

MINUTES OF THE SELECTMEN MEETING FINAL
April 6, 2009
Sanford Hall, Medway Town Hall 7:00pm

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

Absent:

7:06p.m. the meeting was called to order.

Public Comment:

David Newton, 5 Rob Way, was present to address the Board on issues regarding the Sewer Extension project and as it pertains to the easements and their appraised values. Mr. Newton received a call from Town Counsel who addressed Mr. Newton's questions and explained that there are multi easements already on Rob Way.

Mr. Newton explained that he was not satisfied with Town Counsel's explanation and would like to know the next step to take. He was told that two appraisals were obtained and he would like to explore those appraisals with a more in depth review. Mr. Newton provided a spreadsheet to the Board for their review of the other values per square foot that other residents were paid.

Administrator Kennedy was not familiar with the information Mr. Newton presented and explained she didn't know enough about the situation to comment and would need to discuss with the Board in executive session.

Selectman Crowley advised that he will discuss with the Board in executive session and get back to Mr. Newton this week and provide him with the next step and with whatever information he can at that point.

It was explained that the Water/Sewer Commission has the appraisals and will have to get them from the Commission.

Mr. Newton was advised that there would be a need to discuss with Town Counsel as to the appropriateness of turning over copies of the appraisals to Mr. Newton.

Mr. Newton explained for the record that Rob Way is a disaster area. Vehicles couldn't get out during construction and more importantly, emergency vehicles couldn't get in. Mr. Newton made arrangements with the Police, Fire and contractor to use the rail bed for access and that didn't happen. Three households were without town water over night.

Administrator Kennedy explained she could not comment on the arrangements mentioned as they were not brought to her attention.

Introduction of Erin Medeiros – Assistant Town Accountant

Carol Pratt, Interim Town Account, introduced Erin Medeiros to the Selectmen. Ms. Pratt and Administrator Kennedy believe that Ms. Medeiros' background in accounting is a good fit for this position.

ZBA Appointment – Anthony Biocchi

Mr. Biocchi is up for re-appointment to the ZBA. He has been volunteering with the ZBA for seven years and enjoys the involvement.

Selectman Dunne moved that the Board re-appoint Mr. Biocchi for a three year term to the Zoning Board of Appeals; Selectman Foresto seconded; no discussion; all ayes 5-0.

Sewer Extension Project Update – Dave Aimola

Mr. Biocchi from the Conservation Commission and Dave Aimola were present to discuss the status of the sewer extension project. Mr. Aimola explained that they are currently at Robb Way and a lot of rock was missed with the probe that was done every 20 feet before the job began. The project is moving approximately 30 feet a day, which is slow as 160 feet a day is the norm. They are hoping to be out of the ledge area in another 100 feet. Once completed the contractor will come back and clean up the area. A water issue was mentioned which Mr. Aimola was unaware of. There was discussion regarding replacing a steel water main with 2" PVC.

Mr. Aimola explained that neither he nor Administrator Kennedy was made aware of any water outages over night. Mr. Aimola explained that the contractor has been very responsive and he finds it odd that he didn't know there were overnight outages.

The job is close to 50% completed and should be finished mid-summer.

Mr. Aimola explained the original budget was an estimate, the job is running to plan with the exception of over run on rock.

The Board reviewed expenses to date. Mr. Aimola believes the Board should not be concerned with the finances at this point. Mr. Crowley asked that the probes be closer together for the next phase so that problem areas will be identified.

Mr. Espinosa would like to see a timeline of where the job is at 50% completion and the expense numbers as well.

Mr. Aimola explained that there may be extras for overlay paving, which is the correct way to finish the job. Mr. Crowley suggested that it may be cheaper to do the paving under the Town's contract instead of through the contractor. Town Counsel will have to check to see if that is possible.

ConCom issues with the Sewer Extension Project

Mr. Biocchi and Brian Snow were present to discuss on behalf of the Conservation Commission. Mr. Biocchi explained that there have been issues raised by the Conservation Commission regarding the vernal pools. The issues were presented to the Contractor and Mr. Biocchi explained the issues were addressed by 10am the next morning. Mr. Biocchi was happy with the response. Any/all remaining issues were addressed with the contractor this morning. Mr.

Biocchi explained that the contractor was responsive and told him that he wants to resolve any/all issues. Mr. Biocchi will assist the contractor in resolving all issues.

It was explained that Medway has no conservation agent to police and enforce. Mr. Espinosa believes that is a huge issue. Chairman Trindade explained there is no money in the budget for this expense, but discussions on sharing with another town are possible. Mr. Biocchi agreed that he will volunteer to get all these issues resolved and work with Mr. Aimola and the contractor.

This issue will be addressed for an update at the next Selectmen's meeting.

Consideration of Deed Acceptance – Parcel A of the Meadows Subdivision

Ms. Affleck-Childs, Planning Board, Brian Snow and Anthony Biocchi were present to discuss. In February 2009 ConCom agreed to accept the parcel, the next step is for the Selectmen to accept.

In 1998 the subdivision was proposed to the Planning Board. This subdivision had a parcel of land donated for open space. If accepted the land it would be under the control of the ConCom as it is not buildable with 85% of the parcel being wetlands.

Selectman Dunne moved that the Board approve Parcel A of the Meadows Subdivision; Selectman Foresto seconded; no discussion; all ayes 5-0.

Approval – Emergency Transfer Request – Shaw Street Tree Removal

Dave D'Amico, DPS Director was present to discuss. This ETR is for \$5000 for tree removal.

Selectman Dunne moved that the Board approve the Emergency Transfer Request for tree removal on Shaw Street, not to exceed \$5000; Selectman Crowley seconded; no discussion; all ayes 5-0.

Mr. D'Amico is meeting with engineers regarding fixing the road with a price quote anticipated in a few weeks. He suggested this may be an item to place on the warrant.

Authorization of Chair to Execute Contract with Lantern Light & Electric, Inc.

Mr. D'Amico explained that the Town does not have a plumber or electrician on staff. This is for a contract renewal and is anticipating approximately \$5000 per year in expenses.

Selectman Foresto moved that the Board authorize the Chair to execute a contract with Lantern Light & Electric, Inc; Selectman Dunne seconded; no discussion; all ayes 5-0. Mr. Foresto asked if these services were combined with the Schools would there be enough work for a permanent position. Mr. D'Amico was unsure of the volume of work required by the school department.

Authorization of Chair to Execute Contract with James Coakley Plumbing, Inc.

Selectman Foresto moved that the Board authorize the Chair to execute a contract with James Coakley Plumbing, Inc.; Selectman Espinosa seconded; no discussion; all ayes 5-0.

Approval of Special Event/Parade Permit – Purr-fect Cat Shelter 3rd Annual Ride

Selectman Espinosa moved that Board approve the Purr-fect Cat Shelter parade route for the 3rd annual ride Sunday May 17, 2009; Selectman Dunne seconded; no discussion; all ayes 5-0.

Comcast Discussion

Selectman Foresto advised that this issue will be discussed at a future meeting. There is a meeting scheduled with Comcast for this week. Mr. Foresto is on top of these issues.

Warrants

Warrant #40 April 9, 2009. Town bills \$73,373.63, School bills \$227,406.97. Gross payroll town \$96,823.84 Total \$397,604.47.

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

Minutes- Regular Session

Selectman Dunne moved that the Board approve the 12/15/08 minutes as amended; Chairman Trindade seconded; no discussion; all ayes 5-0.

Selectman Espinosa moved that the Board approve the 1/5/09 minutes as amended; Chairman Trindade seconded; no discussion; 4-0 (Selectman Dunne was not present 1/5/09).

Selectman Crowley moved that the Board approve the 1/14/09 minutes as amended; Chairman Trindade seconded; no discussion; 5-0.

Held 1/20/09 minutes

Town Administrator's Report

ATM will be postponed

Finance Committee Public Hearing will be held on May 6, 2009. There is no stimulus money amount available yet and there is no need to discuss until there is a number available.

It was agreed there will be a meeting April 13, 2009 at 7pm to discuss level service plus, minutes, budget and forecast.

Selectmen's Reports

Selectman Foresto-There is no formal report regarding Trane, nothing has been voted on. An 8 hour walk through took place with members of the ESCO committee and Trane reps. A meeting took place today for fact gathering with Trane and some committee members and there is significant issue with unit ventilators. Selectman Foresto updated the Selectmen on other issues being worked out on the project.

Selectman Crowley- Selectman Crowley asked if there has been any dialog regarding payment/terms etc. Selectman Foresto explained that they are letting the consultant handle those discussions with Trane. Trane will be asking for a notice to proceed. The Committee is still looking to negotiate the contract.

Selectman Dunne- Selectman Dunne commended the recreation department from Franklin and the Parks Department for a nice job in combining some services. He explained that the library is

still working with Franklin to move forward and he believes all will work out nicely for both communities. Mr. Dunne also addressed the proposed time change for the K-4 schools and explained that if it passes it will affect approximately 1000 families. He explained there will be a survey going out to families and that this is a work in process.

Selectman Espinosa-Mr. Espinosa would like the status from WhiteWater and their report. He would like the issues addressed in a final draft. Administrator Kennedy explained she is working on obtaining the final draft. She explained that a safety program has been implemented and a logging of daily work has begun. She will push to obtain the final report for the 4/21 meeting.

Discussion – Amendment to General Bylaws, Section 2.6

Town Counsel was present to discuss a bylaw change to pay any settlement of a claim over \$1000 and she suggested a change to \$5000. This would allow for a settlement of small claims with residents for up to \$5000. Selectman Dunne suggested the change should be not to exceed \$10,000. The warrant article will be changed accordingly.

At 8:57pm Chairman Trindade 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 7/13/09