

# 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

May 3, 2010, 7:00 PM

Sanford Hall, Town Hall, 155 Village Street

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

**ABSENT:**

Called to order 7:03 PM; Recitation of the Pledge of Allegiance

Public Comment: None

### Agenda

#### Election for Constable -Town Clerk

The Town Clerk was present and explained this election year has 2 elected constables on the ballot, there are also 2 constables appointed by the Board of Selectmen. When the charter came into affect it eliminated the elected constables and they should now all be appointed. No one realized this and it was assumed that those that had always been appointed would remain appointed but the charter does not list elected constables. The constables can not be on the ballot per state election officials.

Ms. White explained that the ballots will need to be reprinted, the machines are already programmed to count the constable votes but with nothing in that spot, it won't read anything and will be fine. The machines could be reprogrammed but it will be less expensive to just reprint the ballots.

Selectman Trindade requested something in writing from town counsel and/or election officials to confirm.

A selectman suggested putting a non-binding election referendum (language to be figured out) on the ballot. Ms. White was asked to confirm this with state election officials and, if yes, what would be the procedure to do that.

Selectman Dunne read Town Counsel's opinion which states that constables should be appointed as their terms expire.

It was decided that once Ms. White gets an answer, then she will notify each individual on behalf of the Town.

**Selectman Foresto moved that the Board remove the Constable position from the 5/18/10 election warrant and if allowed will put a non binding referendum on the warrant and Chairman Espinosa will sign on the Board's behalf; Selectman Trindade second; No discussion; All ayes 5-0.**

**Dog issue:** Administrator Kennedy explained Town Counsel's opinion. It is possible for someone to claim against the Town should the dog harm someone after an order, but there is no liability. Town Counsel feels due diligence occurred based on the best facts presented. For the record on Wednesday Officer Hamelin found the dog out without a muzzle. The owner has been notified in writing of the Board's decision and the dog is now muzzled. It was suggested the Animal Control Officer be made aware of Town Counsel's legal opinion. The dog owner has been given another chance. It was agreed not to give the legal opinion to the dog owner.

### **Approval of Minutes**

**Selectman Trindade moved that the Board approve the minutes of 4/22/10; Selectman Dunne second; Discussion:** Jeff Devolder, School Committee was present and explained there has been a meeting between the School Committee and Laura Frain, Special Ed Director. Mr. Devolder explained what has been worked out within the schools. It appears there is more of a need for an academic program in the summer. Students can participate in an academic, a social program or both. **All ayes 5-0.**

**Selectman Trindade moved that the Board approve the minutes of 4/20/10 as amended; Chairman Espinosa second; Discussion-amendments; All ayes 5-0.**

**Selectman Trindade moved that the Board approve the minutes of 4/13/10; Selectman Dunne second; Discussion; All ayes 4-0 (Selectman Dunne abstained)**

**Minutes of 4/1/10 were held for a future meeting.**

### **Tri-State Trek**

**Selectman Dunne moved that the Board approve the Tri-State Trek; Selectman Trindade second; Discussion; Selectman Trindade read Chief Tingley's approval letter which stated the recommendation that Tri-State Trek hire one detail officer for the event; All ayes 5-0.**

**Selectman Trindade moved that the Board of Selectmen award the BAN for \$950,000 for the sewer project financing with an issue date of May 13, 2010 to TDBank with a bid of 1.07%; Selectman Crowley second; Discussion: it was explained there were 4 bids and if went with a bond the rate would be in the 3's, this is the lowest bidder; All ayes 5-0.**

**Selectman Trindade moved that the Board of Selectmen award the BAN for \$250,000 for the Middle School repair project financing with an issue date of May 13, 2010 to UniBank with a bid of 1.25%; Selectman Foresto second; Discussion: this is a negotiated bid, there was not enough time to go out to bid. This is for three months; All ayes 5-0.**

### **Murray Paving Contract**

**Selectman Trindade moved that the Board authorize the chairman to execute the Murray Paving contract; Selectman Foresto second; Discussion: Selectman Crowley asked about an escalation clause and Administrator Kennedy explained it is in the bid documents. Selectman Crowley asked that the contractor pay (page 2 article 7b) show 60 or 45 days not 30. Selectman Trindade amended his motion; Authorize the chairman to execute not to exceed \$500,000 and after the Town Administrator returns with language terms to the satisfaction of the Chair; Selectman Foresto second; Contracts should be date stamped when received; All ayes 5-0.**

**Article 25 ATM** Administrator Kennedy explained there was a meeting between the PEDB Chair and the ZBA Chair and the ZBA Chair did agree with Town Counsel that the article is not necessary. The ZBA chair did explain he didn't have the ability to remove the article himself, he plans to meet with the ZBA on 5/5/10 to remove the article. **Selectman Foresto moved that the Board remove article 25 if the ZBA communicates the removal; Selectman Dunne second; No discussion; All ayes 5-0.**

**Article 10 ATM**-Selectman Dunne asked why no amount of money is noted on this article. Administrator Kennedy explained she hasn't received this information from CPC and they plan to include it in the Article's motion. Selectman Trindade asked that Administrator Kennedy contact CPC via email and cc the Selectmen and ask them to populate the monetary fields for this article. It was decided if CPC doesn't provide this information by 5/7/10 the Selectmen will fill in their own numbers.

**Article 14**-Administrator Kennedy explained that she is working on getting a list of expenses from Ms. Dzycek. She explained to her that if no list is provided the article may not pass to the warrant.

**Final Review and Approval of FY2011 Budget**- The proposed, revised budget (dated 4/28/10) including school changes were explained to the School Committee Liaison, Jeff Devolder.

Administrator Kennedy was asked to develop a presentation for Town Meeting and transmit it to the Selectmen and School Committee to make sure all are in agreement. It was suggested that the Moderator be contacted to make sure the motions are in the correct order.

### **School Committee Liaison**

Mr. Devolder was present and explained to the Selectmen that on May 20, 2010 Broadway will give a presentation on the Middle School Solar project. Mr. Devolder explained this is power purchase agreement similar to the solar project at the High School only four times larger. He invited all to attend.

Mr. Devolder also explained that Camp Sunshine issues have been resolved

### **Roles and Responsibilities**

This document was presented to the Selectmen for review. It was suggested that this is more of a standard for new selectmen to refer to. A lengthy discussion took place regarding this topic and after all Selectmen gave input it was decided it needs some “tweaking” and will be reviewed again in the summer.

**Warrant # 14 5/6/10**

Town bills \$903,536.36

Total \$903,536.36

No school bills

**Selectman Trindade moved that the Board approve the warrants as read; Selectman Dunne second; No discussion; All ayes 5-0.**

**Town Administrator’s Report**

-The DPS staff will be working with FEMA for help to repair Brundage’s Corner at 245 Village Street

-TIP day is 5/6/10 and the Route 109 project will be discussed.

-West Street full reclamation-Administrator Kennedy discussed the costs for the roads, Mr. Holder’s unofficial estimate is \$329k Tom Holder. Mr. Foresto would like Mr. Holder to know that Alder and Village Streets have been affected by the project and should be looked at as well.

-The study between using Long Distance Tire or continue to have routine maintenance performed in house will be looked at in the future. Mr. Holder is focusing on other projects and this will remain on the action item list.

-A clarification discussion took place on the residents near the Village Street Well and Mr. Trindade explained the property owners were notified for the original site and all agreements were received. When the site was changed, the radius changed and he believes the Town never got the agreements of the property owners. This is a DEP issue. Administrator Kennedy will look into this further.

-Mr. Holder has met with the residents with drainage issues on Village Street. The design of the drains has begun and construction will take place in 2011.

-There was a meeting with the Superintendent, the Park’s Chair and DPS and discussed facilities and fields and who is responsible for what. It was determined which questions were appropriate for the facilities committee. Those mentioned above will work in tandem with the facilities study group. Athletic Director, Rob Pearl and other school staff will be involved and an internal working group will be formed in July.

**Selectmen’s Reports**

**Foresto**-Mr. Foresto explained the Energy Committee’s Kill-O-Meter program and explained they would be present at Pride Day with an NSTAR rep.

**Trindade**-Explained the affordable housing tour-Lincoln, Sudbury, Wayland and Sherborn and offered that it was very interesting.

-Requested a meeting on the maintaining of fields and how the assessing of fees is decided.

**Espinosa**- It was requested/suggested a joint meeting with the Park Board to discuss assessing fees and an accounting of funds.

**Dunne**-Advised Mr. Crowley that Mr. Mushnick still hasn't hooked up with him yet. Mr. Crowley will pass the message along.

**Crowley**-action list additions

- A written report on abandoned properties and the status of the Town's policy to take over these properties.
- Shaw street update, Administrator Kennedy explained this should be done, including paving of all of Shaw Street, by the end of May.
- Please call a meeting of the Facilities Management Study Committee
- Contact the editor of the new Medway/Millis newspaper as no one from Town has returned their phone calls.
- Present awards at Town Meeting to Mr. Heavey, Wilson and Johnson, arrange with the Moderator

***At 9:30pm 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