

**Board of Selectmen's Meeting
January 19, 2011, 6:30 PM
School Committee Meeting Room
45 Holliston Street**

Present: Chairman Dennis Crowley, Selectmen John Foresto, Andrew Espinosa, and Richard Dunne and Town Administrator Suzanne Kennedy. Selectman Glenn Trindade was absent.

At 6:35 PM Chairman Crowley called the meeting to order, and the Board recited the Pledge of Allegiance.

At 6:36 PM Selectman Dunne moved that the Board go into Executive Session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the Town's litigating position, and to return to public session upon adjournment; Selectman Espinosa seconded. Roll call vote: Selectman Foresto, aye; Selectman Espinosa, aye; Selectman Dunne, aye; Chairman Crowley, aye; all ayes, 4-0.

At 7:12 PM Chairman Crowley reconvened the public session.

Public Comment: None

Appointment to Affordable Housing Committee:

The Board reviewed a resume and letter of application dated October 15, 2010, from Charlie Mascari, 5 Island Road, for a position on the Affordable Housing Committee.

Mr. Charlie Mascari introduced himself to the Board and briefly reviewed his credentials, noting he worked in the high tech industry for over 30 years, and is now working as a realtor. He noted he has been attending and participating in meetings of the Affordable Housing Committee and is well aware of its mission and accomplishments.

Selectman Dunne moved that the Board appoint Charles Mascari to the Affordable Housing Committee for a two-year term to expire June 30, 2012; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Williamsburg Condominiums – Approval of Conservation Restriction:

The Board was in receipt of a Conservation Restriction, dated and notarized January 18, 2011, conveyed from the Williamsburg Condominium Corporation to the Town of Medway, via its Conservation Commission, on property located in the Town of Medway, Massachusetts constituting approximately 1 acre, and shown as "Open Space Parcel 'A'" on a plan of land entitled, 'Plan of Land "Williamsburg Way" Definitive OSRD Development Plan in Medway, MA prepared by O'Driscoll Land Surveying Co. Date August 31, 2009, Revise Date January 28, 2010' recorded with the Norfolk County Registry of Deeds at Plan Book 598, Pages 68-74, 12 pages total.

Susy Affleck-Childs, Town Planner, briefly reviewed the property in question, an 18-unit condominium complex on West Street, with two open space parcels. Parcel A, a one-acre parcel, is the one under consideration this evening. She stated that, according to Town bylaw, the parcel can be deeded to the Town or to a land trust, or can be retained by the developer with a Conservation Restriction on it which prevents future development. In this particular case, the developer is granting a Conservation Restriction to the Town.

It was noted that Town Counsel has reviewed the document and found it to be in order.

Selectman Foresto moved that the Board approve the acceptance of the Conservation Restriction from the Williamsburg Condominium Corporation, submitted by the developer and reviewed by Town Counsel, and in accordance with the Planning and Economic Development Board's decision on the Williamsburg Open Space Residential Development; Selectman Dunne seconded. No discussion. All ayes, 4-0.

Williamsburg Condominiums – Authorization of Chairman to Sign Local Initiative Program Application for Local Action Units:

The Board was in receipt of the following document: Local Initiative Program Application for Local Action Units, designating three (3) units of the Williamsburg Condominiums as 'affordable housing', with attachments, 7 pages total.

Ms. Affleck-Childs stated that, under the affordable housing bylaw, this development of nine (9) duplex buildings has three (3) designated units. In order to have these units considered for the Town's affordable housing percentage requirement, paperwork must be submitted notifying the Commonwealth of the additional units. It was noted that it is a standard form, and that Town Counsel approved its submission.

Selectman Foresto moved that the Medway Board of Selectmen authorize its Chairman, Dennis Crowley, to sign the Local Initiative Program Application for Local Action Units for the Williamsburg Condominium development and to submit said application to the Massachusetts Department of Housing and Community Development for certification of three dwelling units in the Williamsburg Condominium development for inclusion on the state's affordable housing inventory for Medway; Selectman Dunne seconded. Selectman Espinosa asked if there was any opposition from residents. Ms. Affleck-Childs responded that a hearing was held, but no opposition was presented. All ayes, 4-0.

Approval – Modification to Snow and Ice Management Policy – Sidewalks to be Cleared Following Snow Event:

The Board was in receipt of the following documents: (1) Town of Medway Snow and Ice Management Policy/Guide, April 2006, 8 pages; (2) proposed revisions to the snow plowing procedures with regard to sidewalks; and (3) email dialogue between Town staff, School Committee member and resident, David Palmieri.

Tom Holder, Department of Public Services Director, summarized the existing policy of clearing snow from sidewalks, noting that the policy is a guidance document, which will change from time to time. There is currently interest in amending locations where sidewalks are plowed. Mr. Holder stated there are thirty (30) miles of sidewalks in town. The Town usually tries to prioritize sidewalks near schools and the downtown business district.

Mr. Holder noted there are primary and secondary routes of sidewalk plowing, following the completion of the storm. Streets are cleared first, then the primary sidewalk routes. In the following days, the secondary route (extension of primary) is cleared, as well as removal of large amounts of snow from intersections and other cleanup tasks.

There has been a request to extend the Holliston Street route to Lovering north to Ellis Street, about one-quarter mile. Mr. Holder stated the section of Azalea and Summer would be eliminated, mostly because high school students do not necessarily walk to school, but also because it is a distance away from the highway facility to get the tractor there. He noted that the high school route serviced only a couple of streets, and is a section only 300 feet in length.

Chairman Crowley stated that the existing policy/guide was written before Mr. Holder became DPS Director. He stated it is a well-written document that occasionally needs review based on population changes. He suggested this review be done on an annual basis.

Selectman Foresto commented that some bus stops could use more attention as snow piles prohibit line of sight. He also noted that parents are driving children to bus stops, and parking along roads already narrowed by significant snow.

Selectman Espinosa expressed concern that all areas are not being addressed equally. He suggested the DPS make sure that the areas with the most walkers get the most attention. He also suggested clarification of the sidewalk snow removal process for residents would be very helpful.

Chairman Crowley asked when the changes would go into effect. Mr. Holder stated the changes have already been implemented, and the department just needs official approval.

Selectman Espinosa moved that the Board amend the Snow and Ice Management Policy/Guide pursuant to corrections proposed by the Director of Public Services, and in addition, provide a map showing continuity; Selectman Foresto seconded. Discussion; 3 ayes, 1 oppose – 3-1.

Mr. David Palmieri, 110 Holliston Street, expressed appreciation for the Town's prompt response to his concerns. He stated that his children are too young to attend school, but noted that the neighborhood children are affected by the sidewalk clearing policy. Chairman Crowley thanked him for bringing the matter to the Board's attention.

Authorization of Chairman to Execute Contract with Weston & Sampson for Water Main Engineering Design Services:

The Board was in receipt of the following document: Agreement Between Town and Contractor, dated January 19, 2011, between Weston & Sampson Engineers, Inc., and the Town of Medway, for Water Main Design Services, with attachments, 15 pages total.

Mr. Tom Holder, Director, Department of Public Services, stated this agreement sprang from the approval of a Fall Town Meeting article. He stated Town Meeting action authorized \$165,000, but that the contract is for \$129,000.

Selectman Foresto moved that the Board authorize the Chairman to execute a contract with Weston & Sampson for water main engineering design services; Selectman Dunne seconded. Responding to a question from Selectman Dunne, Mr. Holder stated the extra money will be used for change orders if necessary, and any surplus after that will be rolled into the construction funds, if construction is approved at Town Meeting. That construction could begin in the spring of 2012. Additionally, leftover monies from water mains and water meters will be used to regrade road surfaces. **All ayes, 4-0.**

Authorization – Use of Construction Management At Risk – Middle School Repair Project:

The Board was in receipt of the following documents: (1) Resolution and vote of the Medway Board of Selectmen (to be signed), dated January 19, 2011; (2) Certification of Authority to use the Construction Management at Risk Delivery Method (to be signed), dated January 19, 2011; (3) Letter, dated January 20, 2011, from Robert Tucker, Chairman, Medway Middle School Building Committee, to Mr. Gregory W. Sullivan, Inspector General, Office of the Inspector General, Boston, MA, regarding Construction Management At Risk Application to Proceed, with attachments, to be signed and mailed following affirmative vote of the Board of Selectmen.

Mr. Bob Tucker, Chairman, Middle School Building Committee stated that the committee has evaluated two options for the middle school project, “construction management at risk” Chapter 149A of the Massachusetts General Laws (MGL) or traditional construction management (Chapter 149), noting that while both options are good, the committee has decided to use the Chapter 149A approach. He opined this allows better control over the qualification requirements for the subcontractors as well as involving the general contractor earlier so that he can become familiar with the existing facility and the renovation project.

Selectman Espinosa asked Mr. Tucker how the Board of Selectmen will know what is happening at various times during the construction process, referring to Item #4 on the resolution. Mr. Tucker responded that regular committee meetings will be held and reports can be forwarded to the Board. He further stated that a Board of Selectmen representative can attend any or all meetings. Chairman Crowley suggested that a report from the committee can be a regular agenda item for regular Board of Selectmen meetings as construction proceeds.

Selectman Espinosa read aloud the Resolution and Vote of the Medway Board of Selectman as follows; Selectman Foresto seconded. No further discussion. All ayes, 4-0.

The Town of Medway Board of Selectmen, in its capacity as the governing body of the Town of Medway under G.L.c. 149A, §2, hereby votes to adopt, authorize and effect the following actions:

- 1. To authorize the use of the construction management at risk delivery method pursuant to G.L. ch. 149A for the construction of repairs and improvements to the Medway Middle School (the "Project");***
- 2. To authorize the Town of Medway to enter into a contract with a construction management at risk firm and to perform all its obligations in connection with the Project;***
- 3. To approve the "Plan and Procedures for Utilizing CM at Risk on the Repairs to the Medway Middle School," dated January 14, 2011 and prepared by Compass Project Management, Inc.; and***
- 4. To authorize the Medway Middle School Building Committee to act on the Board's behalf in obtaining the approval of the Massachusetts Office of the Inspector General to utilize the construction management at risk delivery method for the above-referenced repairs and improvements to the Medway Middle School.***

School Committee Report from School Committee Liaison:

Deb Trindade thanked voters who braved the snow and rain to vote in the special election on January 18, as the Middle School renovation/repair project will extend the life of the building and provide a cohesive approach to education by blending the two buildings. She thanked the Board of Selectmen and Finance Committee for their hard work in getting this matter to Town Meeting.

Ms. Trindade reported the committee will begin working on the budget, but noted they will not know what Governor Patrick's cuts will be as those will be announced on February 3. They anticipate a 1% reduction from last year's budget which will be reflected mostly in staff changes, considering student enrollments against staff retirements, and transferring staff as necessary. At this writing, class sizes are expected to remain at a good level. Ms. Trindade opined that actual cuts in personnel may result if the cuts are larger than the expected 1%, but expressed optimism that, by the time the budget is presented at the Annual Town Meeting, revenues may be announced that can restore some of the cuts. Discussion followed.

Chairman Crowley stated that although the School Committee has discussed a Needs Budget, the Board of Selectmen is expecting all departments to submit level service budgets in accordance with the Board of Selectmen's Budget Policy Statement. He noted the School Department is included in that expectation when its budget is submitted on February 7. Ms. Trindade responded that is what she has said would happen. He stated he did not agree with the expectation of a 1% reduction. Ms. Trindade responded that last year's budget incorporated funds beyond what the Town had appropriated, mostly federal stimulus and grant money, which added funds to the overall school budget. Chairman Crowley thanked her, but also wanted further clarification that it was a 1% reduction in the School's budget.

Approval – Medway Community Farm 5K Run/Walk:

The Board was in receipt of the following documents: (1) Email, dated December 19, 2010, from Heather Scott, Medway Community Farm, to Town Administrator Suzanne Kennedy, requesting approval to hold its annual 5K Run/Walk, and (2) Letter, dated January 12, 2011, from the Chief of Police to the Town Administrator, stating no issues but requesting two detail officers for safety purposes.

Selectman Foresto moved that the Board approve Medway Community Farm’s request to hold a 5K Run/Walk on Mary 1, 2011, with the condition that two police details be assigned, at the expense of the Community Farm, to manage public safety for the event; Selectman Dunne seconded. No discussion. All ayes, 4-0.

Action Items from Previous Meeting:

Per Chairman Crowley’s suggestion at the last meeting, action items are now numbered.

Item #7 – Route 109 Project – Selectman Espinosa stated the group held a meeting last week to bring the committee together, develop some immediate action items, begin a dialogue to establish the group’s mission and determine leadership roles. He added that the group will be meeting soon to formalize the mission statement to bring to the Board. Selectman Espinosa expressed concern that representation from the historic district had been somehow overlooked and they would like to add another person to the group who would represent that contingent. He added that another member may not be as committed as they earlier thought so there may be an opening. Chairman Crowley suggested working with the group as it is, and if, necessary, solicit another person at a later date.

Item #4 –Street Acceptances – Selectman Espinosa reported the group is trying to put together a definitive process for street acceptance. Legal fees for title search work were estimated at \$5,000 – 7,000, possibly more if numerous neighborhoods have to be researched.

Item #3 – Solid Waste Audit Report – Ms. Kennedy reported this will be an agenda item at the Board’s first meeting in March.

No other updates.

Election Report:

Selectman Dunne reported that 1,099 residents participated in yesterday’s Special Election, representing 12% of registered voters in Medway. This means that 88% of registered voters chose not to participate. The Medway Middle School Repair/Renovation Project was approved in the election.

Approval of Warrants:

Selectman Foresto read aloud Warrant #11-19, dated 1/20/11, submitted for approval:

11-19P	Gross Payroll Town	\$209,903.61
11-29SP	Gross Payroll School	\$739,755.27
Total		\$949,658.88

Selectman Dunne moved the Board approve Warrant #11-19, dated 1/20/11, in the amount of \$949,658.88; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Town Administrator's Report:

Ms. Kennedy reported she is working with an employee benefits consultant to shop around for health care plans, then inviting vendors to submit quotes for health insurance for municipal employees.

A Request For Proposal (RFP) for the Town's property and liability insurance is being developed. Tony Pacholec on the Finance Committee works in the insurance industry and has offered his support. He has a colleague who serves on another community's Finance Committee who will assist in drafting the RFP.

Medway Board of Selectmen invited leaders from seven area communities to a round table discussion on common issues and problems. Communities represented included Holliston, Millis, Ashland, Medfield, and Franklin. Hopkinton was unable to attend. That breakfast was held this morning, and elicited very lively and engaging conversation. There was discussion on pension reform and health care plan design at the town level. The group will meet again in the coming months. Liaisons will be appointed to gather to refine issues with respect to health care planning.

With regard to the application for the energy grant for \$115,000, the group that reviews applications was meeting this evening. Affleck-Childs is representing the Town at the meeting. January 21 is the final day for review. Ms. Kennedy thanked the Energy Committee for its hard work on this grant.

Selectmen Reports:

Selectman Foresto – No report.

Selectman Espinosa – No report.

Selectman Dunne – Reported on an email from the Chairman of Labor Trustees with regard to service learning. Selectman Dunne suggested the Town adopt a project and opined the management of the Town's website as a good project.

Chairman Crowley – Extended accolades for the peer counselor group at the high school. Chairman Crowley stated this is a great group of young people who work hard and are fun to be with. He complimented them on their efforts.

At 8:37 PM, Selectman Espinosa moved to adjourn; Selectman Foresto seconded. No discussion.

All ayes, 4-0.

Respectfully submitted,
Jeanette Galliardt
Board Secretary