not. This is an attempt to correct. Attorney Kenney explained they have always held a veteran's club license and are now changing to an all-alcoholic restaurant license, which is appropriate for a non-profit to hold. The ABCC is clear on this. This establishment has always been open to the public.

**Selectman Trindade moved that the Board approve the change in license as provided; Selectman Foresto second; No discussion; All ayes 5-0.**

**Public comment:**  
None

**Approval of Eagle Scout Project at 2B Oak Street**

Trevor Baker came before the Board to discuss his Eagle Scout project. Trevor has been involved in scouting for 11 years and is currently working on his Eagle Scout project, which is a sign to be placed at 2B Oak Street. Trevor did his research and consulted with the Historic Commission. He raised money-selling popcorn and received a \$200 off discount from Home Depot for materials. He has obtained a permit and will be calling Dig Safe before he digs the holes for the sign. Trevor has spent about a year working on this project. Trevor showed a drawing of the sign to the Selectmen and explained that Historical Commission information; information on the property, upcoming events, Thayer family history and a map of the property will be posted on the sign.

Selectman Trindade would like to see the process for this type of project streamlined so that residents could accomplish their goals faster.

Chairman Espinosa thanked Trevor for his time this evening and was commended on a job well done.

**Selectman Trindade moved that the Board authorize the application to Trevor Baker; Selectman Crowley second; No discussion; All ayes 5-0.**

**Special state primary** Maryjane White, Town Clerk

There will be primaries on 12/8/09 and 1/19/10. Ms. White came before the Board for approval of the warrant for the primary. She explained she does not have enough money in her election account to cover these expenses but it is possible that the State will vote to reimburse the cities/towns for funds expended. It's possible she may have to go FinCom for an ETR for \$8000.

**Selectman Dunne moved that the Board approved the special state primary as required by the Town Clerk; Selectman Trindade second; No discussion; All ayes 5-0.**

*At 7:25pm Chairman Trindade moved that the Board adjourn to Executive Session for exemption reason number 6 "To consider the purchase exchange, lease or value of real property if discussion in open session may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation" and for exemption reason number 3 " To discuss strategy with respect to collective bargaining or litigation" with the intent to return to open session; Selectman Dune seconded; Roll call vote: Selectman Foresto-aye, Selectman Dunne-aye; Selectman Espinosa; aye; Chairman Trindade-aye; Selectman Crowley-aye.*

*Selectman Dunne moved that the Board adjourn Executive Session at 7:46pm and return to open session; Selectman Foresto seconded; Roll call vote: Selectman Foresto-aye; Selectman Dunne-aye; Selectman Espinosa-aye; Chairman Trindade-aye; Selectman Crowley-aye.*

#### **7:49 Resume**

All were present

#### **Betterment Discussion**

Town Counsel, Barbara Saint Andre was present to discuss betterments. There will be a warrant article for Fall Town Meeting to amend Article 17 of the May 2003 Town Meeting Warrant. Chairman Espinosa read the article.

A discussion took place regarding fixed uniform rate, use frontage, area or combination or fixed unit (assign one unit per each residential). One residential unit is no more than \$12K. Fixed uniform is the best per the consultant.

Town Counsel explained that the betterment statute is to treat all property owners equally and she is still doing research on this issue.

Administrator Kennedy explained in a brief review of the data collected by the assessor's office, very few people (15 out of 120) that would exceed \$12K. Everyone has the option of applying for an abatement through the Board of Assessors.

In 2003 the project had a \$3.2 million budget, now it's \$5.6 or \$5.7 million. When the project was put through they hadn't done any preliminary engineering, borings and didn't have legal counsel consult. Selectman Trindade explained at the time it was the intent of the sewer build out for the residents not to exceed \$12K. We have to have enough money to pay 50% and not to exceed the \$12K for the residents. Selectman Dunne reiterated that residents could go to the Board of Assessors for an abatement, which the Selectmen support. The average household betterment was stated as \$7500.

Selectman Crowley explained if we use uniform unit we wouldn't get to the 50%. He also explained that the consultant has run the formulas and believes the only way to get to the 50% is to remove the \$12K.

A resolution could be done at Town Meeting, which will express the will of the town, which is not to exceed \$12K per residential household. This will publicize what we think should happen. Town Counsel will help Administrator Kennedy with the resolution article.

**Review H1N1 planning activities** Bill Fisher Board of Health Agent.

Mr. Fisher read an update statement and the process going forward. Four clinics are planned in Nov/Dec. It is unknown at this time when the vaccines are going to arrive, so no dates are set yet. Information has been posted to the Town website.

**Utility Pole Relocation on Shaw Street- Tom Holder, Dave D'Amico Department of Public Works and Dave Pelligri Tetra Tech,**

Mr. D'Amico is working to resolve the road collapsing.

**Selectman Dunne moved that the Board petition NSTAR/Verizon for the utility pole relocation on Shaw Street; Selectman Foresto second; Discussion: Poles are on town property, but on the lawns of residents. Selectman Crowley would like the residents to be contacted to let them know; All ayes 5-0.**

Mr. Holder explained that Verizon would take the lead on moving the poles. Verizon will mobilize within 30 days. Within approximately 45 days (1<sup>st</sup>-2<sup>nd</sup> week in December) they will begin. The sheathing can go through a relatively deep frost line, so there should not be any issues with frost.

**Melanie Phillips Treasurer**-Ms. Phillips explained the bond amount is \$7.3 million and it encompasses all the bans except for the ESCO ban. Ms. Phillips reviewed the process, the \$305K premium and how the market crashing last year helped because we have a better bond rating this year. The list of items included in the bond was briefly reviewed. **Selectman Crowley moved that the sale of the \$7,328,610 General Obligation Municipal Purpose Loan of 2009 Bonds of the Town dated October 15, 2009 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$7,633,376.46 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on October 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:**

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2010	\$788,610	2.00%	2019	\$340,000	4.00%
2011	745,000	2.00	2020	230,000	3.00
2012	720,000	4.00	2021	225,000	3.00
2013	565,000	4.00	2022	225,000	4.00
2014	480,000	4.00	2023	215,000	4.00
2015	425,000	2.50	2024	195,000	4.00
2016	420,000	3.00	2025	195,000	4.00
2017	415,000	3.00	2029	775,000	4.00
2018	370,000	3.00			

**Further Voted: that the Bonds maturing on October 15, 2029 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:**

<u>Year</u>	<u>Amount</u>
2026	\$195,000
2027	195,000
2028	195,000
2029*	190,000

\*Final Maturity

**Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 24, 2009, and a final Official Statement dated October 8, 2009 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.**

**Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.**

**Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.**

**Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or**

**other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes; Selectman Dunne second; No discussion; All ayes 5-0.**

**ETR Veterans Benefits** Mr. Mastroianni was not present and Administrator Kennedy didn't have all the details on the ETR. What she understands is there isn't enough money in his budget to carry him through on the caseload he has. Administrator Kennedy explained he is not getting as much reimbursement as she believes he should be receiving. Many communities are experiencing the same issues and ETR's because of the economy. This information was confirmed by the Office of Veteran's Affairs. Selectman Crowley would like the Veteran's agent to attend the next meeting and speak to the transfer.

**School Committee Report-Diane Borgatti**

Chairman Borgatti explained that the School Committee authorized Dave Verdolino to negotiate with Broadway for the Solar Panel project. Selectman Crowley asked that the Selectmen be kept apprised on those negotiations.

Mrs. Borgatti explained that the School Committee is waiting for Administrator Kennedy to communicate with them on who would authorize this contract.

There will be an ESCO tour on October 30, 2009 from 4-6pm. She explained the project is ahead of schedule.

Mrs. Borgatti reminded that the School Building Committee composition needs to be reviewed and a first meeting is to be arranged by the Selectmen.

**Presentation of Budget Forecast- Carol Pratt, Town Accountant, Melanie Phillips Treasurer/Collector**

Ms. Pratt reviewed the 5 yr revenue expense forecast, which was prepared as a result of section 7.41 of the charter. This was prepared for October 5, 2009 but the Selectmen postponed until tonight.

- Expenses increased by 2 % except where noted on the projection notes page 1.
- Administrator Kennedy explained the budget projections FY11-FY15 as presented.
- Administrator Kennedy believes the FY11 and FY12 projections have merit but beyond that is unknown.
- Quarterly requirements will be filed by the end of October and have been met.
- Projections were based on the previous year

Selectman Trindade asked that the excel spreadsheets, which is a compilation of this information, be sent to the Selectmen. He would like excel spreadsheets so they can manipulate.

Selectman Crowley questioned the salary line and Selectmen Trindade asked about the 5% increase in TriCounty, there is some control over this and shouldn't necessarily be 5%. Selectman Dunne asked about the School Budget. He questioned how we got to 22,517,083. If looking at level why is 22,258,375 not what to start with FY11. Spending is now at a higher level. Why not starting 22,258,375 next year? The government supplemental throws the budget off. The stimulus money is not baked into the revenue side, only the spending side. It doesn't look promising that there will be federal stimulus available for education in FY11. Maybe some, but not as much as previously thought. There is a statutorily designed formula that will generate chapter 70 money. The MMA memo shows that Ch70 could be on the table for FY10 as well as the regular state aid.

### **Approval FY11 Budget and 2010 Town Meeting and Election Calendars**

Administrator Kennedy suggested an all boards meeting as late in the process as possible, possibly December or January. She explained a policy statement should be prepared by November 2, 2009 per the Town Charter.

### **Discussion – Fall Town Meeting Warrant Articles**

**Article 1** Selectman Dunne read Article 1 and asked where the article came from. Selectman Crowley explained that the Town is trying to consolidate some of the functions in the town. This would be consolidating the maintenance for all of town and school buildings. Administrator Kennedy explained that Town Counsel wrote the article according to statute. Selectman Foresto suggested a group be put together and research. Selectman Crowley would like the steps to be started and maybe looked at for Town Meeting.

**Selectman Dunne moved that the Board removed Article 1; Selectman Crowley second; No discussion; All ayes 5-0.**

**Selectman Foresto moved that the Board organize a working committee made up of 7 members from major committees (FinCom, BOS, SC), 3-4 citizens and Public Works, to look at a consolidation of maintenance for town and school buildings. This group should make a recommendation as to what the town should do in this endeavor after checking MGL ch71 sec 37m; Selectmen Crowley amended the motion: Board of Selectmen should come up with the makeup of the committee and have the committee formed by the end of the year and report back to the Selectmen one month prior to the 2010 ATM; Selectman Dunne second with the friendly amendment; No discussion; All ayes 5-0.**

**Article 6** Susy Affleck-Childs, Planning & Economic Development Board and Will Naser, Principal Assessor was present to discuss this article. The Board of Assessors and the Planning and Economic Development Board would like to start an evolving account with the objective to start a cost recovery program. Assessor maps must be updated with land adjustments and/or property changes by the property owners. There is a cost incurred to update the maps. Ms. Affleck-Childs explained this is to put a mechanism in place to cover those costs. This year, there were 6 changes, each change cost approximately \$65, and this is the basis of the fee. The article is to establish the fund and then the Planning and Economic Development Board would establish the fee. This is a

way to keep the budget in line. Ms. Affleck-Childs explained the fees involved with the Planning Board to divide your land. By increasing a current fee, you can't allocate the fee to mapping. Town Counsel has reviewed this language.

**Article 7** Will Naser, Principal Assessor

The Board of Assessors puts this article forth. This article is to allow Ch. 653 so that communities can capture new growth earlier. Currently 7/1 to 12/30, this will change to add real property between 7/1 and 6/30. The money will always be collected. This just shifts the timing by changing the cycle. This will take away the delay and we get our money faster. The Board of Assessor's has approved.

**Article 8** John Emidy, Building Commissioner

This nuisance bylaw article will help to identifying properties that are not in compliance. Mr. Emidy has gone around town and taken pictures of houses in disrepair, dangerous buildings and structures and abandoned vehicles. This bylaw would catch properties before they are in disrepair. It defines what a nuisance/blight is. This is a model from Framingham and Marlborough.

**Article to continue the employment of Paul L Trufant**

This is a petition to continue the employment of Paul L. Trufant after he reaches age 65. Rep Vallee's office recommended there be a time limit on this petition. It will amend the retirement age from 65 to 67. This article is for the person, not the position. The chief has asked to continue working past age 65. Labor council wrote the article and the Selectmen is putting it forth. Administrator Kennedy is not sure if there is a companion article to this but she will check it out.

**Article 2** Selectman Dunne believes the School Building Committee should put Article 2 forth.

**Authorization of Chairman to Execute Contract with Massachusetts Cultural Council**

**Selectman Trindade moved that the Board authorize the Chairman to approve the Cultural Council Contract; Selectman Dunne second; No discussion; All ayes 5-0.**

A meeting was set for 10/29/09 at 6pm for final review of all warrant articles.

**Review of Action Items**

The action items were reviewed. Selectman Crowley would like the \$81K fund reviewed and explained that the Building Committee from the new high school is now the Board of Selectmen and they should decide what to do with the \$81K. Selectman Crowley would like to have an article pertaining to this. There was a question whether or not the money can be used for something other than high school facilities, could it be used for the expenses at other schools. Selectman Crowley would like to make the school whole for the money that was taken to finish the fields etc, as well as the general fund that was allocated to the Town. This is unexpended funds from a bond issue. It was suggested that Town Counsel review this situation and give her opinion.

Selectman Dunne is looking for the reworked numbers on betterment from Chris Woodcock.

**Approval of Minutes 10/6/09**

**Selectman Dunne moved that the Board approve the 10/6/09 minutes; Selectman Crowley second; No discussion; All ayes 5-0.**

**Approval of Minutes 9/21/09**

**Selectman Trindade moved that the Board approve the 9/21/09 minutes as amended; Selectman Dunne second; Discussion: Selectman Crowley asked for clarification on the tax work off credit. Mrs. Harrington will ask Missy Dzicek for a clarification. Selectman Crowley also asked for a review of the exact wording of the conversation with Mrs. Wieler regarding the negotiations of the School Business Office reorganization. Mrs. Harrington will obtain a copy of the tape of the 9/21/09 meeting for Mr. Crowley to review, if possible. NO VOTE was taken; this matter will be reviewed at the next meeting.**

**Selectman Dunne moved that the Board extend the meeting past 10:00pm; Chairman Espinosa second; No discussion; 3-2 (Selectman Trindade and Dunne were nays)**

**Warrants**

Warrant #16 dated 10/22/09

Town bills \$468,392.66

School bills \$559,428.76

Total \$1,027,821.42

**Selectman Trindade moved that the Board approve the warrants as read; Selectman Dunne second; No discussion; All ayes 5-0.**

**Town Administrator's Report**

The flushing program has been completed on time and under budget. Administrator Kennedy explained there are two pressing issues currently. The DPS Director is reviewing all the bids for the water meters. She has responded to the Weston & Sampson questions and draft of highland street tank construction.

**Selectman Foresto-** Mr. Foresto questioned why the School Committee seems to have a permanent place on the BOS agenda and whether or not he should continue to attend the School Committee meetings if the School Committee is going to report what's going on with their group. Mr. Foresto believes the liaisons are useful and he's wondering why the School Committee person is reporting and not just present to offer opinion if necessary. Chairman Espinosa will discuss with Chairman Borgatti for a resolution.

**Selectman Trindade-** Mr. Trindade attended a Girl Scout Gold Award ceremony. Vanessa Carney collected 75 backpacks, filled them with toiletries and donated them to the homeless. Nicole Hopher developed the Friends of Choate Park website and Emily



Morgan dug up the old slide at Choate, raised the funds for a new one and arranged for its installation. Selectman Trindade would like a letter of commendation prepared for each Gold Award recipient similar to the Eagle Scout commendations that are prepared.

**Selectman Dunne**-Mr. Dunne explained there is a Community Farm meeting at the library on 11/2/09 at 6:30pm. A website has been developed [www.medwaycommunityfarm.org](http://www.medwaycommunityfarm.org). The ConCom approved the Community Farm last week and planting of winter rye will begin soon.

**Chairman Espinosa**- Nothing to report

**Selectman Crowley**- Mr. Crowley advised the Selectmen that there remains an open seat on the Water/Sewer Commission and that the Selectmen should try to fill this position quickly. He also offered the information for the next Norfolk County Selectmen's Meeting and suggested that members of FinCom, the Planning Board and Administrator Kennedy plan to attend.

***At 10:30pm Selectman Foresto moved that the Board adjourn for the evening; Selectman Trindade second; No discussion; All ayes 5-0.***

Respectfully submitted,  
Wendy Harrington  
Board Secretary  
\*Approved 11/2/09