

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 Minutes Final

April 20, 2010, 6:30 PM

Sanford Hall, Medway Town Hall, Medway

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

ABSENT: Glenn Trindade

Called to order 6:10 PM

Call to order; Recitation of the Pledge of Allegiance

Public Comment: None

At 6:33pm Selectman Foresto 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 Crowley seconded; no discussion; Roll Call Vote Espinosa-aye; Crowley-aye; Foresto-aye; Dunne-aye.

At 6:58 pm Selectman Crowley moved that the Board adjourn Executive Session and return to public session; Selectman Foresto seconded; no discussion; Roll Call Vote Espinosa-aye; Crowley-aye; Foresto-aye; Dunne-aye.

Flouridation Grant Acceptance Tom Holder

This grant is \$15K from the state and the town will purchase two fluoridation analyzers. The town will staff, install plumbing, electrical and interaction with scada system. In the end it will enable us to have greater confidence that the fluoride levels are where they should be.

Selectman Foresto moved that the Board approve the grant for fluoride system improvements; Selectman Dunne second; No discussion; All ayes 4-0.

Town Election Warrant- Maryjane White, Town Clerk

Town Clerk White explained the election warrant for 5/18/10. This requires the Selectmen's signatures.

A discussion took place on whether or not constables should be elected or appointed and why some are appointed and some are elected. Administrator Kennedy explained Town Counsel is reviewing this situation and she should have some kind of ruling on this in the next few days.

Selectman Crowley moved that the Board approve the warrant for the elections 5/18/10 as presented by the Town Clerk; Selectman Dunne second; No discussion; All ayes 4-0.

CPC presentation-Mark Cerel, Missy Dzikczek, Dave Kaeli were present. A written presentation was emailed to the Selectmen before the meeting. The fund has approximately a \$4Million balance. The matching donation from the state was discussed and explained it is at approximately 48%. The higher percentage match we are getting is because we are collecting 3% (which is the maximum) per household.

It was asked of the committee what the plan for 2B Oak Street is going forward. Mr. Cerel gave his personal opinion of what he believes should take place. Mr. Kaeli explained the original proposal that Camp Sunshine made and how they were going to add additional buildings to the property. There were no other proposals that came in.

Selectman Dunne, asked if there is still a need to collect 3% and is this payment an option to the residents. Mr. Cerel explained it is not an option. The assessment follows the principal taxing on the property, if there is an abatement it is pro rated. Mr. Kaeli explained if the town was to reduce the percentage the state will reduce the refund it provides annually. Mr. Cerel believes the matching for FY11 will be close to the matching for FY10.

Mr. Cerel explained the process to change the assessment would require town meeting vote and a ballot question. Mr. Schroeder is actively looking into property acquisitions.

Increase Senior Tax Work Off of \$1000- Missy

Selectman Dunne moved that the Board approve the senior tax workoff to increase from \$750 to \$1000; Selectman Foresto second; Discussion: Selectman Crowley wanted to be sure the seniors are aware their max number of hours will increase; Missy explained they will be aware; All ayes 4-0.

Contract Amendment #1 with Comm-Tract, Inc.-Rich Boucher, Director Informational Services

Mr. Boucher explained the contract amendment.

Selectman Foresto moved that the Board approve the Comm-Tract contract for \$124k for phase II of the fiber optic installation, pending approval of \$135k being appropriated from STM article 2 on June 14, 2010; Chairman Espinosa second; Discussion: Selectman Crowley asked for clarification on the back bone and when build etc. It was explained that amendment #2 is not going forward as the amendment wasn't written correctly. Selectman Crowley pointed out some minor adjustments that need to be changed; As builds should be included, monetary values (math) need to be corrected and the Choate Park location be added; Selectman Foresto offered an amendment to the motion and asked that Mr. Boucher come back with corrections to allow the Chairman to execute the contract. Mr. Boucher will give the changes to the Town Administrator; Selectman Dunne second the

amendment; No further discussion; All ayes 4-0. Mr. Boucher hopes to have the project completed by the end of August.

Hazardous Waste Collection

Clean Harbors household hazardous waste collection agreement was reviewed.

Selectman Crowley moved that the Board enter into an agreement with Clean Harbors for Hazardous Waste day on 5/22/10; Selectman Dunne second; No discussion; All ayes 4-0.

Common Victualler License-Golden Bamboo

Selectman Foresto moved that the Board approve the Common Victualler license for Golden Bamboo; Selectman Dunne second; No discussion; All ayes; 4-0.

School Committee Liaison Committee Deb Trindade, Vice-Chair School Committee

-Two Deans have been hired Cheryl Macrie from Ohio will be the Dean of Academics and Dorothy Pearl has been hired as the Dean of Student Services and as part of her responsibilities will oversee the Guidance Department.

-The School Committee looked at school athletic fees at their recent meeting and it appears there will be no change in athletic fees for the next school year.

-School Choice was reviewed and it was voted to increase the capacity. The benefit would be that money comes in from the town the student is moving from. The class capacity and the selection process of school choice enrollment were explained.

-STM article for the use of the roof for the solar panels at the Middle School was explained. Administrator Kennedy would like to get a copy of the current lease agreement with Broadway and asked Mrs. Trindade if she could take care of getting that over to the Town Administrator's office. This project is likely to possibly pay 90% of the electrical cost for the Middle School.

Dog Hearing-Chairman Espinosa opened the dog hearing at 8:30pm. Brenda Hamelin, Animal Control Officer, Amy Bullard-Lynch, dog owner and Gene McGlynn, resident of 147 Summer Street were present.

Officer Hamelin read the letter that was sent to the dog owner requesting her presence at the hearing. Amy Bullard-Lynch was present and Officer Hamblin explained the return receipt on the letter was received.

Amy Bullard-Lynch, Gene McGlynn and Brenda Hamelin were sworn in by Chairman Espinosa.

Officer Hamelin gave all of the background history on Rufus.

Mr. McGlynn spoke on his family's behalf and asked that the dog be removed for he fears for the safety of his children. Mr. McGlynn is afraid of the dog as he growls and he is a very large bloodhound.

Officer Hamelin suggested that the dog be turned over to her as a way to resolve this situation. Selectman Crowley explained the laws and asked Ms. Bullard-Lynch what she would do if she was in the same situation. Ms. Bullard-Lynch explained that she has been keeping him in a kennel with two locks or walking him on a lease. Ms. Bullard-Lynch's explained her personal situation and feels she has control over the dog at this point. Mr. McGlynn explained he has not seen the dog loose since the end of 2009.

Selectman Crowley reviewed the last dog situation the Selectman heard.

Mr. Dunne suggested restricting the dog to wear a muzzle when out and if the dog is found unmuzzled and/or unleashed further action would be taken. Mr. McGlynn still believes this dog should be removed from the property for the sake of his children.

Officer Hamelin would agree to insisting the dog be muzzled while outside as an alternative. If the dog was removed now, Officer Hamblin explained she would euthanize the dog because she doesn't trust the dog.

Selectman Crowley would like to look at the liability to the town before he makes any decisions. This will also give the dog owner some time to think of some alternatives before the Selectmen order her what to do. Selectman Dunne suggested a permanent restraining order, when outside always must be muzzled, if loose again or muzzle violation the dog gets put down.

Chairman Espinosa meeting closed the hearing at 9:05pm.

Chairman Espinosa reviewed the findings of fact, supported by written and oral documentation. Officer Hamelin explained again that if the dog was removed now, she would euthanize the dog because she does not trust him.

Selectman Dunne recommended, based on the last few months of owner handling and the fears out there, a permanent restraining order with a muzzle (and muzzle training) with the understanding if the dog was found loose or unmuzzled the dog would be taken.

Selectman Dunne moved that the Board restrain the dog "Rufus" under two conditions. A permanent restraining order and at all times when outside the dog must be muzzled, even when in his kennel. If the dog is found unmuzzled and/or off his lead, the dog will be taken; Selectman Foresto second; Discussion: Selectman Crowley would like to look at the Town's liability before he votes on this motion. He agrees with the motion but would like the legal opinion from Town Counsel. Selectman Dunne wants the dog on a permanent restraining order. Chairman Espinosa believes Ms. Bullard-Lynch has been given many chances and he does not want to give her another chance because of the fear the neighbors have for the dog. Selectman Crowley moved to amend the motion, adding, stating pending review by Town Counsel on the Town's liability of these actions. Chairman Espinosa added if Town Counsel comes back that the Town is liable, then the Board will advise

Animal Control Officer Hamelin to take the dog into her custody for euthanization. Animal Control Officer Hamelin explained Ms. Bullard-Lynch will receive written notification from the Town and will have 10 days to appeal in court, should she choose to do so. Selectman Foresto second the amendment; Discussion: Chairman Espinosa wanted the record noted that he is in disagreement but hopes the Board is right and he is wrong; 3-1 (Espinosa opposed).

Special Town Meeting Warrants

Article 1-

Selectman Dunne moved that the Board approve Article 1; Selectman Crowley second; No Discussion; All ayes 4-0.

Selectman Dunne moved that the Board recommend Article 1; Selectman Crowley second; No discussion; All ayes 4-0.

Article 2-

Selectman Dunne moved that the Board approve and recommend Article 2; Selectman Foresto second; No discussion; All ayes 4-0.

Article 3-

Selectman Dunne moved that the Board approve and recommend Article 3 with the sum of money available in the motion; Selectman Foresto second; No discussion; All ayes 4-0.

Article 4-

Selectman Dunne moved that the Board approve and recommend Article 4 with the sum of money available in the motion; Selectman Foresto second; Discussion: Selectman Dunne would like to commend the Medway Local Employees Union; Selectman Crowley asked to clarify if adequate funds are available to cover Articles 3 and 4, he was advised there is; All ayes 4-0.

Article 5-

Selectman Dunne moved that the Board approve and recommend Article 5; Selectman Crowley second; No discussion; All ayes 4-0.

Article 6-

Selectman Dunne moved that the Board approve and recommend Article 6 with the sum of money available in the motion and the article should be amended with the explanation in the article of where the money is going from and to; Selectman Foresto second; No discussion; All ayes 4-0.

Article 7-

Selectman Dunne moved that the Board approve and recommend Article 7; Selectman Crowley second; No discussion; All ayes 4-0.

Article 8-

Selectman Dunne moved that the Board approve and recommend Article 8 as written; Selectman Foresto second; Discussion: Selectman Crowley asked that “at no additional cost to the people of Medway” be added. Selectman Foresto explained this article is only to allow the school to lease the space and the grant covers the cost of the installation; All ayes 4-0.

Annual Town Meeting Warrants

Article 24-John Emidy

Changes have been made since the last time we met. There will be a public hearing along with the Planning Board. The Planning Board will do a public hearing on zoning articles but this one will be included.

Chairman Espinosa accept and recommend Article 24 as written; Selectman Foresto second; Discussion: Selectman Crowley asked if the Planning Board has reviewed, Susy Affleck-Childs has expressed the Planning Board is in favor of this article. Selectman Dunne asked if there will be a difficulty in collecting fees from abandoned properties, Mr. Emidy explained foreclosed are bank owned and it may take more research but it will be attached to the tax bill; 4-0.

Articles 1-23 will be discussed on Thursday 4/22/10

Planning Board Articles-Susy Affleck-Childs, Planning and Economic Coordinator

Article 25- This is a ZBA article, it will be presented at the Planning Board Public Hearing. The ZBA has not communicated with the Planning and Economic Development Board about this article.

Administrator Kennedy read Town Counsel's opinion which was relayed to ZBA, in turn they relayed that they still want to go forward. The Planning Board will wait until the public hearing and then decide. Chairman Espinosa asked Administrator Kennedy to invite the ZBA to attend the BOS meeting on 4/22 to discuss.

Selectman Dunne left the meeting at 9:50pm

Article 27-This article is to establish the Medway Agricultural Committee. **Selectman Foresto moved that the Board accept article 27; Chairman Espinosa second; No discussion; All ayes; 3-0.**

Article 28 -This article will accept the conveyance of two parcels of land in Granite Estates subdivision, one for open space and one is for a storm water retention. **Selectman Foresto moved that the Board approve article 28, conveyance of land to the Town of Medway; Selectman Crowley second; Discussion: It was asked who would control this 3.53 acres of land, open space or conservation. Ms. Affleck-Childs believes it will be conservation. She will have a Planning Board rep attend the BOS meeting on 4/22 to discuss further. Article is held for further discussion.**

Article 29-Conveyance of land with a vernal pool from the Ishmael Coffee Estates Subdivision to the Town of Medway. There are issues with the vernal pool which hopefully will be resolved. There is a 60 day inspectional period in process. If the vernal pool turns out fine then the BOS will all accept. **Chairman Espinosa moved that the Board approve article 29 but recommendation is TBD; Selectman Crowley second; No discussion; All ayes 3-0.**

Article 30-This article is for an expedited permitting program for energy related manufacturing. All permissions of property owners have not been secured.

Selectman Foresto moved that the Board approve article 30 but recommendation is TBD; Selectman Crowley second; No discussion; All ayes 3-0.

Article 31-The street acceptance article has been withdrawn by the Planning and Economic Development Board as the developers are not cooperating. **Selectman Foresto moved that the Board withdraw article as there are no streets to accept per the Planning Board; Chairman Espinosa second; Discussion: Ms Affleck-Childs explained street acceptance has not been the priority of the planning board of late and she explained how time consuming the process is; All ayes 3-0.**

The next 4 articles are a series of articles to help complete the one of the steps required for Medway to become a green community.

Article 32-Zoning bylaw definitions **Selectman Foresto moved that the Board approve and recommend article 32 as written; Selectman Crowley second; No discussion; All ayes 3-0.**

Article 33- Industrial II Zone which allows R&D, manufacturing and solar power generation. **Chairman Espinosa moved that the Board approve and recommend article 33 as written; Selectman Crowley second; No discussion; All ayes 3-0.**

Article 34 and 35 **Selectman Foresto moved that the Board approve and recommend articles 34 and 35 as written; Selectman Crowley second; No discussion; All ayes 3-0.**

Article 36 This article is a change in site plan review which provides sidewalk construction. **Selectman Foresto moved that the Board approve and recommend article 36 as written; Chairman Espinosa second; Discussion: the site plan is non residential, needs and building permit or a renovation of an existing site, primarily a new construction; All ayes 3-0.**

Article 37-minor amendments to sign regulations **Chairman Espinosa moved that the Board approve article 37 with the recommendation TBD; Selectman Crowley second; No discussion; All ayes 3-0.**

Article 38- establishes some lighting standards **Chairman Espinosa moved that the Board approve article 38 with the recommendation TBD; Selectman Foresto second; No discussion; All ayes 3-0.**

Article 39-home based businesses **Chairman Espinosa moved that the Board approve article 39 as written with the recommendation TBD; Selectman Foresto second; No discussion; All ayes 3-0.**

Article 40-allow individual property owners to allow small wind generation by special permit **Selectman Foresto moved that the Board approve article 40 with the recommendation TBD; Selectman Crowley second; No discussion; All ayes 3-0.**

There will be a Planning Board Public Hearing is May 11, 2010.

Warrants

Warrant #42 4/22/10

Town bills \$238,094.13

School bills \$316,748.02

Total \$554,842.15

Chairman Espinosa moved that the Board approve the Warrants as read; Selectman Foresto second; No discussion; All ayes 3-0.

Town Administrator's Report

Comcast negotiations are on going

Administrator Kennedy did contact McGovern's office regarding Rte 109 and she will keep us apprised of the TIP results.

Selectmen's Reports

Foresto-nothing to report

Crowley-OPM for the MSBC project has submitted two invoices and they haven't been paid yet. The money hasn't gone out to bond yet. There are still unresolved issues between bond counsel and the Town of Medway. Ms. Phillips was trying today to get these issues resolved. There has been no correspondence to date (per Suzanne). Administrator Kennedy explained an interfund transfer for \$7668 would be needed based upon Ms. Phillips obtaining the green light. **Selectman Foresto moved that the Board approve the interfund transfer of \$7668 to pay the Compass invoices with the contingency that the financial advisors give Ms. Phillips the green light; Selectman Crowley second; No discussion; All ayes 3-0.**

Espinosa-nothing to report

At 10:50pm Selectman Foresto moved that the Board adjourn for the evening; Selectman Crowley second; No discussion; All ayes 3-0.

Respectfully submitted,

Wendy Harrington

Board Secretary

**Approved 5/3/10