

MINUTES OF THE SELECTMEN'S MEETING FINAL

June 29, 2009 7:00 pm

Sanford Hall, Medway Town Hall

**Present:** Vice Chairman Richard Dunne, Selectmen Dennis Crowley, John Foresto, and Glenn Trindade; Town Administrator, Suzanne Kennedy.

**Absent:** Andrew Espinosa

The meeting was called to order at 7:00 PM

**Public Comment**

Wallace Arthur, 9-6 Kingson Ln, spoke in opposition to the conveyance of the 9 Walker Street deed to the Habitat for Humanity because it is a religious organization.

Mr. Arthur also had an issue with the number of different speed limits on a length of Summer Street. He feels it creates a safety issue. He said he spoke to Mr. D'Amico who agreed most of what he said, but had indicated that signage changes would require both state and federal approval. Mr. Arthur said he would appreciate the Board doing something about it before school starts in the fall.

Mr. Dunne responded to both issues. He stated that the Board would ensure that there is no conflict with regard to the religious status of Habitat for Humanity in the deed conveyance. As to the speed limit issue, he stated that when the road is finished the proper signage will be placed. Mr. D'Amico stated that paving will take place in August.

Rich McDaniel, 26 Karen Ave, addressed the Board regarding the ownership of a tree in front of his property that he paid to have removed. He stated the tree was damaged in the microburst four years ago. At that time, the Department of Public Services claimed the Town owned the tree and the damaged part was removed by the Town. He said the tree was damaged again recently, but this time the Town did not accept ownership. He said he paid to have it removed because it was dangerous to leave it as it was.

Mr. D'Amico stated that the official documentation shows the tree as belonging to Mr. McDaniel. However, the documentation leaves room for doubt. He said he would need something official that indicates it is the Town's before he could accept responsibility for the expense of removing it.

Mr. Dunne informed Mr. McDaniel that the Town would look into it and would be amenable to reimbursing Mr. McDaniel as long as the tree did belong to the Town. Mr. DeSimone, a licensed surveyor, agreed to submit a signed plan that clearly documented the Town's ownership of the tree.

**Bond Anticipation Notes for Capital Projects**

***Selectman Trindade moved that the Board of Selectmen authorize the Treasurer/Collector to petition the Massachusetts Department of Revenue for***

*permission to borrow \$3,620,797 as a Bond Anticipation Note for the sewer project and the School ESCO project. The motion was seconded by Mr. Foresto and unanimously voted.*

**Grant Acceptance – MetroWest Community Health Care Foundation – Senior Wellness Program**

Missy Dziczek presented the grant for a nurse, which is in its third year. The amount of the grant is \$19,307. She said it is a collaboration between Medway and Franklin.

*Mr. Trindade moved, seconded by Mr. Crowley, that the Board of Selectmen authorize the Chairman to sign a contract with the MetroWest Community Health Care Foundation for a grant in the amount of \$19,307 to the Medway Council on Aging. It was unanimously voted following Mr. Crowley's questions below.*

Mr. Crowley asked if anything has changed with the grant. Ms. Dziczek said it is for a lesser amount each year. He asked if it is costing the town more. She said it is not.

**VADAR Systems, Inc. – Financial Software Renewal Agreement**

*Mr. Trindade moved, seconded by Mr. Foresto, that the Board of Selectmen authorize the Chairman to sign an agreement between the Town and VADAR Systems for financial software. It was unanimously voted.*

**Inter-municipal Agreement for Conservation Agent**

Ms. Kennedy said the initial agreement was drafted by Holliston. Town Counsel suggested minor changes, to which Holliston agreed. She stated the Town has sufficient funds to have the individual on board for 15 hours per week.

*Mr. Trindade moved to authorize the Chair to execute the inter-municipal agreement with Holliston. Mr. Crowley seconded the motion, and it was unanimously voted.*

Mr. Crowley asked how much was budgeted for this. Ms. Kennedy responded that \$22,000 was budgeted.

**Haley and Ward, Inc. – Contract for Populatic Well Re-Screening**

Mr. Gregory Eldridge presented the engineering contract for the Populatic well re-screening. Mr. D'Amico said it is part of the Town's overall plan for water capacity. Ms. Kennedy added that the Oakland Street well cleaning is, too.

Mr. Crowley asked how much Populatic would cost. Mr. Eldridge responded it would cost \$80,000 to re-screen the well. Mr. Crowley asked about the cost of the Oakland well project. Mr. Eldridge said that is between \$15,000 and \$20,000. He then asked when the last time Populatic was re-screened. Mr. Eldridge replied that his estimation was never.

Mr. Trindade wondered why they are not doing something more at this site now. Mr. D'Amico said the first priority is capacity. Mr. Trindade worried the well might overheat and the Town would lose that as a water source. He wants to address these issues.

Asked about the engineering cost, Mr. Eldridge said it was expected to be \$26,800. Mr. Crowley mentioned that the well re-screening was not accounted for in the rates and to do anymore at the moment would likely be cost prohibitive.

***Mr. Trindade moved, seconded by Mr. Foresto, that the Chairman be authorized to execute a contract with Haley and Ward for the Populatic well re-screening.***

**Potential Sewer Project Change Order – Temp. Water for Alder Street**

Project Manager Dave Aimola, Paul Sirois and Jack O’Connell, representing Tata and Howard, and Public Services Director Dave D’Amico were present to discuss the need for temporary water on Alder Street. Mr. Sirois explained that recent testing has shown that the water and gas lines do not run according to the plans they have, likely because of the granite that would have impeded installation. He said the construction could cause the lines to be broken unexpectedly as they go up this road and the best solution appears to be to place temporary water lines to minimize the impact to the residents on this street.

Mr. Dunne asked what the cost would be. Mr. Aimola said they would like to establish a not to exceed amount of \$35,000 to keep the project going, but it would ultimately exceed that amount. Mr. Dunne thought they should approve an amount they would need overall, rather than this initial amount. Mr. D’Amico said they are in the midst of putting the costs together now. Mr. Aimola said the point of their presence tonight is simply to keep the process going.

Mr. Crowley asked if this was a foreseen event. Mr. Sirois answered that Dig Safe and recent tests diverge from the original drawing through a segment. Mr. D’Amico said the pipe does wander, probably because the project was done to minimize expenses.

***Mr. Trindade moved to authorize Change Order No. 3 for an amount not to exceed \$35,000 for the purpose of placing temporary water pipes. Mr. Crowley seconded and the vote was unanimous.***

Mr. Crowley noted the Alder Street construction could have also affected residents on Fox Run and Blue Ribbon.

**Emergency Transfer Request – Conservation Commission**

Ms. Kennedy said the Town Accountant discovered an anticipated cost overrun for the Conservation Commission’s salary line item and advised the commission to bring an emergency transfer request before the Board and the Finance Committee as soon as possible. The amount requested is \$139.67 and must be executed by July 10 due to the conclusion of the fiscal year.

***Mr. Trindade moved that the Board approve the emergency transfer request from the Conservation Commission in the amount of \$139.67. Mr. Foresto seconded the motion and it was unanimously voted.***

**Announcement of Finance Committee Appointments**

Mark Cerel and Frank Faist, members of the Finance Committee Selection Committee, announced four appointments to the Finance Committee. Mr. Cerel stated that there are five openings this year, three due to expiring terms, one due to a resignation and another due to election to another committee. He said the selection committee received eight resumes and from these chose for three year terms: Cynthia Carle, Anthony Pacholec, Martin Dietrich. Rondi Chapman was appointed to a two year term. Mr. Cerel stated that the eighth individual is scheduled to be interviewed on the 30<sup>th</sup>. Mr. Cerel said he would recommend that the individuals not appointed to the Finance Committee be considered for membership on the Capital Improvement Committee. Mr. Crowley asked that their resumes be forwarded to the Selectmen after the Finance Committee appointment process is concluded.

**9 Walker Street Deed Conveyance to Habitat for Humanity**

Susy Affleck-Childs introduced Gerry McDermott, Executive Director of South Shore Habitat for Humanity, and Ron Yates, Chairman of the Tri Valley Local Partnership Committee of the South Shore Habitat for Humanity. She said the reason they were here this evening was to act on the deed for 9 Walker Street.

Mr. Dunne raised the resident's concern about the Habitat for Humanity's religious orientation expressed in public participation. There was discussion as to whether the Town was passing property to a religious organization. Mr. McDermott responded that although the organization has its foundations in Christianity, they are an affiliate of this organization and welcome all faiths and those without any. He added that those that receive homes are never asked what their religion is. He also noted that Habitat is supported by State agencies and federal HUD funding.

A two by four was presented to the Board for the members' signatures. Mr. McDermott said the board would be incorporated into the home built at 9 Walker Street.

***Mr. Trindade moved to convey a deed for 9 Walker Street to the South Shore Habitat for Humanity. The motion was seconded by Mr. Foresto. Mr. Dunne proposed an amendment to the motion that the property disposition will not be based on religion. Mr. Trindade accepted the amendment. It was unanimously voted.***

Mr. Trindade asked when Habitat would begin building. Mr. McDermott said building would begin in October and a family would be in the house in the spring.

**Draft Open Space and Recreation Plan Presentation**

Gino Carlucci, Planning Consultant, and John Schroeder, Open Space Committee Chair, presented the draft Open Space and Recreation Plan. Mr. Carlucci provided a quick overview of the plan. He said the main reasons for doing this plan were to take a look at the Town's remaining open spaces and develop priorities for protection of habitats and to make the Town eligible to receive grants for open space preservation. He said that because Medway has adopted the Community Preservation Act, it can get matching grants.

Mr. Carlucci said the plan consists of demographic and environmental information, including water resources and rare species, and an inventory of existing open space and recreation land. He noted that Medway falls short in the area of protected open space compared with other towns. He said Medway has 321 acres protected while Franklin and Bellingham have 1500 acres protected. He acknowledged that these communities have state land and land in non profit trust, but said Medway is similar in size to Bellingham and yet Bellingham has five times as much protected open space. Medway has only 5% protected open space.

Mr. Schroeder reviewed the plan's goals:

1. Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways. Schroeder reviewed.
2. Provide and maintain a diversity of conservation and recreation land uses, with opportunities for both passive and active recreation.
3. Promote the development and maintenance of trails and trail linkages.
4. Provide outreach to increase awareness among residents of the range of Medway's open space and recreational assets.
5. Develop and maintain an active community culture of open space acquisition and habitat preservation.
6. Encourage compact development to reduce sprawl.
7. Facilitate the stewardship of open spaces and recreation facilities.

He said there are measurable objectives attached to each goal.

Mr. Dunne asked if there is privately held land that is protected from development. Mr. Schroeder said there is no way of knowing whether such land is going to be developed. Mr. Schroeder said that protected does not mean the Town owns it. It means the Town has some right to ensure it remains open space.

Mr. Dunne asked if there is money available to buy open space. Mr. Schroeder said they are working with a trust for open space land acquisition and would be coming before Board eventually to talk about what the trust has to offer. He said there are opportunities to protect open space through private land trusts, private investors and CPA funds.

Mr. Carlucci said the Open Space Committee would be asking for a letter of support from the Board to submit to the state.

Mr. Trindade commended the Open Space Committee for its efforts and singled out Mr. Schroeder for his dedication and commitment.

#### **Historical Commission Presentation – Thayer House/Camp Sunshine**

Rob Pomponio, Chairman of the Medway Historical Commission, discussed the work that has been done on the properties at 2B Oak Street. He said they have made a lot of progress on the barn and house. It has been slow, but the contractors have done a good

job. He apologized for not submitting a formal report to the Board, but said they do have architectural pictures. Mr. Dunne asked that they be made available in the Clerk's Office and on the website for residents to see. Mr. Pomponio said they would work on that.

Mr. Dunne asked how the barn work has gone. Mr. Pomponio said they hit some rot and a few other structural issues, but the joinery work that timber framers have done is phenomenal. He said that going forward they will have something that will stand for another couple of hundred years.

Regarding Camp Sunshine's interest in utilizing the Thayer House, Mr. Pomponio said that the Historical Commission was going to work directly with the board, but have not had much interaction on the subject. Mr. Crowley said there have been basic discussions with Camp Sunshine. Mr. Cerel stated that the Community Preservation Committee (CPC) had the last conversation with the Camp Sunshine group. He said his understanding of the group's original intention was that it wanted to put a sympathetic addition on the house or convert the barn for its use. He said what the group came back with was a free standing structure on the back of the property, which is not what the CPC had in mind. He said it became clear that there was nothing about the project would benefit the property.

Mr. Dunne asked about future use for the community. Mr. Cerel said that was supported by a sympathetic addition or barn use, which the group is not proposing to do. Mr. Crowley said it boils down to financing and they are trying to get that sorted out. Mr. Dunne asked who among the Selectmen was taking responsibility for this. Mr. Crowley said he and Mr. Trindade were. Mr. Cerel said that a parallel to the Medfield Historical Society's Dwight-Derby House was being encouraged for the Thayer House. He said he is hoping such an organization would take over the house and barn and develop a multi-use facility.

Mr. Dunne asked where they are financially with the property. Mr. D'Amico said that the \$200,000 is mostly used up. He said the change order cost \$100,000. He said the CPC gave the project an additional \$20,000 and there is another \$100,000 remaining, which should cover what remains to be done.

Mr. Cerel said the Thayer House needs to be self supporting. He suggested it may need to become a subdivision with a historic restriction and some dedicated open space for the Town. He added that is not his first choice, but without a plan of action, there does not appear to be other viable options. Ms. Kennedy said no one has made a reasonable proposal to the Town. Mr. Dunne said this is a message to the community that time is running out.

Ms. Dzikczek said she was here this evening as a Parks Commission representative. She said they will be doing the farmer's market at the Thayer Property and will take care while on the property. Mr. Pomponio said the farmer's market helps to give some visibility to the site. He mentioned that an Eagle Scout has been working on project to

put a historical information site there. Mr. Pomponio said Mr. Hooper and his group have had productive meetings about bringing this together.

**Approval of Warrants**

Mr. Crowley read warrant #52, dated 7/2/09. The total amount of Town bills, general fund charge was \$226,963.77.

***Mr. Trindade moved approval as read. Mr. Dunne seconded the motion and it was unanimously voted.***

**Approval of Minutes**

***Mr. Trindade moved, seconded by Mr. Dunne, to approve the June 15, 2009 minutes. The vote was unanimous.***

**Action Items for Next Meeting**

This item was deferred until the Chair's return.

**Town Administrator's Report**

The Town Administrator had three items to discuss. The first related to Town Meeting's approval to purchase water meters. She stated that the Dept. of Environmental Protection approved the Town's water permit at a reduced amount. She reviewed the three reasons that contribute to water use that cannot be accounted for and said that meter accuracy and over-sized meters have contributed significantly to the Town's unidentified water use as identified by a Haley and Ward water audit report completed in 2003. Ms. Kennedy said she appreciates the Town's approval of the meter purchase. She added that between the new water meters and a leak detection plan the Town should be in a position to much more accurately account for its water.

Mr. Trindade stated that the Route 495 Partnership has a contract at a discounted rate to do leak detection. Ms. Kennedy said the first step would be to apply for the state grant to fund the project.

Ms. Kennedy informed the Board that the Senate Conference Committee's budget had a total net impact on Medway of \$174,424. She said it is a reduction in State aid, principally in Chapter 70 funding. She said the Town would be presenting a strategy to accommodate the reduction. Mr. Foresto asked about the impact of the decreased Quinn bill funding. Ms. Kennedy responded that nothing has changed since the last accounting of the State's funding of this line item.

Mr. Trindade asked where they are with the building inspector. Ms. Kennedy said screening committee has conducted interviews and she will be doing final interviews next week. She remarked that the interim commissioner has been doing a great job.

Mr. Trindade asked about the status of the DPS Director search. Ms. Kennedy responded that the screening committee has been formed, but interviews have not yet begun. She said a final decision would probably be made in August.

Mr. Trindade asked whether there is a list of streets that will be paved this summer. Mr. D'Amico said the problem with producing a list is that Shaw Street and other issues may impact how much funding they have for the paving.

Ms. Kennedy announced that through the efforts of Rep. Vallee, Senator Spilka and Rep. Dykema the Town would be receiving \$440,000 in State aid for the Shaw Street repair. She said the legislative delegation will try to get money on top of that for the engineering design work.

Mr. Dunne discussed grant writing for the Town, which he noted would be contracted based on the necessary expertise. He said that if it proves to be cost effective they will continue funding this endeavor in future years. Ms. Kennedy said she is going to talk to a few people to get advice as to what Medway can apply for. Mr. Foresto said there is definitely money for energy and technology.

**Selectmen's reports:**

Selectman Foresto said that the idea of putting together a steering committee for the Town's 300<sup>th</sup> anniversary in 2013 was discussed at the kickoff meeting. However, at the second meeting last week, a steering committee did not come together. The attendees preferred to have the Board of Selectmen appoint one. Mr. Foresto requested the community's engagement in this historic event. He stated he would like the Board to make appointments to a seven member committee as of September 1. He said he has original 275 and 250 programming to use as a starting point for the 300<sup>th</sup> planning. He also mentioned that he started a website to build around the Medway 300. He is looking for themes and projects to focus on as the Town approaches this anniversary.

Mr. Foresto reported that an architect was brought in to do walk through of Town Hall to look at how the Town might better manage space within the building. He said depending on how much work is done they may have to bring some items up to code. He said they need to plan carefully and should be prepared for the possibility of a hefty price tag if they intend to make lasting improvements.

Selectman Trindade noted that the stationery needs to be changed to reflect the current chair. He also reported that he attended an Eagle Scout ceremony for Andrew Collegio and Taha Saifullah over the weekend. He spoke about their projects and how the Town benefits from what these scouts do.

Selectman Crowley asked about the status of the Trane contract. Ms. Kennedy said it is signed and ready to go. Mr. D'Amico said that he has seen their trucks in the parking lot. Mr. Foresto added that appropriate contract review has taken place.

Mr. Crowley also mentioned a recent letter to editor he saw in the *Milford Daily News*. He said the author had a misconception that the new sewer enterprise account was circumventing Proposition 2½; it was a sleight of hand to increase amount of levy by offsetting \$326,000 allocated to this fund. Mr. Crowley stated that public meetings were



held regarding the proposal to change the accounting of the sewer budget to an enterprise fund. He said the enterprise account has no impact on the levy. He said the revenue dedicated to the fund has been reduced by the same amount in the general fund. He said it was a well written letter, but contained misinformation. He thought the whole matter may not have been explained to the public as well as it could have been, and perhaps it should be addressed by a letter to the residents.

Ms. Kennedy stated that one of the reasons for the enterprise fund is to properly account for the use of the service. She said it is the user that pays. Mr. Crowley offered a brief explanation of how an enterprise account works.

Selectman Dunne congratulated Medway youth soccer on an outstanding performance over the weekend.

***Mr. Trindade moved, seconded by Mr. Dunne to enter into executive session under exemption three, to discuss strategy with respect to collective bargaining, with the intent to return to open session for the purpose of convening a second, separate executive session. It was so voted by roll call: Mr. Foresto – aye, Mr. Trindade – aye, Mr. Crowley – aye, and Mr. Dunne – aye.***

It was 8:50 PM.

***In public session, a motion was made by Mr. Trindade and seconded by Mr. Dunne to enter into executive session under exemption number six to consider the purchase exchange, lease or value of real property if discussion in open session may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation, with no intent to return to open session. It was so voted by roll call: Selectman Foresto-aye, Selectman Trindade-aye, Selectman Crowley-aye, and Selectman Dunne-aye.***

It was 9:00 PM.

\*Approved 7/13/09