

MINUTES OF THE SELECTMEN MEETING Draft  
January 20, 2009  
Sanford Hall, Town Hall 7:00pm

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

**Absent:**

7:05 p.m. – Chairman Trindade called the Selectmen’s meeting to order in Sanford Hall, Medway Town Hall

**Public Comments: Keith Strange 13 Cottage Street, Medway**

Mr. Strange wanted to make the Board aware of a sewerage backup that took place in his home on November 14, 2008. This issue was reported via a request for reimbursement to the Town Administrator’s office and Mr. Strange spent \$5,000 out of his own pocket to repair said damage.

According to Mr. Strange MIAA received the claim and an adjustor from Adjusting Associates estimated the damage at \$12,000. On 12/19/08 Mr. Strange received a letter from MIAA stating they didn’t feel the Town of Medway was at fault but the paving contractor, J.H. Lynch and Sons was the cause of the backup during a paving project on Cottage Street. MIAA suggested Mr. Strange pursue reimbursement from J.H. Lynch and Sons.

As of 1/20/09 Mr. Strange has not had a response from J.H. Lynch and Sons or a response from the Town regarding a letter dated 1/12/09. Mrs. Strange is an Attorney and the letters were sent from her.

Mr. Strange seeks reimbursement for his out of pocket expenses and the money for the damages the adjustor claims, no exact figure as MIAA will not give him the exact amount the adjustor reported.

Administrator Kennedy received the letter dated 1/14/09 and forwarded it to Town Counsel for review. Town Counsel was present for another matter and declined to comment on this situation.

Dave D’Amico, DPS Director explained the events that took place. The contract, J.H. Lynch and Sons did not ever finish the work necessary for complete the paving project. The manhole was covered and when opened the manhole had asphalt inside which caused the sewer backup. It is the contractor’s responsibility to check and clean out the manhole when their job is complete. The Town does the final inspection by the Sewer Department. The Sewer Dept has been unable to inspect because there are Verizon poles that need to be moved in order to be able to open the manhole.

All agreed that putting pressure on MIAA will get this resolved and reimbursed. Town Counsel and Administrator Kennedy are working on resolving and invited Mr. Strange to attend the 1/26/09 Selectmen’s meeting to discuss further.

*Appointment-Zoning Board of Appeals and Education Fund Committee*

Joann Bruce, 36 Dogwood Lane was present as she is interested in volunteering for the Educational Fund Committee.

**Selectman Dunne moved that the Board appoint Joanne Bruce to the Education Fund Committee; Second by Selectman Espinosa; no discussion; all ayes 4-0 (Selectman Foresto had not yet arrived)**

**Selectman Crowley moved that the Board appoint Mindy Peden (who had sent a letter of interest but was not present); Second by Selectman Espinosa; no discussion; all ayes 4-0 (Selectman Foresto had not yet arrived)**

**Selectman Foresto arrived at 7:30pm**

*Discussion-Medway Recreation Programs-Ryan Jette, Town of Franklin Parks Director, and Jeff Nutting, Franklin Town Administrator*

Mr. Jette and Mr. Nutting were present along with Medway Parks Commission Chairman, Sean Murphy to discuss a combined effort as a precursor to regionalization. Franklin runs a very successful recreation department and is interested in bringing some of their programs to Medway as a trial. Flagg Football and a summer camp will be offered on Medway property, with Medway children having first dibs on attendance. Possible expansion of programs is in the future and no Medway program already in place will be affected.

Final details regarding fees, insurance, workman's comp, and equipment have yet to be arranged. An inter municipal agreement will be drafted between the two towns.

Selectman Crowley suggested the Selectmen should hear from the Community Education Director to ensure there is no conflict. Selectman Dunne advised that if the Parks Commission is willing to go forward, the Selectmen should go forward.

**Selectman Dunne moved that the Board allow the Town Administrator to draft a municipal contract for spring and summer programs with the Town of Franklin as agreed upon by the Parks Commission; Second by Selectman Espinosa; no discussion; all ayes 5-0.**

A discussion took place regarding regionalization. The Selectmen agreed that Franklin Administrator Nutting and Administrator Kennedy should meet to discuss regionalization of such departments as library, 911 and DPS.

*Authorization of Chairman to Sign Initial Compliance Certification for Eligibility for Town to Participate in MSBA Grant Program-Dr. Judith Evans, Superintendent of Schools*

Superintendent Evans comes before the Selectmen to discuss funding through MSBA (Mass School Building Authority) for renovations and repairs to the Middle School. This process requires the Selectmen to sign an Initial Compliance Certification which is a certification of understanding and then the Town must appoint a Building Committee if the project goes forward and if the project exceeds \$1.5 Million an Owner's project manager should be appointed and finally a schematic design feasibility study.

Superintendent Evans has been contacted and told that MSBA is interested in fast tracking this project and she may also be able to get federal funding reimbursement to go along with the state

funding. She is not clear as to the amount of MSBA funding and advised the Board that signing the initial compliance does not commit us to the project. Monies to cover the funding would come from debt exclusion and then be reimbursed. Dr. Evans explained, after inquiry, that there is a facilities plan as part of the master plan and if a feasibility study is performed it should look at all the Town owned buildings.

The Selectmen questioned if a new building was warranted or if repairs would resolve enough of the issues at hand. It was explained that the feasibility study will look at the options. Dr. Evans explained that some components are new, boilers and roofs have a long expected life, but this is strictly for the replacement of existing systems, floors and windows. Under all scenarios going forward Medway will continue to need a Middle School but she will advocate for a full facilities review.

Dr. Evans concluded that once Medway shows a good faith to MSBA they will walk Medway through the rest of the process. If the Selectmen sign the Initial Compliance Certification today, the committee can be assigned at a later date.

**Selectman Foresto moved that the Board authorize the Chairman to sign the Initial Compliance Certification and start working on appointing a committee; Second by Selectman Dunne; no discussion; all ayes 5-0.**

Dr. Evans discussed the TRANE contract which could provide a significant energy savings for the Town. This contract will invest \$4Million into our schools and \$800,000 in rebates on the project. This will be paid for with guaranteed energy savings that TRANE says we will see in our energy bills going forward. The schools will issue RFQ to financing agency for 3.5% interest over 15-20 years.

The School Committee plans to hold a workshop for the Selectmen to become educated. Dr. Evans said that TRANE may be interested in working with the Town for additional savings on other Town buildings.

*8:25pm Chairman Trindade moved that the regular session meeting be adjourned and the Selectmen enter into Executive Session with intent to return to open session for reason number six "To discuss the purchase, exchange, lease or value of real property...." Selectman Dunne seconded; Roll call vote: Espinosa-aye; Crowley-aye; Trindade-aye; Dunne-aye; Foresto-aye; all ayes 5-0*

*8:48pm Chairman Trindade moved to adjourn Executive Session and return to open session. Selectman Espinosa seconded; Roll call vote: Espinosa-aye; Crowley-aye; Trindade-aye; Dunne-aye; Foresto; aye; all ayes 5-0*

#### ***Sewer Project Update-Dave Aimola***

Dave Aimola presented the status on the Industrial Park Sewer extension project. The project is slightly behind schedule due to a shut down because of the cold weather. Their hope is to be through easement this week.

The presentation which included summary, progress, attention areas, schedule, additional costs, issues and goals for the next review was distributed and will be posted on the town web-site.

One issue to consider is an access road for NSTAR to service. There are a few possibilities that were discussed, but nothing has been finalized. When determining the best solution the best cost option for the town will be considered.

The project is currently under budget, but won't have good figures until March or April. A More Jobs grant reimbursement came in today.

During this discussion it was suggested that the Town locate a location to store sand and salt so during storms vehicles don't have to go from the opposite end of town to refill. The Administrator's office will begin searching for another location.

***Open Town Annual Town Meeting Warrant***

**Selectman Dunne moved that the Board open the May Annual Town Meeting warrant; Selectman Foresto seconded; no discussion; all ayes 5-0. No date was determined to close the warrant.**

***Authorization of Chair to Execute Contract with Greater Attleboro –Taunton Regional Transit Authority***

GATRA is hoping for a 24 rider bus in addition to the buses already in service. Currently Medway has an average of 40 passengers per day participating in the service to Norfolk train station. Medway is currently not charging as the program began with a free trial and has continued for over a year. Consideration in starting a \$1.00 donation program is in the works. A fair box has been installed in each vehicle.

**Selectman Dunne moved that the Board authorize the chair to execute a contract by and between the Town of Medway and the Greater Attleboro-Taunton Regional Transit Authority; Selectman Crowley seconded; no discussion; all ayes 5-0.**

***Approval-Bond Anticipation Notes (\$971,000)-Melanie Phillips, Treasurer/Collector***

The Treasurer/Collector comes before the Board to seek approval to seek DOR approval on an additional \$971,000 for authorized capital improvement projects. The Commonwealth requires the Town to seek approval from the DOR for any borrowing as a condition of the deficit financing. The BOS must vote to authorize the Treasurer to seek said approval. There are projects that will not be borrowing for including \$25,000 for the senior center, \$40,000 for the highway barn and \$20,000 for water valves at a school

**Selectman Foresto moved that the Board authorize the Treasurer/Collector to petition the Massachusetts Department of Revenue for permission to borrow \$971,000 as a Bond Anticipation Note for capital improvement projects; Selectman Dunne seconded; no discussion; all ayes 5-0.**

***Authorization of Chair to Execute Contract with Custom Copper & Slate, Ltd. For the Thayer House Restoration-Dave D'Amico, DPS Director***

This contract will be funded by a \$200,000 earmark from the state from a few years ago. There are two contracts \$38,525.00 for the house and \$87,809.00 for the barn, totaling \$126,334.00.

These projects must be completed by 6/30/09 to qualify for the earmark. The house and barn will each undergo specific improvements/replacements and when finished the property will be used for some kind of community use. The balance on the earmark of \$145,018.00 will be used by the historical commission.

The selectmen asked that there be a review of the liquid damages portion of the contract by Town Counsel before the Chairman signs the contract.

**Chairman Trindade moved that the Board authorize the Chairman to execute a contract with Custom Copper & Slate, Ltd for a total cost of \$126,334.00 with the provision that Town Counsel review the liquid damages portion of the contract; Selectman Foresto seconded; no discussion; all ayes 5-0.**

*Appointments-Zoning Board of Appeals*

Zoning members seeking reappointment will be invited to a future meeting for appointment.

*Discussion-February 24 Special Town Meeting Warrant Articles*

Chief Tingley was present to discuss two warrant articles, The Hawker (door to door solicitation) and the Public consumption of Marijuana. Chief Tingley would like to have the by-laws updated to change the public consumption of alcohol fines as well as these. Town Counsel is in the process of reviewing.

*Authorization of Chair contract with JFK Consultants, LLC for Project Management Consultant Services for Implementation of Financial Software*

This contract is for consultant services while the Town is in the process of upgrading the accounting system, replacing the school software and bringing the town and school together on one program. The purpose of hiring a consultant is to get the project completed in and timely and accurate manner.

The contract is not to exceed \$29,000 which will be paid in installments when each module is complete and the consulting firm was highly recommended by the Town of Franklin.

**Selectman Foresto moved that the Board authorize the Chairman to execute a contract with JFK Consultants, LLC for Project Management Consultant Services for Implementation of Financial Software; Selectman Crowley seconded; no discussion; all ayes 5-0. Selectman Espinosa and Selectman Foresto wish to be involved in the process of implementation.**

*Approval of Warrants*

Town bills \$692,241.63, Gross payroll Town \$93,581.32, Gross Payroll School \$699,924.24 for a total of \$1,485,747.19.

**Selectman Dunne moved that the Board approve the warrants as read; Selectman Espinosa seconded; no discussion; all ayes 5-0**

*Approval of Minutes and Executive Session Minutes*

Held for a future meeting.

***Selectmen Reports:***

***Dunne:*** Selectman Dunne spoke of the state budget and how to best go forward and how to prepare for the worse.

***Trindade:*** Chairman Trindade wanted to commend Eagle Scout David Robert Scanlon for his achievement and advised that he will be attending his ceremony on Saturday evening.

Chairman Trindade discussed a point from the auditor's report regarding licensing and associating numbers with each license. Administrator Kennedy explained that Town Accountant, Carol Pratt is looking into managing and implementing this process, she advised that this is not a reportable condition and it will eventually get done.

***Crowley:*** Selectman Crowley wanted to clarify that 50 Winthrop Street is now clearly owned by the Town and that the appraisal process has started.

***Administrator's Report:***

Administrator Kennedy explained that of the \$234,000 snow budget, approximately \$217,000 has been spent as of this past weekend.

A discussion took place regarding a wage freeze for union employees and about setting a date to discuss this issue between the Selectmen and the School Committee.

*9:55pm Selectman Crowley moved that the regular session meeting be adjourned and the Selectmen enter into Executive Session with no intent to return to open session for reason number three "To discuss strategy with respect to collective bargaining or litigation..."*  
*Selectman Foresto seconded; Roll call vote: Espinosa-aye; Crowley-aye; Trindade-aye; Dunne-aye; Foresto-aye; all ayes 5-0*

Respectfully submitted,  
Wendy Harrington  
Executive Assistant  
\*Approved 4/13/09