

**Board of Selectmen's Meeting
October 3, 2011, 6:45 PM
Sanford Hall, Town Hall
155 Village Street**

Present: Chairman Richard Dunne, Selectman John Foresto, Selectman Andrew Espinosa, Selectman Glenn Trindade, and Town Administrator Suzanne Kennedy. Selectman Crowley arrived at 7:35 PM.

Also Present: Barbara Saint André, Town Counsel; Will Naser, Principal Assessor; Susy Affleck-Childs, Director, Planning and Economic Development; Tom Holder, Director, Department of Public Services; Police Chief Allen Tingley; Fire Chief Paul Trufant.

At 6:45 PM Chairman Dunne called the meeting to order and led the Board in the Pledge of Allegiance.

Public Comments: None.

Executive Session:

At 6:46 PM Selectman Trindade that the Board go into Executive Session to discuss strategy with respect to litigation where a public session may have a detrimental effect on the town's litigating position (Exemption 3) and to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (Exemption 6): Granite Estates, and to return to public session immediately following executive session; Selectman Espinosa seconded. Roll call vote – 4-0: Selectman Trindade, aye; Selectman Espinosa, aye; Selectman Foresto, aye; Chairman Dunne, aye.

At 7:15 PM Chairman Dunne reconvened the public session.

Deed Acceptances – Granite Estates:

The Board reviewed deed acceptance documents prepared by Town Counsel for Parcels A & B.

Ms. Barbara Saint André briefly reviewed deeds for Parcels A and B in the subdivision known as Granite Estates. She stated Parcel A could be used for general purposes, while Parcel B is involved with roadway and drainage easements. She stated further this action is pursuant to Town Meeting vote.

Responding to a question from Selectman Espinosa, Ms. Saint André stated the easements involve drainage and other issues, and will be worked on toward completion.

Selectman Foresto moved the Board accept the deed acceptances as presented; Selectman Espinosa seconded. No further discussion. All ayes, 4-0.

Approval – Zoning Board of Appeals Appointment – Arlene Doherty:

Selectman Trindade moved that the Board appoint Arlene Doherty to the Zoning Board of Appeals as a full member for a one-year term, effective upon the date of her resignation as the night board secretary to the Zoning Board of Appeals; Selectman Foresto seconded. It was noted the one-year term allowed for staggering of appointments to the Zoning Board of Appeals. All ayes, 4-0.

Review Mass Energy Insight Database Data re: Trane ESCO Project – Energy Committee:

The Board was in receipt of a document, dated September 28, 2011, entitled “Town of Medway, Green Community 5-Year Plan Status, 03 October 2011, Energy Use and Costs”.

The Energy Committee is comprised of the following members, some of whom were present: Frank Faist, Chair; Jeff Herman; Charles Myers; Shelly Wieler, Vice-Chair; Jack Robinson; Beth McDonald; Peter Cooper; and David Brownell.

Mr. Frank Faist briefly reviewed the 5-year plan with a PowerPoint presentation. He stated the committee wanted to also establish a way to track use and savings over time. He reviewed repairs and renovations that will help save energy, the cost of many that may be covered by a grant. Cost savings came from contract negotiations, solar panels, and overall energy reduction.

Mr. Faist asked the Board if this is the kind of information it wants to see. He would like feedback on working with the Town and schools. As data can be interpreted different ways, the committee is available for questions. He acknowledged he has concerns over Middle School repairs after reviewing a report today. The Town needs to consider the relationship with TRANE so that concerns are addressed as repairs are accomplished. Additionally, with respect to the grant application, the committee cannot apply for more “green community” grants until the tasks outlined for the original \$158,000 grant have been accomplished.

Selectman Espinosa asked how much savings TRANE is responsible for. Is it a savings from a usage standpoint? Mr. Faist stated the solar panels alone are contributing a \$20,000 difference. TRANE is contributing a lot but can do more based on what they have indicated they can do.

Selectman Foresto stated the focus should be on usage, not on costs, and asked about reports. Mr. Faist stated the report from TRANE is supposed to be coming out this week.

Selectman Crowley stated he had more questions than answers and suggested holding another meeting to more fully look at the issue. Mr. Faist stated the next committee meeting is on the 19th.

Chairman Dunne thanked the committee for its hard work.

Report/Discussion – Town Wide Facility Management Study:

The Board was in receipt of a Draft document, dated September 22, 2011, entitled "Town Wide Facility Management Study, The Report of the Town Wide Facility Management Study Committee".

The Town Wide Facility Management Study Committee is comprised of the following members, some of whom were present: Robert Parrella, Chairman; Bob Ferrari, Secretary; Jeff Devolder; Tom Gay; Pete Manning; Larry Muench; and Jack Robinson.

Mr. Robert Parrella updated the Board on the committee's work. He stated the members did a lot of work, utilizing a great cross section of talent among their combined expertise. The committee met over thirty times and interviewed 12-15 departments within Town government. He stated everyone within the Town is working extremely hard to make things work; however, there are shortcomings. There is sometime no clear line of whose responsibility it is to do things when it comes to facilities management, and some things were left undone.

Mr. Parrella stated the budget for facilities management is often not used for that purpose, and funds are often "borrowed" for other things. This could be considered a lack of planning. The Town of Natick is engaged in a similar project.

Most departments want to focus on what they do best and not on facilities maintenance. The schools like the idea of being able to concentrate on education. Everyone is doing some kind of maintenance, sometimes with the best of intentions, but not the best performance. Shortfalls are sometimes due to limited resources and small staff.

The committee recommends first the establishment of a Facilities Management Board, then hiring a Director with at least ten years experience in facilities maintenance. A centralized authority is the way to streamline and supervise what needs to be done, utilizing a 5- or 6-year plan to accomplish tasks.

Chairman Dunne asked about the list of recommendations found on page 8 of the report. Mr. Parrella clarified that bids are being solicited by individual departments or offices, sometimes for things that ought not to be done at that particular time. Bids for work should come out of one office, including budgeting and expenses. He stressed the importance of developing two-way communications so that people know they are being heard and no one's project is slighted. If money is not available to hire someone in this capacity, it needs to be appropriated to get it established.

Selectman Trindade asked for a breakdown of school expenses regarding maintenance. Mr. Parrella shared a story of Hanlon Football Field agreement, found no formal agreement existed, yet some of the money has been used for other projects other than the football field. All income from the facilities should go toward facilities maintenance, and the facility board should have responsibility. Brief discussion followed on assessing space needs at schools, and what happens when unused space occurs due to declining enrollments.

Chairman Dunne asked if the report could go on the website when it comes out of draft status. Mr. Parrella stated the committee's work is done for now but it remains available if additional work is requested. Chairman Dunne stated the Board of Selectmen needs more time to discuss the report as well as meet with maintenance staff.

Mr. Parrella stated \$113 million is invested in facilities in town, and the Town needs to develop a culture of maintenance. People are slowly beginning to see things being maintained, new roads, etc. and the director's first job would be to determine just where things are maintenance-wise.

Selectman Forest stated he agrees with one department/focus concept and that 3-5% of total capital budget should be earmarked for maintenance. He posed the following question: If we don't have the money to make repairs, do we have the money to set up a department? How do we make it happen? Mr. Parrella responded that residents didn't like the charter change, but overall it's the best thing that happened to Medway.

Chairman Dunne thanked Mr. Parrella and the committee for its hard work, noting the tremendous investment of time from a volunteer group. He asked why a facilities board was proposed, possibly due to distrust between groups. Mr. Parrella elaborated on the makeup of a facilities board for the benefit of residents. As the Capital Improvements Planning Committee (CIPC) is already looking at maintenance and capital issues, the creation of a supervisory board seemed logical, including representatives from the schools. Discussion followed. The Board expressed interest in a workshop specifically to look at this matter, and Selectman Trindade suggested the School Committee and Finance Committee be invited.

Selectman Espinosa asked Mr. Parrella to name the other committee members. They are: Robert Parrella, Chairman; Bob Ferrari, Secretary; Jeff Devolder, Tom Gay, Pete Manning, Larry Muench, and Jack Robinson.

Report – Thayer Property Development Committee Update:

The Board was in receipt of a report entitled "The Thayer Homestead- Development Concept Recommendation – Presented by Thayer Development Committee to the Medway Board of Selectmen, October 3, 2011", submitted at meeting.

Present: Dan Hooper, Chair; and Mark Wilcox; Thayer Development Committee.

Mr. Hooper briefly reviewed the recommendation distributed to the Board of Selectmen. He acknowledged that the Board has not had an opportunity to review the report, and stated he is willing to come back another time for additional questions and review.

There was a brief discussion of utilizing funds generated by the Community Preservation Act (CPA). It was emphasized that no additional funds are expected from residents via tax increases. Mr. Hooper confirmed that two members of Community Preservation Committee (CPC) serve on the Thayer Development Committee. Selectman Crowley encouraged the committee to get its information together for the November Fall Town Meeting to present a solid recommendation to residents.

Mr. Hooper stated the mission of the committee was to provide a recommendation to the Board of Selectmen, who would ultimately be the sponsor of the project. Additional meetings will be needed to bring the Board up to speed with all necessary information. He clarified that this recommendation does not include a complete listing of expenses.

Selectman Espinosa summarized in this way: You have basically prepared a prospectus of sorts, a plan for how the property can be used in a self-sustaining manner, and ask for a Town Meeting vote to authorize the funds to come from CPC/CPA. The development of the property will happen with funds the Town already has. Selectman Crowley commented that residents will want to see architectural drawings and other design components to get an idea of what the redeveloped property will look like. Discussion followed.

Selectman Trindade stated the proposal needs the addition of a vision. This is a beautiful piece of property with the potential to provide what Medway does not have, namely, a central place for us as a community to gather for any celebration. Other communities have a town common for such things. Now we have the opportunity to create one. Selectman Trindade volunteered to work with the Thayer group to develop a PowerPoint presentation.

Selectman Foresto advised caution, noting that what we need to emphasize that there will be no impact on residents in the future. The Community Preservation Committee can authorize funds for the initial capital investment, but will the property truly be self-sustaining?

Selectman Foresto added that this recommendation needs to be a warrant article, first reviewed by Community Preservation Committee, who advised them to address operations and maintenance. It also needs to go to the Finance Committee for its recommendation.

Mr. Hooper stated they can create more visuals and include additional budget information, adding that the Board deserves more time to read and absorb all the information. He asked the Board to let him know what specifics it needs, and the recommendation will be expanded. Given that the next CPC meeting is tomorrow, he will ask to be placed on the agenda for another CPC meeting.

Selectman Espinosa stated the CPC has a very important role in this, and the Board needs to hear their views. Selectman Trindade countered by stating the Board needs to communicate to the CPC whether it is in favor of the recommendation to develop the property. Are we committed to the concept? Selectman Trindade offered to attend the CPC meeting.

Selectman Trindade moved that the Board fully support the direction being set forth by the Thayer House Development Committee to create a town meeting and function area at the Thayer House located at 2B Oak Street to be funded entirely by Community Preservation Act funds with no additional taxes levied on the residents of the Town of Medway; Selectman Crowley seconded. No discussion. All ayes, 5-0.

Discussion/Approval – State-wide Public Safety and DPS Mutual Aid:

The Board reviewed various documents on Mutual Aid Laws, including two letters from the Executive Office of Public Safety and Security, Commonwealth of Massachusetts, dated January 21, 2011, and August 17, 2011, respectively.

Present: Tom Holder, Director, Department of Public Services; Allen Tingley, Chief of Police; and Paul Trufant, Fire Chief.

Town Administrator Suzanne Kennedy briefly updated the Board on changes in statutes. She asked Mr. Holder, Police Chief Tingley and Fire Chief Trufant to attend tonight's meeting to speak to the changes and answer any questions, noting there are three different pieces to the legislation.

Chief Tingley stated that approximately 100 communities have signed on. The legislation provides assistance for communications, public works, building inspection, search and rescue, and other areas involved with public safety, especially planning for large-scale catastrophes that might occur. Preparedness helps spread personnel where the need is, especially if need is large and immediate. It is an opt-out program; if it doesn't work for us, we can opt out. They believe it to be a win-win situation.

Mr. Holder stated the assistance can also be enacted on a day-to-day basis, when it is not necessarily on an emergency basis. For example, it would be helpful to get necessary equipment on a short-term basis. With member communities, that quick help can often be obtained with a handshake. Chairman Dunne suggested this could be considered a baby step toward regionalization of certain services.

Chief Trufant stated the fire department could not go to Springfield to help after the tornado because there were things happening in Medway. That is the concept – help out if and when you can.

Selectman Espinosa asked if there is any liability if Medway is unable to provide assistance to other communities. Mr. Holder responded no liability exists. All groups (police, fire, DPS) are in favor of this. Responding to a question from Selectman Crowley about costs, Ms. Kennedy stated some costs will be borne by the Town. Mr. Holder stated that conversely the Town will reap benefits when we need the help. It was noted that in the future there may be some mechanisms to get reimbursement of costs.

Selectman Trindade moved that the Board adopt M.G.L. c 40, section 4J, the statewide public safety mutual aid law, M.G.L. c. 40, section 4K, the public works municipal mutual aid law, and M.G.L. c. 48, section 59A, the fire mutual aid law, as recommended by the Town Administrator; Selectman Espinosa seconded. No discussion. All ayes – 5-0.

Discussion/Approval – Proposed Bylaw Amendment – Article XII, Section 12.13, Prohibition of Alcohol on Public Property:

The Board reviewed two versions of proposed language changes to Article XII, section 12.13, Prohibition of Alcohol on Public Property, dated August 15, 2011 and October 3, 2011, respectively.

Ms. Kennedy stated that, based on the Board's concerns about boundaries of the property on which the alcohol could be served, a map has been created to identify those boundaries. She added that the warrant article can be amended to include more specific boundary information.

For the benefit of viewers, Selectman Trindade Glenn summarized the matter, specifying event usage, event planners acquiring a permit for their event, then coming before the Board to obtain one-day permit to serve alcohol. At this time, he suggested expanding the warrant article to include other locations such as the community farm, library and senior center. Discussion followed.

Selectman Trindade moved that the Board instruct the Town Administrator to amend Warrant Article XII, section 12.13, to include the Medway Public Library, Medway Senior Center and the Town-owned property at 50 Winthrop Street; Selectman Crowley seconded. No discussion. All ayes, 5-0.

Action Items from Previous Meeting:

Route 109 – Selectman Espinosa stated the committee made its presentation to the Metropolitan Planning Office (MPO) asking to be put on TIP or long range plan, thereby gaining access to \$400,000. Without the funds, the project would have stalled. Due to good representation by elected officials, the project did get put on the TIP, allowing the project to move forward quicker than anticipated. The 25% design has been presented to the state. The 25% needs to be presented to the Town via public hearing, sometime in the February-March timeframe. The additional \$400,000 (earmarked two years ago by Representative Jim McGovern) allows completion of the design. The contract will be forthcoming from the MPO. Discussion followed.

American Legion Building – Selectman Trindade apologized for not connecting with Mr. Wahl and promised to do.

Brief discussion followed on various matters that could be placed on the Action Items list.

School Committee Report from School Committee Liaison:

There was no report.

Approval of Warrants:

Selectman Dennis Crowley, Clerk, read aloud Warrant 12-14, dated 10/6/11, submitted for approval:

12-14	Town Bills	\$1,317,614.93
	TOTAL	\$1,317,614.93

Selectman Trindade moved to accept Warrant 12-14 in the amount of \$1,317,614.93; Selectman Espinosa seconded. No discussion. All ayes, 5-0.

Town Administrator's Report:

Ms. Kennedy stated the costs associated with Hurricane Irene totaled \$91,000, and while the Town is eligible for FEMA reimbursement of some of that cost, it is not clear how much. She suggested reimbursement could be at 75%. The cost to the fire department alone was \$33,000, which will have a significant impact on their budget, even with an expected 75% reimbursement rate. She stated the fire department may approach the Board of Selectmen with a proposal to transfer money from the operational reserve. She stated she will have more information for the Selectmen meeting on the 17th.

Ms. Kennedy stated she has hired a trainer who has prepared a report on Hurricane Irene, interviewing various Town staff, which will later be reviewed by staff. Once she has the report in final form, she will distribute it to Board. She stated that the trainer referred to it as a “perfect storm” to test our emergency preparedness, noting that Medway could do better on public communications, going beyond BlackBoard communications. The duration of the tropical storm, coupled with downed wires, really tested our abilities. Ms. Kennedy stated he has drawn up a series of recommendations, some of which are not inexpensive. Generators, for example, caused a breakdown in communications. Both chiefs had tested the generators a couple of days before the storm, yet they still failed. She stated she would like to put together a workshop to meet with the trainer to discuss performance and planning, and will also set up meeting with an emergency director.

Selectman Trindade wondered if we can get an idea of how other communities fared in a similar evaluation. What was their level of emergency preparedness?

Selectmen’s Reports:

Selectman Trindade stated he met with several new business owners, talking with them about their experiences. He suggested the Board invite some to discuss those experiences and get feedback. Medway wants to be a town that is business-friendly. He suggested the Town Administrator set something up for a January timeframe, perhaps a workshop format.

Selectman Espinosa provided his report earlier during discussion of Action Items.

Selectman Foresto announced that the Medway 300 Committee will be hosting a mixer at the VFW on October 18. The committee will present a program to attendees, and event chairpersons will be there to meet with residents and encourage volunteers. Selectman Crowley added there is a great need for volunteers to help the chairpersons in all the functions, probably 100-200 people to help out.

Selectman Foresto declared it to be a great opportunity to get together.

Selectman Crowley asked for information on circuit breaker funds from the schools in August. Ms. Kennedy stated she has updated information from MUNIS which she will send to him.

Chairman’s Update:

Chairman Dunne stated that he will soon be working out of the New York office of his company on a temporary basis, requiring him to be in New York on Monday mornings and absent from Board of Selectman meetings. He stated he will also be away for Fall Town Meeting, the MPO election and other times when he would be representing the Board of Selectmen as Chairman. He emphasized that he will be able to attend some meetings, but feels that he should resign as Chairman.

Discussion followed on what process to follow for this, resignation and Vice Chairman step into Chairman’s role, followed by a vote to reorganize, or if resignation was necessary at all. Selectman Trindade stated that as long as Chairman Dunne’s legal residence is in Medway, he does not have to resign. Selectman Espinosa suggested setting up a mechanism to keep Chairman Dunne connected on

issues, such as use of electronic signatures, and the ability to conference in on meetings. It is important that residents know he is still engaged in community happenings and Selectmen business, even if he cannot attend all meetings.

Regarding the MPO, Selectman Trindade explained for residents that MPO stands for Metropolitan Planning Organization, and Chairman Dunne's name is on the ballot for a seat. Ms. Kennedy will investigate whether a change can be made at this juncture as the ballots may already be printed. Maybe a replacement candidate can be identified. Discussion followed.

Approval of Minutes:

The Board reviewed draft minutes of public sessions held on May 16, 2011, June 6, 2011, June 13, 2011, and June 20, 2011.

Due to Chairman Dunne's impending relocation to New York, he asked that all outstanding minutes be considered on October 17.

**At 9:45PM Selectman Crowley moved to adjourn; Selectman Trindade seconded. No discussion.
All ayes – 5-0.**

Respectfully submitted,
Jeanette Galliardt
Board Secretary