

MINUTES OF THE SELECTMEN MEETING Draft
January 26, 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:

7:03 p.m. – Chairman Trindade called the Selectmen’s meeting to order in Sanford Hall, Medway Town Hall

Public Comments: None

Possible Closing of Special Town Meeting Warrant

A final draft of the Warrant was sent out today, most Articles are financial with the exception of the Solicitor and Marijuana Articles that were reviewed at the last meeting.

Discussion-February 24 Special Town Meeting Warrant Articles

Article 1-This Article is for the transfer from the Health Insurance Account to the Legal Department. This transfer is for the purpose of paying the legal bills associated with the negotiation of the municipal contract for union employees. An approximate \$25,000 will cover the cost and will not negatively impact the Health Insurance Account. This account is volatile due to the changes in employee coverage.

Article 2-Article 2 transfers funds from the Water Enterprise retained earnings for the purpose of funding the Water module of the MUNIS financial software conversion and training. Town Accountant, Carol Pratt advised the Board that the amount is approximately \$30,000.

Article 3-Article 3 will transfer funds from the Solid Waste Enterprise retained earnings for the purpose of funding the Solid Waste module of the MUNIS financial software conversion and training. This is also approximately a \$30,000 transfer.

Article 4-Article 4 is a place holder but will be there to transfer money from Free Cash to fund the cost items for FY2008 and FY2009 in the collective bargaining agreement between the Town and the Municipal Union.

Article 5-This Article may move and replace Article 4 and is a transfer from salary reserve to fund the cost items for FY2008 and FY2009 in a collective bargaining agreement between the Town and the Municipal Union.

Article 6-Every 4 year there is a 53rd week in the year. This Article is to transfer from available salary reserve to fund the cost items of two additional work days in FY2009 for Municipal employees.

Article 7-Article 7 is also a place holder but there to transfer the sum of money from Free Cash to fund Town and School operations resulting from a FY09 state aid reduction.

Administrator Kennedy attended the MMA meeting last week and the Governor proposed cuts to cover shortfalls. Potentially Medway will have a \$450K cut for FY2010 over what was received last year. And the State may take \$160K away from what was already have been promised. The Snow and Ice budget is already over by \$100K

It was explained that there should be policy adjustments on snow removal. The Selectmen were not comfortable making those decisions without the DPS Director present and he will be asked to present a snow average at the next meeting.

Article 8-Article 8 is to increase the first collection demand fee on past due excise, real estate and personal tax bills. MGL Ch. 60, s 15 states that demand fees can be raised to \$30; Medway is currently charging a \$5 demand fee.

It was agreed to charge whatever is fair and appropriate and the Board asked Treasurer/Collector Melanie Phillips to report back with a true cost on processing and possibly for a three year period.

Article 9-Article 9 is a by-law change which has been previously discussed for penalties for marijuana consumption on Town property. Fines will now be consistent for both alcohol and marijuana.

Article 10-Article 10 will vest issuance of hawker/peddler license with the police department and will enable the police department to do all CORI checks and necessary paperwork.

Additional Articles must be received by 2/2/09.

Administrator Kennedy advised that the Proposed Budget Review Calendar will go out to Board members tomorrow and be reviewed at the February 2, 2009 meeting.

Selectman Crowley offered some additional Articles for consideration. The first was to change the Water/Sewer Board to an appointed Board rather than elected. Current members would remain in place until their term expired and new members would be appointed as members leave. Selectman Crowley means no disrespect to the current Board but it is time for a change in philosophy.

Selectman Espinosa believes this gives the opportunity to concentrate on the caliber of members, which is sorely needed.

Selectman Dunne doesn't want to take the right away from the people but believes the Water/Sewer Commission is disengaged from the process.

Selectman Foresto agreed that the lack of engagement is a huge concern but he's not sure which (elected or appointed) is appropriate.

Selectman Crowley moved that the Board assign the Town Administrator the task of drafting an Article for the Special Town Meeting Warrant and phrase so as to change the Water/Sewer Commission from an elected Board to an appointed Board and follow the Charter guidelines; Selectman Trindade seconded. Selectman Foresto advised the board that he has had discussion with the Charter committee and they had thought that changing this Board to appointed at the time the Charter was implemented was too much to swallow at one time, there were too many other changes going to happen. All ayes 5-0.

Selectman Crowley's remaining Article suggestions pertain to amending the current RFP for 50 Winthrop Street. The RFP calls for a remodel of the barn. (Selectman Dunne recused himself from any discussion pertaining to 50 Winthrop Street as he is a Board member for a non-profit that could be interested in the RFP). Selectman Crowley suggested an addendum to remodel or remove the barn. All agreed the barn is a hazard. Chairman Trindade would like to see the barn demolished before the property is leased and Selectman Crowley believes it should be the leasee who should have to deal with the situation. After a brief discussion it was agreed that a barrier should be put around the entrance to the barn to avoid a liability situation.

Selectman Crowley would also like to suggest that any respondent to the RFP must hold two public hearings in the year in order for the input of the community. He'd like to see the RFP modified to include this stipulation.

Administrator Kennedy advised that Selectman Crowley's suggestion could be part of the lease agreement and that she believes one individual is making this request and changes to this extent should be for the greater good. Selectman Foresto agreed and advised that it is a 501c3, which is a private organization and if necessary the lease agreement could stipulate annual meetings. **Selectman Crowley moved that the Board amend the RFP for 50 Winthrop Street to include that the respondent hold two public meetings each year; Chairman Trindade seconded; no discussion 2-2 (Selectman Dunne recused himself) motion does not pass.**

Worshop-Charles River Pollution Control District-Doug Downing, Chairman, Paul DeSimone, Rep-Medway, Al Wallace, Franklin, Gene Guidy, Franklin, Bob McRae, Director, Pat Huges, Elaine Sistraine, Project Manager

Charles River Pollution Control District was present to present a 15 year plan for improvements to their facility. The CRPCD presented a \$19,320,000 debt exclusion and a \$490,000 over ride.

The Charles River Pollution Control District is owned by Franklin and Medway, with more shares being owned by Franklin. The above mentioned over ride does not impact the tax rate. CRPCD will increase rates for the communities that participate in the facilities use.

The CRPCD presented a presentation which was posted to the Town of Medway website for home viewers to follow along while the presentation took place.

The Board of Selectmen can either decide if these improvements are appropriate or it can be decided at ATM. The Selectmen took the presentation under advisement. Administrator Kennedy will discuss with Town Counsel. The Town of Franklin is meeting with CRPCD the beginning of March.

Approval of Warrants

Warrant # 30 1/29/09 School bills \$254,307.82, Gross payroll Town \$99,567.65 for a total of \$353,875.47.

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

Cottage Street

Town Counsel advised the Administrator that her firm represents Travelers Insurance as well as The Town, not in the same manner. Town Counsel has asked that the Board execute a Determination and Consent pursuant to Supreme Judicial Court rule 3:0, PR 1.7 representation of the Town of Medway in Relation to the Cottage Street claim. Administrator Kennedy read the proposed motion.

Selectman Dunne moved that the Board of Selectmen execute the Determination and Consent as read by Administrator Kennedy and noted there is not a conflict of interest and Town Counsel has fully disclosed; Selectman Crowley Seconded; no discussion; all ayes 5-0.

Selectman Crowley advised that the Selectmen, Town Administrator and Town Counsel are working to get all the facts together, Selectman Crowley has spoken to the resident multiple times.

Selectman Dunne moved that the Board extend beyond 10:00pm; Selectman Espinosa Seconded; no discussion; all ayes 5-0.

9:50pm 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