

MINUTES OF THE SELECTMEN MEETING FINAL

February 2, 2009

Sanford Hall, Town Hall 7:00pm

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

**Absent:** Dennis Crowley

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

**Public Comments: None**

**Street Acceptance Process-Barbara Saint Andre, Town Counsel, Susy Affleck-Childs, Planning Board and Andy Rodenhieser, Planning Board**

Attorney Saint Andre and Planning Board representatives came before the Board to discuss the process of street acceptance, explain some of the obstacles and seek general guidance on setting a general policy to help with acceptance of problematic streets/developments.

Issues lie with the subdivisions that were built in the 90’s as the process going forward is clear. The Planning Board is currently dealing with six or seven subdivisions and thus far has put the burden of clearing up issues on the developer. All problems are with title issues, the plans don’t indicate where the houses and driveways will be placed and the developers didn’t allow for roadways.

Street acceptance occurs when all requirements have been met, Town Meeting votes to accept, the remaining bond is returned to the developer and the street is then owned and maintained by the Town.

Attorney Saint Andre wants to make clear that is necessary to be careful not to set legal precedence that will then give developers on future projects an out. The Planning Board has no recommendation at this point as each development that needs to be accepted is its own creature and the Planning Board is modifying its procedures as they deal with each one.

The Town is performing plowing on the private roadways and the town has the right to charge the developer for the maintenance on the roads. Chairman Trindade would like to see that the DPS department is tracking on snowplowing on these unaccepted roads so when the roadway is accepted the bond or the contractor is charged for the plowing.

Attorney Saint Andre does not believe that taking by eminent domain is the best way to proceed. Pushing the developer to get everything done and working each development individually is a smarter way to proceed. The Planning Board has an account with monies from each developer to pay for legal fees, should they be incurred.

The question remains if the Town would be willing to accept these streets with less than perfect conditions. Chairman Trindade has requested a list of problematic developments with the history and specifics involved.

Selectman Espinosa suggested that a public session should be held on each subdivision with issues, invite the developer and the residents so that the facts could be presented and any issues could be resolved with all parties present.

Attorney Saint Andre and the Planning Board will continue to work through the issues.

***Approval-MIIA Grant Expenditure-Police Department-Allen Tingley, Chief of Police***

Chief Tingley explained that this grant is from MIIA, the Town's insurance company, in the amount of \$4,600.00. The grant will fund the purchase and installation of a Guard One Professional Suicide Prevention System. This system will aid in the prevention of suicides in holding cells.

**Selectman Foresto moved that the Board accept the grant from MIIA for the purchase and installation of the Suicide Prevention System in the amount of \$4,600; Selectman Dunne seconded; no discussion; all ayes 4-0.**

***Award of Bond Anticipation Notes-Melanie Phillips, Treasurer/Collector***

**Chairman Trindade moved that the Board grant the BAN to Eastern Bank at 2.75% and in the amount of \$971,000; Selectman Espinosa seconded; no discussion; all ayes 4-0.**

***Discussion-Snow and Ice Budget-Dave D'Amico, DPS Director***

Director D'Amico advised that he has currently spent \$399K of a \$236K budget, with another storm in the forecast. The snow removal policy was reviewed, and it, along with an updated budget is posted on the Town's website. Roads take first priority and sidewalks are then plowed, with first priority to the sidewalks within close range to the schools.

It was agreed that the snow removal is at the hands of the Director. Selectman Dunne suggests that the snow/ice budget should be increased and suggested incremental increases. Selectman Foresto asked about contractor services and Mr. D'Amico explained that he pays contractors at a state recommended pay rate. Selectman Foresto also asked if a capital investment should be considered to help reduce the future cost of contractors.

***Appointment-Zoning Board of Appeals***

**Selectman Dunne moved that the Board appoint Peter Glucker as a full Member of the Zoning Board of Appeals, Mr. Glucker was formerly an associate member; Selectman Foresto seconded; no discussion; all ayes 4-0.**

***Discussion-Tri-County Regional Vocational High School Budget-Linda Reynolds, Representative***

Ms. Reynolds was present to discuss the Tri-County budget process. The Tri-County School Committee appoints a Budget Sub-Committee. Currently the budget is being discussed by the Budget Sub-Committee and is schedule to present their budget to their School Committee on 2/18/09 (3<sup>rd</sup> Wed of the month). A final vote on the budget will take place on 3/18/09 (3<sup>rd</sup> Wed

of March) and will then be presented to the Towns that make up the Tri-County district. A two thirds vote of the communities is needed to accept the budget.

Treasurer/Collector Phillips advised the Selectmen that Medway pays an assessment of \$46,000 per month to Tri-County for the students who attend.

The Selectmen would like Ms. Reynolds to explain the financial situation to the School Committee, and it was decided that a letter with Medway's financial picture and policy statement will be drafted and Chairman Trindade will attend, with Ms. Reynolds, the 2/18/09 session to voice the concern to Tri-County. In the past Medway has cut services to its own school system while Tri-County is increasing their assessment, which the Selectmen find concerning.

Frank Faist, Finance Committee Chairman advised Ms. Reynolds that Medway departments were asked to prepare two budgets (level service and level funded) and would like to see Tri-County do the same. Ms. Reynolds believes only one budget is being prepared with state aid cuts being taken into consideration.

Administrator Kennedy will arrange a date for Tri-County to present their budget during the BOS budget review process. Ms. Reynolds will contact Chairman Trindade with confirmation of the date for the sub-committee's presentation to the Tri-County School Committee.

***Authorization of Chairman to Execute Amendment #2 to Industrial Park Road Well Contract with Haley & Ward for Additional Engineering Services***

Greg Eldridge, Haley & Ward and Mark Flaherty, Water Superintendent were present to discuss Amendment #2. Mr. Eldridge explained that the 2006 estimate for the Industrial Park Road Project estimated not to exceed a specific number of hours. This request is for an additional \$35,000 that is needed to complete the remainder of the work. There were 250 hours of on-site work estimated in 2006; actual hours are now over 500 hours. Mr. Eldridge explained there were NSTAR delays, conservation restrictions and equipment delays. Mr. Eldridge believes that he is still under budget and the \$35,000 request is more than two months old. (Administrator Kennedy explained she was not able to get this item on the agenda until today)

**Chairman Trindade moved that the Board authorize the Chairman to execute Amendment #2 to Industrial Park Road Well Contract with Haley & Ward for additional engineering services; Selectman Foresto seconded; no discussion; all ayes 4-0.**

***Discussion-Amendment to Agreement with Haley & Ward for Industrial Park Road Well for Additional Supervisory Control and Data Acquisition (SCADA) Systems***

The installation of SCADA would place the entire water system on the same computer system and allow for the interfacing of all sites and the viewing and storage of any/all data.

Chairman Trindade explained that Medway is one of the only communities that does not have this system in place.

A question was raised by Selectman Foresto asking what the benefit would be to not going out to RFP. Mr. Eldridge explained the savings in engineering costs and that their contractor is already in place and could easily proceed with the installation of the system. Selectmen Foresto was

uncomfortable with proceeding without going through the RFP process. Selectman Dunne felt it would be beneficial to step back and absorb all the information and address at another time. Mr. Eldridge explained that the contractor should be on site until April/May so there is time to decide and advised that the training for the SCADA system is included in the proposed price. This item will be placed on the next meeting agenda for reconsideration.

***Discussion of Special Town Meeting Articles***

**Articles 9, 10, 11**-Mark Flaherty, Water/Sewer Superintendent was present to discuss Articles 9, 10 and 11 all of which transfer monies from the Water Department Enterprise Fund. Article 9 is for \$75K to the Water Emergency Account to help fund the cleaning of the Oakland and Populatic wells and the flushing program. Article 10 is to transfer \$20K to the Expense Chemical Account as the Water Department didn't include the cost of chlorine in their budget. Article 11 transfers \$10K to the Salary Overtime Account to cover any future water break issues, current this account is in the red by \$900.

**Article 12**-Melanie Phillips was asked at the last meeting to present an assessment of the costs involved in preparing demand statements on tax bills, so that the Board could determine an appropriate change in the demand fee. Ms. Phillips explained that the cost to prepare is \$2.39 per demand, including envelope, paper, staffing and postage. She will work this FY to reduce the postage costs. It was agreed that the demand fee will be increase from \$5.00 per bill to \$10.00 per bill.

**Placeholder Articles**-The School Committee has presented two placeholder articles, for consideration, regarding the Trane Energy Contract. The project went out for a financing bid and came back at 4.7%-5.2%. Melanie Phillips, Treasurer/Collector has been working with David Verdolino on the possibility of Bonding at 1-2 points. By bonding there is the possibility for considerable savings as bonding has better terms than the leasing terms. The lease option available was for 10 years only at a high interest rate.

There are many items that need clarification and the question was raised if these clarifications could be answered in time, as the warrant needs to be posted on 2/10/09. Clarification from Bond Counsel as to how the bond will be paid is necessary. Another Special Town Meeting could be held, at a cost of a few thousand dollars, because the School does not want to wait until the May Annual Town Meeting to have this decided by the Town.

It is believed that the signing of the Trane contract is contingent upon financing. The Selectmen requested a copy of any information the Treasurer/Collector or the Town Administrator have in their possession be sent to them via email. They would like to see, including the contract and escape clause, the financing RFP, RFQ which selected Trane, cost of equipment, analysis, report projects and savings.

The Selectmen feel that a proposal/explanation of the project has not been presented to the Town and would like hear more from the School Committee on the entire program.

**Chairman Trindade moved that the article referred to as placeholder #1., read be placed on the Feb 24, STM warrant; Selectman Dunne seconded. Discussion: Selectman Espinosa**

wants to ensure the information requested will be obtained and presented to the Selectmen in a timely fashion. All ayes 4-0.

**Chairman Trindade moved that the article referred to as placeholder #2., read, be placed on the Feb 24, STM warrant; Selectman Dunne seconded. Discussion: Selectmen have requested actual numbers and details. All ayes 4-0.**

A brief discussion took place regarding a letter that has been drafted to be sent to the Chairman of the School Committee requesting a meeting, in executive session, between the two boards to discuss collective bargaining negotiations. The document will be corrected, signed, PDF'd and emailed.

**Chairman Trindade moved that the Board extend the meeting past 10pm; Selectman Espinosa seconded; no discussion; all ayes 4-0.**

**Articles 1-6-**Administrator Kennedy explained that Carol Pratt, Interim Town Accountant is still working on the data for these Articles. The amounts will go in the motions.

**Article 8-**This is a new article related to the issue at 13 Cottage Street. Town Counsel will write the motion for this article.

**Article 13-**Article 13 is also new and is not specifically what Selectman Crowley had requested. Administrator Kennedy explained that in order to effectuate what Selectman Crowley wanted it will take another year. This Article will remove the Water/Sewer Commission. As explained by Administrator Kennedy and as stated in the charter, the function of the Water/Sewer Commission is only to address rates. Town Counsel believes if the Selectmen are in charge of the Water/Sewer it will render more accountability and confidence to the tax payers.

**Article 7-**This may not be necessary as there have been savings in the healthcare account.

#### *Closing of February 24 Special Town Meeting Warrant*

**Chairman Trindade moved that the Board close the STM Warrant for February 24, 2009; Selectman Espinosa seconded; no discussion; all ayes 4-0.**

#### *Approval of Warrants*

Selectman Foresto read the warrants: Town bills \$712,436.16, Gross Payroll Town \$90,582.42, Gross Payroll School \$717,327.25. Total \$1,520,345.83.

**Chairman Trindade moved that the Board approve the warrants as read; Selectman Espinosa seconded; no discussion; all ayes 4-0.**

#### *Review of Proposed Fy2010 BOS Budget Review Calendar*

The Budget Review Calendar was distributed and will be reworked and emailed.

#### *Selectmen's Reports:*

**Foresto:** The issue with Comcast has been sent to the State level for assistance.

**Dunne:** Projected numbers show a cut of \$147K in 9C monies and \$300-\$500K for FY10. A policy and discussion needs to take place with all unions. Regionalization needs to happen and it was suggested that a working group be formed to start the process.

**Espinosa:** *Nothing to report*

**Trindade:** *Nothing to report*

**Crowley:** *Absent*

***Town Administrator's Report:***

Administrator Kennedy has received an inter-municipal contract from the Town of Franklin for recreational services, which will be placed on the next agenda.

Administrator Kennedy has decided to postpone the workshop set for 2/17/09 with the Water/Sewer Commission, Consultants and the Board of Selectmen to March. This workshop will be to discussion rates and betterments.

***Agenda Items held for discussion at a future meeting: Authorization of Chairman to Execute Contract with Weston & Sampson for Comprehensive Water Master Plan; Appointments to School Building Committee, Zoning Board of Appeals and Education Committee; Approval of Minutes; Approval of Executive Session Minutes***

***10:35pm Selectman Dunne moved that the regular session meeting adjourn; Selectman Foresto seconded; no discussion; all ayes 4-0.***

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