

MEDWAY BOARD OF SELECTMEN

155 VILLAGE STREET • MEDWAY, MASSACHUSETTS 02053
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Andrew Espinosa, Chairman
Richard Dunne, Vice Chairman
Dennis Crowley, Clerk
John Foresto, Member
Glenn Trindade, Member

Board of Selectmen's Meeting-Final

April 5, 2010, 6:00 PM

Sanford Hall, Town Hall, 155 Village Street

Agenda

PRESENT: Chairman Andrew Espinosa, Selectmen Richard Dunne, Dennis Crowley, John Foresto, Glenn Trindade, Town Administrator Suzanne Kennedy, Board Secretary Wendy Harrington

Called to order 6:03 PM

Call to order; Recitation of the Pledge of Allegiance

Selectman Crowley has not arrived.

At 6:04pm Selectman Trindade moved that the Board move to Executive Session, Exemption 3 (To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining position) with the intent to return to public session. Selectman Dunne second; No discussion; Roll call vote Espinosa-aye; Foresto-aye; Trindade-aye; Dunne aye.

Selectman Trindade moved that the Board return to open session at 6:45pm; Selectman Dunne second; Roll call vote: Espinosa-aye; Foresto-aye; Trindade-aye; Dunne-aye.

Public Comment:

The following Village Street residents came before the Board to discuss water issues between Waterview Drive and Franklin Street on Village Street. Charlann Holland, Pat Rochu, Sherman Tyrrell, Elizabeth Terhune and John Bloom were present.

There appears to be flooding issues on each property and into each home's basements. These residents feel like they have been "blown off" by the Town due to a lack of funds available to fix the issues. Residents are concerned for their property and the safety of those traveling on Village Street.

Mr. Holder, DPS Director, spoke to the residents present and explained the paving presentation/project for the next year will be addressed later in this meeting. He did advise them they should see some activity in the current construction season, which should alleviate some of their issues. The residents left their contact information and Mr. Holder explained he will visit the sites involved and meet with John Bloom over the next few weeks. Selectman Trindade suggested the other residents involved in this issue should call the DPS department to have their information added to the contact list.

Chan Rogers, Chairman Water/Sewer Commission was present. He advised the Selectmen that this is the first time in his following of the Water/Sewer Commission that the Town is ahead of the game with supplying the DEP with conditions and explained that the new town charter is working.

Authorization of Chairman to execute contract amendment with Tata & Howard-Jack O'Connell, Amanda Cavalieri

\$39,409.65 is outside of ETC, but within the funding source authorized at Fall Town Meeting. **Selectman Foresto moved that the Board authorize the Chairman to execute the contract amendment, not to exceed \$39,409.65; Selectman Dunne second; Discussion: Selectman Dunne questioned line item 5 for services through May. Mr. O'Connell explained this will most likely go beyond May and additional funds are not available through the Town Meeting amount that was authorized. Another funding source would be needed; 3-0 (Selectman Trindade had left the room).**

Selectman Crowley arrived at 7:12pm

Emergency Transfer Request for Unemployment Benefits

Administrator Kennedy explained her staff has projected a need for an additional \$65,462 for the remaining months in the fiscal year to pay for unemployment benefits. The estimated expenditure is \$121,103. Payment of the remaining six months of bills for the FY11 budget is \$65,462, after spending \$61,103 to date. This expenditure is for 15 people. The cause is due to the federal government extending the benefit and additional people have become unemployed. It is anticipated that this number will remain the same.

It was explained there is just about enough to cover this expense in the FinCom Reserve account.

Selectman Trindade moved that the Board approve \$60,000 for unemployment benefits in an emergency transfer request from FinCom Reserve with the request that Administrator Kennedy provide a detailed summary for the remaining fiscal year and the next fiscal year; Selectman Dunne second; Discussion: Town meeting could move the money and Selectman Dunne asked if salary reserve could cover this cost. All ayes 5-0.

Endorsement of Application for shared health services district

This would look at the communities of Holliston, Hopkinton, Medway and Ashland. The grant is \$50K for 3 years. In the first year \$30-\$35K will be used for consulting to help determine the configuration of shared programs, how all of the 4 towns can share in the regionalization. All 4 towns provide all the same services. The group would like to expand education services and provide others services. This is an application to explore, not actually put it in place, but to see if it is feasible or not.

Selectman Trindade explained this is not Medway funds, it's money from the Metrowest Community Health Foundation and it's intended only to explore the day to day as well as how to provide the health services on a community level.

Chairman Espinosa will discuss this with the Board of Health

Selectman Trindade moved that the Board endorse the application for shared health services district and no Medway funds will be spent; Selectman Dunne second; Discussion: Selectman Crowley asked if the grant is received, have we then tied ourselves to the other towns involved and explained it may be difficult to pull out later on. It was explained that the application is to evaluate the situation; All ayes 5-0.

Ragner Road Race

Selectman Trindade moved that the Board approve the Ragner Road Race scheduled for 5/21 to 5/22/10; Selectman Dunne second; Discussion: Selectman Trindade pointed out that Chief Tingley mentioned in his approval that there is no need for Ragner to hire detail officers; All ayes 5-0.

Common Victualler License for Golden Bamboo

It was noted that the Worker's Comp certificate says Medford instead of Medway. This approval was held til the next meeting.

School Committee Liaison Report-Carole Bernstein, nothing to report

Meter Reading contract

The Meter Reading contract was discussed, there appeared to be some insurance issues that needed to be addressed by the Town Administrator and DPS offices. Mr. Holder explained that milestones completed will be reported back to the Selectmen and he will most likely begin with commercial and then proceed from neighborhood to neighborhood. Access into homes will be necessary and an employee will be designated to schedule residents.

ROADWAY and SIDEWALK PLAN-Tom Holder, DPS Director

Reviewed the roadway and sidewalk plan for the FY2010 and FY2011 construction seasons. An analysis on which roads will be done for \$500K was presented.

Selectman Foresto requested West Street and the School parking lots be placed on the lists. Selectman Crowley asked Administrator Kennedy that three opinions from Mr. Holder be submitted to the Selectmen for their review. A letter with Tom Holder's opinion should be sent to the school committee.

Mr. Crowley explained that this plan has \$30k for design on Village Street sidewalks, which will be constructed in FY2011.

Beaver Dam issue-Tom Holder, DPS Director

Update-a parallel pipe was installed last week, Mr. Holder is unsure at this point if it will make any significant changes, owners at 60 Winthrop have been notified, expecting to see some improvement.

ATM Warrant

Article 22-Board of Health members were present. Robert Collum, Michael Heavey, Kathleen McCarthy

Mr. Collum asks for the Board of Health, through the article to operate as a Board of Health, run the recycling center, trash pick up, have Bill Fisher and Carol Brodeur under the Board of Health as they have been doing so for many years.

Mr. Heavey believes the law is read and interpreted differently. He would like the charter to be amended. The health agent working under the Board of Health is natural and he believes this is written under chapter and verse.

Kathleen McCarthy, believes the community is better served by the health agent being under the Board of Health and not under the town administrator.

Selectman Trindade asked that the BOH explain how the change to the health agent fall under the TA has been hindered. What hinders your policy making?

Mr. Heavey explained the day to day command should be the BOH and shouldn't be the Town Administrator. This is not just a policy driven board.

Mr. Espinosa explained that the Town Charter was presented through the state to ensure it was a legal document, and believes the reason why it took such a lengthy time to receive the approval. He explained the Town Charter supercedes MGL's for the health dept.

Mr. Heavey explained Town Counsel and another legal authority advised to go forward in the manner which is presented in the Article.

Mr. Trindade believes this is an incredibly bad idea and that the Selectmen don't have to agree to include this in the warrant. There have been no ideas presented on items to show what has hindered under the current operating model.

Mr. Heavey believes the citizens should have the right to vote.

Mr. Dunne and Mr. Foresto believe the charter being accepted was the voice of the people agreeing with the process.

Selectman Trindade moved that the Board remove Article 22 from the Warrant; Selectman Foresto second; Discussion: putting an article on the warrant was discussed. Chairman Espinosa offered that the Selectmen have the right to look at any article and put it on the warrant or not. The Selectmen can then recommend in favor or not. If the Selectmen say no, they can go forth anyway. It can go to Town

meeting with or without the Selectmen's recommendation. The Selectmen can note on the warrant that they don't agree.

Selectman Trindade withdrew his motion. Selectman Dunne moved that the Board approve Article 22 for vote at Town meeting as written and presented by the Board of Health; Selectman Crowley second; Discussion: Selectman Crowley clarified that the Selectmen are voting to allow Article 22 onto the warrant; 4-1 (Selectman Trindade opposed)

Article 1 Selectman Trindade moved that the Board approve Article 1; Selectman Dunne second; No discussion; All ayes 5-0.

Article 2 hold until we know the numbers

Article 3-8

Article 9, 10 and 11 all were earlier passed at town meeting but have unexpended monies. Selectman Trindade moved that the Board accept Article 9; Selectman Crowley second; No Discussion; All ayes 5-0.

Article 10 unissued remaining for the completed wash pad, Selectman Trindade moved that the Board accept Article 10; Selectman Crowley second; No Discussion; All ayes 5-0.

Article 11- \$25K unexpended of the \$185K article that was to update and renovate the senior center. Missy could use the remaining funds to do some repairs. If the Selectmen are in agreement, this should pass by the Capital Improvement Program Committee. Administrator Kennedy explained if so inclined, rescind article 11 and vote yes on article 13. Basically this is repurposing the money. Selectman Trindade moved that the Board approve Articles 11 and 13; Selectman Dunne second; Discussion: Selectman Crowley would like to move article 13 to article 12's place to make it easier to discuss; All ayes 5-0.

Article 12-Administrator Kennedy explained there is approximately \$10-12K of unexpended funds from the record retention project. The amount is not secure to date. The funds may be appropriated to other projects (i.e. Town clerk safe or town hall renovations). The Town clerk is going to the CIPC for the funds necessary. Chairman Espinosa explained a fireproof file cabinet could be used. Selectman Trindade moved that the Board accept article 12; Selectman Dunne second; No discussion; All ayes 5-0.

Article 14-Selectman Trindade moved that the Board accept article 14 with \$10,000 not \$5,000; Selectman Dunne second; No discussion; All ayes 4-0 (Selectman Crowley abstained as the Chairman of the Medway 300th.)

Article 17-Tom Holder will get a monetary amount for tomorrow.

Warrants

Warrant #40 4/8/10

Town bills \$117,659.16

School bills \$190,919.20

Total \$308,578.36

Selectman Trindade moved that the Board approve the Warrants as read; Selectman Foresto second; No discussion; All ayes 5-0.

Town Administrator's Report

DPS has been awarded a \$15K grant from Dept of Public Health to update fluorination systems that will help with SCADA.

Working with a grant writer fir a \$565K grant for the Brentwood project, hazard mitigation will be submitted to FEMA, will not know for a few months

Selectmen Reports

Selectman Foresto- nothing to report

Selectman Trindade- nothing to report

Selectman Dunne – nothing to report

Selectman Crowley – Asked if SCADA is up and running and he was advised that reports are being generated and being studied.

Selectman Espinosa- nothing to report-

At 8:50pm Selectman Trindade moved that the Board adjourn for the evening; Selectman Dunne second; No discussion; All ayes 5-0.

Respectfully submitted,

Wendy Harrington

Board Secretary

***Approved 5/17/10**