

**Board of Selectmen Meeting Minutes-Final
Monday December 21, 2009
7:00pm
Sanford Hall, Medway Town Hall**

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

Absent:

Public Comment: None

The meeting was called to order at 7:03pm

Selectman Trindade moved that the Board approve the Minutes of 12/7/09 as amended; Chairman Espinosa second; Discussion: amendments were mentioned; 4-1 (Selectman Dunne abstained).

Selectman Dunne moved that the Board appoint Missy Dizcek to the GATRA board; Selectman Crowley second; No Discussion; All Ayes 5-0.

Action items

- Comcast issue should be directed to the DPW head with the water tank reconstruction in the future and Selectman Foresto will be a part of that transition.
- Consolidation of town/school functions to be discussed at the January 4, 2009 meeting
- DPS to DPW-Selectman Dunne has spoken to two members of the Charter Committee, The Charter spoke to why it's DPS. Selectman Crowley believes it will be spoken to at ATM
- Sidewalks to the 1/19 agenda
- Reverse 911-Administrator Kennedy is addressing the contract issues with Town Counsel who is working with another town using the same vendor. She wants to make sure our liability issues are all set before signing with the vendor, 1/19/10 agenda.
- Meter warranty will be addressed at the 1/4/10 meeting
- Budgets to actuals-Administrator Kennedy will continue to work on this and will address at the 1/4/10 meeting.
- Water issue-Chairman Espinosa will email this week
- Other items are all set

H1N1 update-Bill Fisher, Health Agent

Mr. Fisher gave an update on national statistics as well as locally. Approximately 1,000 shots have been distributed with a second round being organized and there are plenty of doses available currently.

Discussion- Route 109 Project-Tom Holder, Paul Yorkis, Chan Rogers

Mr. Yorkis thanked many members of our legislature and community for the success we have had thus far getting this project started. A sum of \$400,000 has been received, Congressman McGovern would like to meet with members of the Board of Selectman and Administrator Kennedy on 12/29/09 at Town Hall and then visit the business district. Mr. Yorkis will notify Administrator Kennedy with a time.

Mr. Yorkis would like the BOS to authorize the Town Administrator to start to look into choosing a designer for the project. The project has the funding but still specifically not on the TIP list, but because having the funding, it's easier. He requested the Selectmen send a letter to the Boston MPO and ask them to add the Medway Project to the Tip list. Mr. Yorkis would be happy to draft the letter.

Members of the Selectman asked if this item had to go to TM in order to spend the money. Administrator Kennedy will check into this and report at the next meeting. **Selectman Dunne moved that the Board authorize the chair to draft a letter to MPO for their meeting in January, Selectman Trindade second; No discussion; 5-0.**

Mr. Yorkis explained the \$400,000 can be used for the design work. The president has signed the bill that the money is ours. This project couldn't get on the tip list before because it was not at the 25% design phase and no money in hand. Now that there is money it can get on the tip list. The next time the project is submitted to the fed's for construction funding the application will have the funding box checked and will go on the list. Mr. Yorkis will have another announcement in January regarding the \$300,000 mentioned in the past. He is confident he can get to where we need to be with the combined \$700,000. The language being used to the Feds, it includes design, engineering and construction, and trying to avoid the use of Chapter 90 funds.

We have an opportunity to explore through a grant funding for bus transportation between Medway/Holliston, Medway/Bellingham, Medway/Milford, Medway/Franklin There is a state program, with a basic application that Mr. Yorkis can prepare with the help with Susy Affleck-Childs. This is a GATRA program.

Selectman Trindade moved that the Board support the exploration of funding for the busing/transportation grant; Selectman Dunne second; No discussion; All ayes 5-0. Medway is transporting folks through GATRA to the train station already, it would be nice to transport throughout the community as well.

Mr. Yorkis was thanked for his hard work.

Shaw Street-Tom Holder

Administrator Kennedy explained the process. Up until this point there has been a smooth process. She explained the two easements that need to be taken. One was acquired by gift. The other the land owner wanted the town to speak to their attorney and wanted a monetary amount to resolve. Mr. Holder is working to get an appraisal for the easement after receiving the request from the property owner at such an astronomical price of \$50K for 3500 sq. feet. The easement isn't land being taken it's to walk on the property to add a retaining wall to protect the waters edge of the Charles River. The road

has begun to erode and a 42" sewer main runs down the middle of the road. The value of the property needs to be determined through an appraisal that is due back 12/24/09 which the town has paid a premium to obtain it faster. There is no other option other than to get the easement and it may be that the town may have to take by eminent domain. Mr. Holder understands that the resident was originally agreeable to gift and was told it will dramatically increase the value of their property. The town needs to provide some stabilization of the roadway. This will be an improvement that the owner will still own with the easement. It will be an easement by temporary domain. This will be permanent easement because the sheathing will remain there. We will need to have the legal right to maintain the anti corroding sheathing.

The town can not move forward on the project until an agreement is made and the roadway will continue to erode until this project is completed.

Chairman Espinosa asked the timeline with legal action being taken. Mr. Holder explained: if town takes through an eminent domain taking, prepared, recorded etc (approximately 3 weeks) he can then notify the contractor to mobilize, most likely the work will begin the beginning of February.

Mr. Holder believes it's prudent to start the later part of March beginning of April, although the sheathing can drive in whatever the weather, the plantings and roadway put back can't be done until mid April, so instead of the contract causing disturbance twice, schedule work later in March or April. The road is closed but open to residents, the roadway will hold and the sewer pipe will maintain until then. Selectman Foresto asked if there are any incremental costs to the town starting later. Mr Holder explained that both companies will probably enter into a no cost time extension. They have verbally, but he must get in writing. Some of the materials have already been purchased and we are prepared to pay for them now.

Selectman Dunne suggested communication with Franklin to keep them apprised of the situation. Selectman Crowley asked how quickly Mr. Holder can initiate the no cost agreement with the contractors. Mr. Holder will be working on all that over the next week. Selectman Crowley suggested he would like to give Mr. Holder until 12/28 for a no cost extension. Mr. Holder recommended to seek an agreement with the contractor and get appraisal, regardless of the start date, he believes the eminent domain taking is needed to press forward. Administrator Kennedy believes there is no way to get the eminent taking by 12/28.

Martin Dietrich, FinCom liaison asked the cost of the appraisals. Mr. Holder offered that the cost is \$4400 for both appraisals and explained he already has been given one of the easements by gift and that the fee from Town Counsel will most likely fall under her core services. Mr. Dietrich offered then that the town will be going to waste \$5-\$10K for this exercise.

Selectman Crowley offered that he wouldn't have an issue with a fair and reasonable request, but the exorbitant amount requested is what some are choking on and the

property is being improved. Some trees will be taken down. Part of the reason why the project was started was with the approval of the easements from the residents. Mr. Crowley suggested if Mr. Holder is unable to obtain a letter from the contractor by 12/28/09 then an emergency meeting of the Selectman should be held to decide how to proceed.

A Resident was present and asked that the town put a sign that says bridge is closed instead of road closed so that no trucks will go down trying to get through. The trucks have no where to turn around and can't back up the street. The cars are turning around on home owner's lawns.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Haley & Ward, Inc. not to exceed \$4900 for Water Emergency Response Plan; Selectman Crowley second; Discussion; Selectman Dunne asked if this will tie into the Water Master Plan. It was explained it will not this is just an emergency water plan. The last was in 2004 and post 9/11 it was mandated that a water emergency response plan must be updated and some required items must be added. The deadline to get this completed is 12/31/09 which was mandated by the state. All ayes 5-0.

School Committee Liaison Report-Deb Trindade

- No meeting since Dec 1st, Next meeting in January.
- Accept collaborative \$250K grant over 2 years, we will get some \$ to support science technology for special ed students (out sourced students). Another grant has been written for \$150K to try to assist with solar for the middle school. Without grant assistance for the middle school it wasn't going to be beneficial, it has been submitted.
- A crane is in place and solar panels are being placed on the HS roof, have until the end of January to get this project completed.
- Ongoing grade configuration study, large group, the plan at this point is to send out a survey on potential options on where to place students in buildings, start and end times. All options will be considered but not all people will be happy/etc.
- At the last meeting, traffic flow suggestion was presented, with Burke Memorial and different start/stop times for the two different schools. There have been issues, and a proposal has been presented to reconfigure the traffic routes and parking. This is in the preliminary stages; another temporary solution may be looked at and will continue to look at.
- Cost sharing ideas have been discussed with Millis. Assistant Superintendent, Superintendent and the Special Ed Director have discussed Special Ed and may consider maximizing resources with Millis.
- Budget subcommittee met last week to start to define priorities. Still waiting on the ARRA funds and had to allocate money for supplies that were already committed to.
- Chairman Espinosa discussed a luncheon he and Selectman Trindade attended at which special education was discussed to regionalize to build a special facility with better focus.

Selectman Crowley asked if the school committee would look into the temperatures in some of the classrooms as the temperatures aren't right. Some teachers have complained

to Selectman Crowley. Mrs. Trindade will look into and let us know, particularly because Trane is supposed to be signed off on soon.

Administrator Kennedy mentioned the ARRA 1.4 Million and unexpended funds. Mrs. Trindade explained some of the money was to be used to backfill ch70, it's all grants, and they have been tightfisted handing out.

Townwide Energy Committee

Mrs. Wieler did poll the former ESCO committee, 4 members are interested in transitioning to the Townwide Energy Committee, Paul Marble, Andy Rodenhiser, Dan Hooper and Jack Robinson.

Selectman Dunne moved that the Board create a Town Wide Energy Committee; Selectman Foresto second; Discussion: Is the intent specific to energy, or green? Administrator Kennedy explained the committee is energy focused, to fulfill the \$5000 planning assistance grant. The committee would be under the DOER microscope for the first 12 months. Selectman Foresto believes that this is the transition into the green community. Administrator Kennedy would like to fulfill the grant terms first and is planning to have the Planning Dept give a presentation. Selectman Foresto would like to know how to build awareness in the community. Selectman Crowley suggested why not let the committee put a charter together and come back to us. Administrator Kennedy explained that four others have posed an interest, and the Selectmen may want to decide on a size and who to nominate at the next meeting. Selectman Dunne offered an amendment that the Energy Committee should consist of 7 members; All ayes 5-0.

The Town Administrator's office was asked to solicit resumes from those that are interested in this committee and they will be asked to attend the 1/4/10 meeting.

Medway 300th

Selectman Foresto explained there are two years before the Medway 300th celebration. There are approximately 50 people who are interested, but no one who has signed up to run the project. Selectman Foresto is willing to call a meeting for the first part of the year and will suggest Selectman Crowley be the Chairman. This will be discussed at the next meeting.

Conservation Commission-The composition/size of the committee was discussed. Chairman Espinosa explained that the last time the Selectmen met with the commission they talked about reducing the size from 7 members to 5 because they were having a hard time coming up with a quorum. The commission would prefer to stay at 7 members. **Chairman Espinosa moved to reduce the size of the ConCom from 7 to 5 as the Medway bylaw doesn't specify a number and five have typically been attending their meetings; Selectman Dunne second; Discussion; this would be affective immediately; 4-1 Selectman Trindade was opposed.**

The five ConCom members will be asked to attend the 1/4/10 meeting, if the so choose and appointments will be discussed.

A discussion took place about creating a rule that all committee meetings are televised/taped through cable access.

Selectman Trindade moved that the Board appoint Tom Anderson (CIPC) to the Medway School Building Committee; Selectman Foresto second; No Discussion; All ayes 5-0.

The Budget FY11 Budget Calendar and Policy Statement were reviewed and discussed. Municipal Departments will be asked to submit by 2/12 and School by 2/19/10. Selectman Foresto asked if all this would be published. Chairman Espinosa explained there is no template for the impact statements, but departments will be asked to just provide their own format, maybe next year a more formal template will be recommended. Selectman Crowley clarified that impact statements will be presented with the budgets. Administrator Kennedy explained she is ready to move forward.

Warrant #25 12/24/09

Gross payroll Town \$202,490.72

Gross pay school \$760,308.22

Total #25 \$962,798.94

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

Selectman Trindade moved that the Board approved the Minutes of 3/23/09 as amended; Selectman Dunne second; No discussion; All ayes 5-0.

Selectman Trindade moved that the Board approve the Minutes of 12/1/09 as amended; Selectman Dunne second; No discussion; All ayes 5-0.

TA report

Administrator Kennedy wanted to thank Tom Holder and the DPW staff for a job well done on a very long storm, she appreciates their hard work.

A grant for \$5000 trench shoring has been obtained for the DPW

The subject of the \$81K school bond funds remaining was discussed. A letter explaining the process was sent by the Town Accountant to the Selectmen today. Administrator Kennedy reiterated the process. Once the year elapses, you can't move money into a closed prior year. The concession was never part of the design and even if it was you can not put the money back. We would have to go to TM to take \$ from the school project and transfer it to the concession, as the concession was never part of the school bond design.

Some selectman disagreed. The project was started and stopped. The Coakley's stepped up to put a roof on.

The town finance committee met and explained the \$81K could only be used by the High School. Selectman Foresto also explained he believes there is a purchase order on Mr. Verdolino's desk to use the money to pay for wireless infrastructure at the High School.

Administrator Kennedy explained that she is not sure if Free Cash has been submitted yet but the tax rate has been certified. The same person who certifies tax rates certifies free cash. Ours was certified last week. When a free cash number is available it will be distributed to the Selectmen.

A solid waste audit was just completed. A presentation will be scheduled for the 1/19/10 meeting.

Selectmen's Reports-

Foresto-The School Committee Budget Subcommittee met last week. He briefly discussed items that were discussed at the meeting.

Trindade-Selectman Trindade, Selectman Crowley and Administrator Kennedy met with Karen Spilka's aide to begin to familiarize her with current issues in the town. Selectman Trindade and Chairman Espinosa met with Jim Vallee at the State House and discussed continuing efforts to regionalizing with the many committee members from Franklin.

Dunne-Selectman Dunne and Administrator Kennedy spent some time with the library board of trustee's chair. All agreed we are moving in the right direction. Franklin has taken over the management of maintenance and Medway really enjoys this. In Franklin they take care of the schools and the town buildings. Felicia has a plan on how to continue the regionalizing. Administrator Kennedy has heard from some colleagues about grants being offered for regionalizing of libraries that she will look into.

Crowley- The beaver damn work hasn't worked, he would like to get more info from DPS and Town Counsel's opinion and place on the 1/4/10 agenda.

He would also like the opinion from Town Counsel on licenses and fining businesses that don't take care of their responsibilities by 12/31/09. Ms. Potter offered that she has researched with Town Counsel and she can fine them \$100 per day, as these businesses don't legally have the right to operate without a license. The Town Administrator's office will contact these businesses who are outstanding and explain they will be fined.

Espinosa-nothing to report but did mention that the Board of Selectmen are a hard working body and this is evident of how much we get accomplished by looking at the agenda.

At 9:22pm 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) and Exemption 6 (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 Dunne seconded; no discussion; Roll Call Vote Trindade-aye; Espinosa-aye; Crowley-aye; Foresto-aye

Respectfully submitted,
Wendy Harrington
Board Secretary
*Approved 1/4/10