

Board of Selectmen's Meeting

November 7, 2011, 6:30 PM

Sanford Hall, Town Hall

155 Village Street

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

Also Present: Will Naser, Principal Assessor; Melanie Phillips, Treasurer-Collector; Carol Pratt, Town Accountant; Susy Affleck-Childs, Planning and Economic Development Coordinator; Tom Holder, Director, Department of Public Services.

At 6:32 PM Vice Chairman Foresto called the meeting to order and led the Board in the Pledge of Allegiance.

Executive Session:

At 6:33 PM Selectman Trindade moved that the Board go into Executive Session 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): Map and parcel nos.: 5-34; 5-308; 8-3&8; 8-9, 7-4E (Briggs and Wickett properties), and to return to public session immediately following executive session; Selectman Espinosa seconded. Roll call vote – All ayes, 4-0: Vice Chairman Foresto, aye; Selectman Espinosa, aye; Selectman Crowley, aye; Selectman Trindade, aye.

At 7:05 PM Vice Chairman Foresto reconvened the public session.

Public Comments: None.

Reorganization of the Board:

Town Administrator Kennedy announced that, due to Chairman Dunne's temporary relocation for his job, he has opted to remain on the Board of Selectmen, but step down from the position of Chairman. Brief discussion followed.

Selectman Trindade moved that the Board appoint Vice Chairman John Foresto as Chairman, Selectman Espinosa seconded. No further discussion. All ayes, 3-0-1 with Chairman Foresto abstaining.

Selectman Crowley moved that the Board appoint Selectman Glenn Trindade as Vice Chairman; Selectman Espinosa seconded. No discussion. All ayes, 3-0-1 with Vice Chairman Trindade abstaining.

Consideration of Appointment: Board of Assessors – William Oldmixon:

The Board reviewed a letter of interest and resume, dated October 25, 2011, from William Oldmixon, 14 Hemlock Drive.

Mr. William Oldmixon stated he and his family have lived in Medway for three years and he would like to help out the community they now call home.

Selectman Trindade moved that the Board appoint William Oldmixon to the Board of Assessors for a three-year term; Selectman Espinosa seconded. There was brief discussion on the length of the term; it was clarified that Mr. Oldmixon would be replacing someone whose term had expired. All ayes, 4-0.

Approval – Utility Billing Services Contract with Mark Altman & Associates:

The Board reviewed the following information: (1) Email from Tom Holder, Director, Department of Public Services, dated November 1, 2011; and (2) Contract, dated October 6, 2011, between the Town of Medway and Mark Altman and Associates.

Mr. Tom Holder, Director, Department of Public Services, briefly summarized the proposal, noting that half of the amount is what the dept currently pays on postage to mail utility bills. MUNIS will be used for billing, and data gathered via automatic meter reading will be used. This company prints the bills from an electronic file, stuff the envelopes, etc. Mr. Holder expressed hope that one day the Department of Public Services can enhance the revenue stream by going to a quarterly billing system. Regarding the contract, he stated that residents will see no change when this company takes over. The department processes 400 – 600 accounts each month, and postage costs do not include paper, copier toner and labor costs. In conclusion, Mr. Holder stated the department would like to get some of the more routine functions done more efficiently.

Selectman Trindade moved that the Board approve the contract with Mark Altman & Associates for utility billing services; Selectman Crowley seconded. No discussion. All ayes, 4-0.

There was brief discussion of the new meter replacement and the data generated by the new system. Mr. Holder stated it was a good project for the Town as many problems can be managed remotely without sending staff out to the residences to troubleshoot.

Presentation – Revenue Forecast:

The Board reviewed report forecasting revenue in coming years.

Present: Melanie Phillips, Finance Director and Treasurer-Collector; Carol Pratt, Town Accountant.

Ms. Kennedy briefly stated the state revenues look more promising than originally anticipated and invited Ms. Phillips and Ms. Pratt to discuss expenditure assumptions. Ms. Pratt briefly reviewed various pages in the report, noting the figures were predominantly based on projected increases of 2.5%. Selectman Espinosa expressed concern that the revenue assumptions seemed low, while the expense assumptions seemed high. Ms. Phillips responded that the numbers were very close to actual overall, noting that the projections were supported by historical information.

Selectman Trindade asked if salary raises of 2% were included in these figures. Ms. Phillips replied they were not, only those that are contractually obligated via union agreements. Ms. Kennedy stated some assumptions are more optimistic than they ordinarily would be, noting that health insurance, for example, was secured at a much lower rate than originally estimated. Reality always presents a different picture from the projections. Discussion followed.

Responding to a question from Selectman Crowley regarding debt service, Ms. Phillips pointed out that the funding for the Middle School Repair Project has not been completed. Aside from that project, if no more borrowing occurred, debt service would decrease. For the middle school, Town Meeting approved an authorization to bond the entire \$22 million, but only a portion will be bonded, due to reimbursement from the School Building Association (SBA). Selectman Crowley asked Ms. Pratt to revisit the projections, specifically at “flat lined” salaries and expenses.

Ms. Kennedy stated that overall this is a very conservative approach. Chairman Foresto asked when the Board needs to prepare its budget letter. Ms. Kennedy stated it is usually done in December, noting that she did not believe the Town Charter specifies a date for that action. The Board agreed to meet on Tuesday, November 15 at 8:00 AM to discuss revenue models.

Legislative Breakfast:

Selectman Trindade suggested another Legislative Breakfast similar to one held last year, and invite all elected state representatives to attend. Selectman Crowley suggested first week of January as governor’s budget will be released by the end of January. The Board will consider a Saturday morning, and also invite the School Committee and Finance Committee to attend.

Discussion – Street Acceptances:

The Board reviewed the following information: (1) Memo, dated November 2, 2011, from Susy Affleck-Childs; (2) Street Acceptance Matrix; and (3) Claybrook II Subdivision map.

Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; Tom Gay and Bob Tucker, Planning and Economic Development Board.

Ms. Affleck-Childs briefly summarized that approximately 1.5 years ago an effort was begun to determine the “troubled” subdivisions in order to rectify problems in specific areas. She stated the updated matrix has been clustered by subdivision, and would like to recommend Claybrook II as the next targeted area. A friendly eminent domain process would be used. She estimated the costs to be around \$5,500, and added that the Meadows subdivision would be follow Claybrook II in this effort.

Ms. Affleck-Childs stated the bond money has been secured in the amount of \$42,190. The town would be responsible for costs above and beyond the amount of the bond. Discussion followed. Chairman Foresto expressed concern that these costs seem to come via emergency fund transfers. He suggested a TM article to earmark specific funds so that operational reserve is not always hit. Ms. Kennedy noted that the legal aspects of this kind of action takes a long time, i.e., easement letters to residents, then getting the easements recorded, etc. She acknowledged that some roads are more complicated than others. Ms. Affleck-Childs pointed out that no work can be done in the road until the Town has accepted the street itself.

A resident asked if a process is created for this kind of thing, does that process give the developer an “out”, or reason not to do the work? Selectman Espinosa responded that many of these subdivisions are as done as they are going to be, as they were completed in the 1990s. The present process has been refined in order to prevent past difficulties. Selectman Trindade stated that, technically, the Town doesn’t even have to plow unaccepted streets, but does so because it is an issue of safety. Some of these subdivisions will take a good deal of time and expense to complete. Mr. Tom Gay stated this particular subdivision was easy to do because of its size and level of completeness.

It was noted that, should there be a Special Town Meeting in the early spring of 2012, this could be included. Otherwise, it would be considered at Annual Town Meeting.

Ms. Affleck-Childs stated she can now begin meeting with the residents of Claybrook II now that the Board of Selectman is on board with the process.

Approval – Revised School Building Committee Membership – Middle School Repair Project:

The Board reviewed a revised membership list for the School Building Committee relative to the Middle School Repair Project.

Mr. Bob Tucker briefly reviewed the proposed changes in the membership of the committee.

Selectman Trindade moved that the Board appoint John Foresto (replacing Andrew Espinosa), Cindy Sullivan (replacing Shelly Wieler), Armand Pires (replacing former School Principal), and Martin Dietrich (replacing Lawrence Ellsworth – Finance Committee) to the School Building Committee relative to the Middle School Repair Project as presented on the revised membership list; Selectman

Crowley seconded. Mr. Tucker asked that the Finance Committee representative be a regular attendee as non-attendance often impacts the presence of a quorum. No further discussion. All ayes, 4-0.

Ms. Kennedy stated she will confirm the name of the Finance Committee representative as it may not be the Chairman.

Emergency Transfer Requests – Library, \$17,640, HVAC Units; Planning Dept., \$15,000, Title Research Related to Oak Grove:

The Board reviewed the following information: (1) Emergency Transfer Request, dated October 25, 2011, from the Medway Public Library requesting \$17,640; and (2) Emergency Transfer Request, dated November 2, 2011, from Planning and Economic Development, requesting \$15,000.

Present: Margaret Perkins, Acting Director, Medway Public Library; Susy Affleck-Childs, Planning and Economic Development Coordinator; Will Naser, Principal Assessor; Cynthia Trainor, 101 West Street.

Item 1- Medway Public Library: Ms. Kennedy stated this is the result of a snafu, noting that the necessary funds were not encumbered appropriately. However, the work was completed with FY12 operating funds, activating a rebate of some of the cost. She stated the initial transfer of funds was not lost, going to free cash, and Ms. Perkins is now seeking a transfer to replenish her budget.

Selectman Trindade moved that the Board approve the Library’s emergency transfer request of \$17,640 to replace HVAC units; Selectman Crowley seconded. No discussion. All ayes, 4-0.

Item 2 – Planning and Economic Development: Ms. Kennedy stated these funds are necessary to continue the title research in order to make sure all properties are appropriately taxed.

Ms. Cynthia Trainor wanted to know what criteria constitute an emergency transfer instead of going to Town Meeting with a Warrant Article. Chairman Foresto responded that the document is labeled Emergency Transfer but is intended for “unforeseen expenses” by definition. Ms. Trainor stated that a lot of errors have been created by Town Hall, and residents should be able to vote on matters instead of just the Board of Selectmen. Selectman Espinosa stated this matter was discussed for the upcoming Warrant, but opted to submit a request to the Finance Committee instead. Selectman Crowley asked Ms. Affleck-Childs why the matter could not wait. She replied that it is tethered to the feasibility study the funding for which will come as a grant from MassDevelopment who is anxious for the work to be completed. The sooner the title work is done, the sooner the study can be completed.

Ms. Trainor asked if any incorrect information was submitted that would invalidate the grant. Selectman Trindade stated there are ownership issues with these properties, and now specific legal expertise is necessary to clarify that ownership. Even if there were not a feasibility study proposed or involvement with Mass Development, it is crucial to determine who owns it. Who gets the tax bill? He acknowledged that previous Boards opted not to do anything, and now we are trying to clean it up. The

matter falls within the guidelines for proper Finance Committee expense, and this matter is something that is long overdue.

Selectman Espinosa stressed that what the Town is trying to do is important, but admitted that he had issues with the method.

Selectman Crowley advised that this may not be the last one, that there could be other similar situations. The final outcome is unknown while the work continues and the next steps are determined. He agreed with Ms. Trainor that the matter could have been prepared for a Warrant Article.

Selectman Trindade clarified that nothing from a development standpoint can happen with the land without a Town Meeting vote. Chairman Foresto stated until the property owners are determined, we will have to spend the money to get it clarified. The problem was worse than anticipated, so we need additional funds to finalize the title search to get tax base straightened out. He cautioned that further discussion was inappropriate, noting that the matter had been reviewed during executive session.

Ms. Trainor stated that a document was found which implied that certain properties were to be deleted from tax system. Ms. Kennedy commended the Assessor's Office and Planning Board for taking on this 40-year-old problem and trying to get it straightened out. She added that Mr. Naser implemented all kinds of revisions to rectify the tax base.

Selectman Trindade suggested that the executive session minutes should be approved and released. Ms. Kennedy stated she would check with Town Counsel on the matter.

Ms. Naser stated that his belief is that it was simply a mistake or oversight in the office, based on what he has learned. Looking at the discrepancy on the parcels involved, it does not appear that it was anything more than a mistake. Chairman Foresto reiterated that the Town Administrator will seek Town Counsel's opinion on whether those minutes can be released.

Ms. Trainor stated her concern is that things are being done behind closed doors. Things with a substantial value should have been included on a Warrant. Addressing Ms. Affleck-Childs, she asked if there is an expiration date for the grant. Ms. Affleck-Childs stated there is none, just a strong desire to get things going and completed.

Selectman Trindade moved that the Board approve the Planning Department's emergency request of \$21,000 to continue title research and updating the Assessor's maps and perimeter survey related to the Oak Grove area; Selectman Crowley seconded. Selectman Crowley stated the title on the document is misleading and suggested it be revised or clarified. All ayes, 3-1; Espinosa oppose.

Responding to a question from the Board, Mr. Naser stated tax bills have been sent out for the parcels with clarified ownership. Other parcels will receive bills as the ownership is determined.

Approval – Medway Lions Annual Charity Christmas Tree Sale:

The Board reviewed a letter, dated October 24, 2011, from the Medway Lions Club requesting permission to hold its annual tree sale at the Medway Plaza.

Selectman Trindade moved that the Board approve the Lions’ annual Christmas tree sale at Medway Plaza as requested; Selectman Espinosa seconded. No discussion. All ayes, 3-0-1: Selectman Crowley abstained as he is a member of the Medway Lions Club and involved in the tree sale.

Discussion – Facilities Management Consolidation Report:

The Board reviewed a draft report entitled “Town Wide Facilities Management Study”.

Ms. Kennedy stated the School Committee suggested this might be discussed at the joint meeting scheduled for November 15. The Finance Committee has been invited to the meeting.

Chairman Foresto stated he had not read it all yet. Selectman Crowley suggested that if the Board has questions, it would be prudent to get some answers before that meeting. It is possible that some topics may be controversial and having clarification will be important. Discussion followed. The Board agreed to add this item to the agenda for its meeting on November 15, changing the starting time to 7:00 AM and inviting Mr. Robert Parrella of the Town Wide Facilities Management Committee to join the meeting at 8:00 AM.

School Committee Report from School Committee Liaison:

Ms. Deb Trindade, School Committee, stated that at its November 3 meeting, the group discussed agenda items for the November 15 meeting with the Board of Selectmen, mainly the FY12 re-aligned budget and the FY11 actual budget. She suggested that the discussion of facilities management be added to meeting postings. As Superintendent Evans is in China, the committee worked with Mr. Verdolino in the budget discussions. Ms. Evans is in China with the expectation of establishing a sister school there, and perhaps bringing Mandarin into the language program at the Medway Public Schools.

Selectman Crowley asked Ms. Trindade if the Board could get either a hard copy or electronic copy of the TRANE report. He stated the Energy Committee does not have access to the report but would like to review it. Ms. Trindade responded that she has access to an executive summary, but will try to get a copy of the entire report. The Board requested one copy for the Energy Committee and one copy for Board of Selectmen, and that electronic copies are acceptable.

Action Items:

Route 109 Project: Selectman Espinosa stated there will be a meeting with MAPC (part of MPO) on November 18th at 9 AM to discuss this project. Chairman Foresto asked Selectman Crowley to briefly explain what the Metropolitan Planning Organization is. Selectman Crowley stated the Metropolitan Planning Organization is comprised of thirteen groups in the region. The state allocates federal funds as they come in. The largest group, Boston, represents over 100 communities. Medway was able to secure one of 22 seats at the table, and these representatives determine how the nondiscretionary money is spent. This year the amount is approximately \$65 million dollars. He stated he has not seen the MPO list to know if Route 109 is on the list. Selectman Espinosa clarified there was no intent to get state money for the project, but rather all federal money. Ms. Kennedy confirmed there is a lot of support for the project at the state level.

Virtual Town: Selectman Trindade stated he would like to see a mockup of the new virtual website before it goes live. Ms. Kennedy stated she will ask the IT Director to give the Board of Selectmen an update.

There were no other updates.

Approval of Warrants:

Selectman Crowley, Clerk, read aloud Warrant 19, dated 11/10/11, submitted for approval:

12-19S	School Bills	\$198,478.07
12-19P	Gross Pay Town	\$265,062.83
12-19SP	Gross Pay Schools	\$760,694.26
TOTAL		\$1,224,235.16

Selectman Trindade moved the Board approve Warrant 12-19 in the amount of \$1,224,235.16; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Town Administrator's Report:

Ms. Kennedy reminded the Board she had previously mentioned that the Town had been approached by an energy firm regarding the purchase of solar power. She stated she went to a meeting in Bellingham, where it was determined that Bellingham will approach Medway's Energy Committee to see if they think this is a worthwhile venture. There will be a meeting on November 16 at 7 PM. Selectman Crowley suggested inviting Mr. David Verdolino of the Medway Public Schools as he is the energy purchaser for the school system.

Ms. Kennedy added that, with increased correspondence from MAPC and MPO, there is interest in creating an energy program that will provide us with technical assistance similar to what occurred in the creation of the “green” efforts in Town.

The Town received another grant from the Department of Environmental Protection, the Sustainable Materials Recovery Program. The grant provides \$7,600 to provide a container for hard plastics as well for additional education.

The Town has offered a position to Mr. Doug Haven of Medway who will serve as the Housing Specialist for the Affordable Housing Trust. The terms of his appointment are being determined, and he hopes to be here the week following Fall Town Meeting.

In conclusion, Ms. Kennedy stated that Representative Barney Frank will be the new representative for Medway after the redistricting shifted Representative James McGovern to a more westerly area.

Selectmen’s Reports:

Selectman Trindade had no report.

Selectman Espinosa asked if the Town needs to formally appoint Selectman Crowley to the MPO as the Chairman of the Board of Selectmen is typically the official representative. Ms. Kennedy stated she followed the guidelines she was given, specifically that former Chairman Dunne prepared a letter declaring Dennis Crowley as his designee. This allowed Selectman Crowley to participate in the election. Selectman Espinosa suggested it is something the Board as a whole should validate, as he was not sure the Chairman alone had that right. Selectman Crowley stated the MPO rules clearly state the Chairman has the right. Selectman Espinosa clarified that the Chairman should be able to designate but do so with the support of the Board.

Selectman Espinosa moved that the Board appoint Selectman Dennis Crowley to the position of MPO representative for the Town of Medway in light of Richard Dunne’s resignation as Chairman; Selectman Trindade seconded. Selectman Espinosa commended Selectman Crowley on his representation for Medway, noting that his expertise and ability to communicate with other towns was critical to winning the seat. Selectman Crowley stated it was a Town effort, with people making phone calls and Ms. Kennedy sending out letters of support. All ayes, 4-0.

Selectman Crowley asked Ms. Kennedy if the life of the ambulance was considered at five or seven years, relative to the financing. She responded that the Finance Director had indicated it was for five years. Selectman Crowley asked if he could see a comparison of the two plans, noting that it could be considered at the meeting on November 15.

Chairman Foresto expressed concern that the Energy Committee is uncertain of their role now and suggested the Board provide an explanation or clarification. He indicated the Board needs to let them know what its expectations are. There was brief discussion on creation of a bylaw. Chairman Foresto

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offered to attend the next meeting of the Energy Committee to discuss things, but wanted the Board's perspective first. Discussion followed. Selectman Crowley suggested the committee put together a list of areas and responsibilities where they think they can add value, now that they have been working as a committee for over a year.

Chairman Foresto stated he met with the Town Administrator and Superintendent of Schools, at which time the subject of common counsel for labor negotiations was discussed. Responding to a question from Selectman Trindade, she stated a Request for Proposal (RFP) is not necessary, and it was decided that the Town and the School Department would each submit the names of three prospective firms to consider. She stated she has instructed the Human Resources Director to make some preliminary calls. Ms. Kennedy anticipates the meetings with firms will begin the first week in December.

Approval of Minutes:

The Board reviewed draft minutes of public sessions held on October 3, 2011, and October 17, 2011.

Selectman Trindade moved the Board accept the public session minutes of October 3, 2011, as drafted; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Selectman Trindade moved the Board accept the public session minutes of October 17, 2011, as drafted; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

At 9:12 PM Selectman Trindade moved to adjourn; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Respectfully submitted,

Jeanette Galliardt

Night Board Secretary