

MINUTES OF THE SELECTMEN'S MEETING FINAL  
November 2, 2009 7:00pm  
Sanford Hall, Medway Town Hall, Medway, MA

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

**Absent:** Richard Dunne

The meeting was called to order at 7:03pm

**Public Comment:** none

**Selectman Trindade moved that the Board close the Fall Town Meeting Warrant; Selectman Foresto second; No discussion; All ayes 4-0 (Selectman Dunne had not arrived yet)**

**Joint Meeting with Housing Authority** Mary O'Leary, Mike Matondi and Bob Ferrari, Housing Authority members and the recommended candidate Helen O'Donnell were present. Ms. O'Donnell, a resident of Mahan Circle would replace Don Burnham who stepped down.

**Selectman Trindade moved that the Board appoint Helen O'Donnell to replace Don Burnham. Ms. O'Donnell will run for the position at the next election; Selectman Foresto second; No discussion; All ayes 4-0. (Selectman Dunne had not arrived yet)**

**Approval of October 19, 2009 meeting minutes**

**Selectman Trindade moved that the Board approve the minutes of the October 19, 2009 meeting as amended; Selectman Crowley second; No discussion; All ayes 4-0. (Selectmen Dunne had not arrived yet)**

**ETR Veteran's Benefits-Anthony Mastrionni, Veteran's agent**

The Veteran's Agent came before the board to discuss and Emergency Transfer of \$28,000 from the FinCom reserve to his department. The economic issues in the area have caused a greater need for veteran's and has caused an increase in his caseload. He anticipates a great increase in the coming months. His budget funds were exhausted 10/30/09 and he hopes the \$28,000 to carry him through the end of the fiscal year. Mr. Mastrionni explained that most of his veteran's are unemployed; they no longer have a federal benefit and seek benefits under Ch 115. Mr. Mastrionni is unable to determine how to guess the appropriate funds needed for the future. Currently it's just a guess.

Selectman Dunne arrived at 7:15pm

Chairman Espinosa asked if at this point we should be working to find a better system to determine the number instead of a guesstimate. In years past there was a large appropriation, that dropped off and now the Veteran's Agent is forced to ask when he

needs funds. Selectman Foresto believes there must be some kind of methodology to determine and reminded all present that the state reimburses 75%.

Selectman Crowley asked who is the gatekeeper and it was explained there is a strict adherence to the veteran's benefit program and it is based on rules and regulations. Veterans must first be qualified by the office in Boston, through a thorough screening process. Veteran's benefits are separate from Welfare and take priority over welfare.

**Selectman Trindade moved that the Board approve the Emergency Transfer Request of \$28,000 from FinCom reserve to fund the Veteran's Benefit Program; Selectman Foresto second; No discussion; All ayes 5-0. Administrator Kennedy explained the Veteran's Agent must go to FinCom for approval.**

**Emergency Transfer Department of Public Works**-DPW Director Tom Holder  
Mr. Holder explained that he may be able to absorb the cost of this beaver damn situation ETR at a later date. He updated the board on the beaver damn situation affecting #50 and #60 Winthrop Street.

The cost to bring in a company to resolve the problems is \$1572. The Board of Health has issued a permit and the problem should be solved by reducing the level of the water.

The afflicted party (in this case #60 Winthrop and the town, due to possible issues with the roadway) typically deals with the issue. In this case the town is going to fund the repairs. There should be activity on site within a few weeks. Within 3 weeks the project should be completed and the water should reduce. The property owner should see decrease and no increase. The property owner has been communicated with as well as an additional property owner on Delmar.

Mr. Holder emphasized that if our roadway wasn't being afflicted, it would be the property owner's issue. Selectman Trindade requested all communication be put in writing. Administrator Kennedy explained that Selectman Crowley has been out to the property.

**Additional Borrowing for ESCO Project**-Treasurer/Collector Melanie Phillips  
This request is for the remainder of the borrowing authorization approved by Town Meeting as Article 9 on the May 11, 2009 warrant for the School Department ESCO project less \$150,000. The amount is less \$150,000 at the request of the School Business Manager for a possible grant. \$1,015,647 is the remainder. Selectman Foresto explained the \$150,000 is a rebate that came out post Town Meeting from energy conservation grants.

**Selectman Crowley moved that the Board of Selectmen authorize the Treasurer/Collector to petition the Massachusetts Department of Revenue for permission to borrow \$1,015,647 as a Bond Anticipation Note for the School Department ESCO project; Selectman Trindade second; Discussion: Selectman Crowley explained this was an oversight by DOR and the BOS must authorize. All ayes 5-0.**

**Lions Permit for Christmas Tree Sale**

**Selectman Trindade moved that the Board approve the permit for the Lion's 2009 Christmas Tree sale; Selectman Foresto second; No discussion; All ayes 4-0. Selectman Crowley abstained.**

**School Committee Liaison Report** Shelley Wieler, School Committee Liaison Rep

-Mrs. Wieler thanked the board for moving ahead and appointing a School Building Committee, the School Committee is excited to move forward with this project.

-Mrs. Wieler would like to invite the Selectmen and the Finance Committee to attend a presentation to review the Trane progress on Tuesday 11/10/09 4:30-6pm at the Middle school.

-Mrs. Wieler offered that Chapter 70 money will not be cut and the School Committee is looking ahead to budget planning, there are no fixed/firm numbers yet and the numbers should be out in January. The circuit breaker cuts will impact the 2010 budget. Administrator Kennedy asked about the affect on the IDEA money. Mrs. Trindade, who was also present, explained the circuit breaker reimbursement rate is down from 75% to 40%. But the school is ready to absorb/cut where needed. Administrator Kennedy asked if the IDEA money can be used to support the reduction in circuit breaker money. Mrs. Trindade explained the IDEA is very specific as to what the money can be used for. Mr. Crowley asked if allowed, would the IDEA be sufficient enough to supplement the circuit breaker. Mrs. Wieler explained the school is not talking about having the IDEA money replace the circuit breaker.

-Selectman Dunne believes there will be mid year cuts and wondered if the school is preparing for this. It was explained that the school is drawing up the needs and wish lists, looking at realities, planning and preparing.

**Budget Policy**

The Selectmen are obligated by the charter to come up with a budget policy. Selectman Espinosa read some thoughts. The discussion this evening will help to lay the foundation.

Selectman Dunne offered that last years policy statement was "basically rejected". He would like to go forward with a joint session of the School Committee, Finance Committee and Selectman for a discussion on this living document, once written.

Each Selectman offered some their personal thoughts.

Selectman Trindade:

- We have some idea what the revenue numbers are going to be next year, leave it at that.
- Do we need to tell the school what they are going to do?

- He doesn't believe the Town Administrator's budget is off limits.
- He completely agrees with a salary freeze.
- Should considered postponing Town Meeting until June, more time is better than less.
- He thinks we get too hung up on level service, etc.
- Once the school sees the number, it's up to them to get their job done.
- Would like to see the real impacts, and the detail on the impact.

#### Selectman Foresto

- Agrees with Selectman Trindade, we could spend a lot of time working on budgets, but don't know what the numbers are going to be and won't know for quite a few months.
- Every department should have a needs budget, including the school.
- Would like to understand what the trade offs are going to be and understand what they mean. If \$500K cut, how would the school play that and what would come out of their budget.
- If there isn't going to be a lot of money, let's rearrange what we have to make things better.

#### Selectman Crowley

- Doesn't think we should postpone the budget discussion and should come up with a budget policy.
- We may not know salary increases until the beginning of the next year.
- This isn't rocket science.
- We will not get the same amount of money from the state next year, cuts are expected. -
- Need to prepare a budget analysis based on percentage of cut.
- We were financially astoot enough to put money aside and have free cash.
- We have to be very careful that we put the caveats out as well.
- We need to come to an agreement on the budget policy and put it out within the next two weeks.

#### Selectman Dunne

- let's be realistic, a needs budget but live in reality.
- Have to look at where we are for revenue, only rely on the state for 25% maybe a bit more. Look at the revenue side, this is a tough time in the economy, should be asking employees to help protect the core services we offer, minimum raises and/or a freeze.
- Would rather have everyone working as opposed to layoffs and/or raises.
- Involve Fincom and the SC in adopting (we formulate) the policy, because we really didn't get support of the policy last year.

Selectman Trindade would like to look at revenue projections. Chairman Espinosa believes we should formulate a policy, schedule a joint meeting with FC and SC and begin the discussion on what we think the policy should be. Selectman Dunne would like to formulate the policy as revenue will be less than last year, act appropriately and then have all the groups meet. Selectman Crowley would like to put the numbers out there as the departments need a starting point.

Administrator Kennedy and Treasurer/Collector Melanie Phillips offered that their colleagues have all expressed they are looking at a cut of 10%. They both believe that a needs based budget and possibly some cuts should be articulated.

Chairman Espinosa advised that he has spoken to Dr. Evans and Mrs. Borgatti and they understand the numbers and understand they may have to reallocate to sustain their needs. The school understands that they are getting a certain amount that they are going to have to deal with.

Selectman Crowley would like to establish a baseline and then look at the needs budget, if necessary. He believes that we may not be able to sustain an increase if you go with a needs based budget. He thinks Administrator Kennedy should “go to all departments, explain this is a lean year and come back and give us what you think is your lean and mean budget”.

Selectman Dunne suggested we should work off the revenue side instead of the expense side.

Larry Ellsworth, Finance Committee Chairman

Offered what he suggests to be an outline of the rules

1. expect revenues to fall in this range
2. we expect to hand out revenues roughly how we did it this year
3. challenge dept. managers, revenues are flat, your prorated share is this, what’s the easiest thing to get rid of, next easiest, toughest thing, this shows the priorities
4. provide the impact in those reductions
5. come prepared, be challenged, and be ready to tell us what you can not do without

Mr. Ellsworth thinks members of Fincom could weigh in on their suggestions too.

Mrs. Trindade and Mrs. Wieler, School Committee Liaison’s offered that they had discussed budget policy in a workshop last week. They are required by law to advocate for the children, needs based, beyond that in order to provide adequate yearly progress and provides SPED resources and beyond that what we would need to do to bring budget in line. All members are perfectly aware that if revenues aren’t there, there will be cuts. Mrs. Trindade is a firm believer in a snapshot of a whole in the beginning and believes there is no clear cut until possibly June. The stimulus money was used to bump up and there is some left over for FY11, but not much. Out of 314 school districts, Medway is number 297 in per pupil spending. The cuts will be smaller than to other towns as a result.

Selectman Trindade believes each department should be presented with what we expect the revenues to be and let them come up with their own budgets. Selectman Dunne offered we are going to have “x” amount of revenue and everyone will have to live out of that amount. The question is how to divvy up that money.

Selectman Dunne asked if we can build the policy on revenue not just on expenses.

Martin Dietrich-FinCom Representative, recommended a range, but not a percentage, use a money amount or real numbers. No one can imagine a % cut. How do we make the money work?

Selectman Dunne offered that Administrator Kennedy and Dr. Evans, Superintendent, are in charge, everyone comes under them. Those employees should present their budgets, to Administrator Kennedy and Dr. Evans. Selectman Dunne would like to only have two presentations by Administrator Kennedy and Dr. Evans, we don't need to hear from all the other departments.

Administrator Kennedy offered we have an operating reserve, and asked the Selectman how that will come into play when you ask staff to make reductions

Budget projections illustrate a rate of spending that would presume the same level of Ch70 or the stimulus money.

A meeting was set for 11/5/09 at 5pm for the Selectmen to meet to establish a policy statement.

### **Roles and Responsibilities**

This document was prepared by the Town Administrator's staff and compiled mostly from a similar document the Town of Franklin established and is the starting point for a work in progress. This is similar to a code of conduct. It was agreed that the selectmen will look over this document and its topic will be put on the 11/23 agenda.

### **Action items**-held for the next meeting

The follow up Strategic and FY Goals meeting was set for Tuesday 1/12/10 5pm off site.

### **Warrants**

Warrant #18 dated 11/5/09

Town bills \$511,929.38

School bills \$368,759.96

Total \$880,689.34

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

### **Approval of the September 21, 2009 Meeting Minutes**

**Selectman Trindade moved that the Board approve the Minutes of the 9/21/09 meeting as amended; Selectman Dunne second; No discussion; All ayes 5-0.**

### **Approval of the October 13, 2009 Meeting Minutes**

**Selectman Trindade moved that the Board approve the Minutes of the 10/13/09 meeting as amended; Selectman Crowley second; No discussion; All ayes 5-0.**

### **Approval of the October 15, 2009 Meeting Minutes**

**Selectman Trindade moved that the Board approve the Minutes of the 10/15/09 meeting; Selectman Crowley second; No discussion; All ayes 4-0 (Selectman Dunne was not present at the 10/15/09 meeting).**

**Town Administrator's Report**

Administrator Kennedy offered good news as she had a conversation with the Auditor and they are very pleased with Ms. Pratt, Town Accountant as she has done an outstanding job with the audit and Ms. Kennedy is very proud of her efforts.

A discussion on impending cuts took place and we seemingly dodged a bullet on the 9c cuts. It is not unlikely that the Governor will come out with another round of cuts. She reiterated that the town provided money for the Quinn bill from town funds. Labor counsel takes the stance that the Town is responsible, so the money is baked into our budget.

**Trindade**-Nothing to report

**Foresto**-The State signed off on the Comcast agreement and we should receive the check within 30 days.

**Dunne**-Attended the first open meeting of the Medway Community Farm. There was great participation. Their 501c3 has been established and they are looking forward to having some work done this year. CSA shares will be issued but the details are unknown at this point.

Mr. Dunne asked about the law suit he read about in the newspaper that involved a number of residents. It was determined this topic would be addressed in executive session.

**Crowley**-Mr. Crowley advised that Fall Town Meeting is Monday November 16, 2009 at 7pm and asked how the meeting would be advertised. The Town Administrator will ask the school to post through their list serve and will call the press.

Reverse 911 update-Administrator Kennedy explained there is a hang up in the contract negotiations with the issues being in the terms and conditions.

HR attendance at school contract negotiations-Administrator Kennedy explained the HR Director has only had time to attend the teacher sessions.

**Espinosa**-Explained the new phone system has been installed in Town Hall

Vaccines-Administrator Kennedy explained Medway has received 50 vaccines and there have been some discussion as to who VNA should supply to and it is possible that the EMS workers may be first on the list. She explained that hospitals, doctor's offices and clinics are first priority over the towns. There will be a critical mass that will accrue and

Chairman Espinosa would like the Health Agent to verify the doses received belong to Medway.

The status of the Attorney to be hired to review the legal issues with ConCom was discussed. This contract is not to exceed \$4500. Selectman Crowley explained he will have a report in his hands by late Wednesday. There was an issue with the Rules and Regulations on the ConCom website that will be resolved.

***At 9:07pm 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) and Exemption 6 (To discuss the purchase, exchange, lease or value of real property....) with the intent to return to open session. Seconded by Selectman Foresto; no discussion; Roll Call Vote Crowley-aye; Espinosa-aye; Foresto-aye; Dunne-aye; Selectman Trindade had left the meeting..***

***Selectman Foresto moved that the Board adjourn the Executive Session at 9:27pm and return to open session; Selectman Dunne second; Roll Call votes; Foresto-aye, Dunne-aye, Crowley-aye; Espinosa-aye; 4-0***

***At 9:29pm Selectman Dunne moved that the Board adjourn regular session for the evening; Selectman Foresto second; No discussion; All ayes 4-0.***

Respectfully submitted,  
Wendy Harrington  
Board Secretary  
\*Approved 12/7/09