

**Board of Selectmen's Meeting
December 19, 2011, 5:30 PM
Sanford Hall, Town Hall
155 Village Street**

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

Also Present: Maryjane White, Town Clerk; Tom Holder, Director, Department of Public Services; David D'Amico, Deputy Director, Department of Public Services

At 5:33 PM Vice Chairman Foresto called the meeting to order and led the Board in the Pledge of Allegiance.

Public Comments: None.

Introduction – Veterans' District Director – John Givner:

Present: John Givner, Director of the MetroWest Veterans' Services District; Colonel Michael F. Matondi.

Town Administrator Suzanne Kennedy introduced the new Veterans' Services Director, Mr. John Givner, an Uxbridge native. Mr. Givner's last civilian assignment was working with disabled veterans in Fort Worth, Texas. He plans to be available by phone or email at any time, increasing the outreach to veterans to let them know what benefits are available to them.

Mr. Givner briefly reviewed his service history, noting he is glad to return to New England. His current office hours are once a week in town.

Colonel Matondi stated there are many differences in the folks coming out of active service now than in previous times and commented that he liked the idea of a Veterans' District.

Chairman Foresto welcomed Mr. Givner, stating the Board of Selectmen will do whatever it can to work with him.

Consideration – New Class 2 (Auto) Dealers Licenses – Advisory Management Group LLC d/b/a Auto Purveyors at 4H Main Street and MWAG Auto Inc. at 4F Main Street:

The Board reviewed the following information: (1) Correspondence, dated November 29, 2011, from Roger Andrey, President, Advisory Management Group LLC; (2) License application – Advisory Management Group LLC, Applicant; (3) Building Department approval for Advisory Management Group LLC; (4) Correspondence from Auction Insurance Agency regarding dealer bond for MWAG Auto Inc.; (5) License Application – MWAG Auto, Inc.; (6) Building Department approval – MWAG Auto, Inc.; and (7) Site Plan for 4 Main Street.

Roger Andrey, President, Advisory Management Group LLC; Robert Potheau, property owner.

Ms. Kennedy briefly updated the Board on the license requests, noting Mr. Malcolm Porter is the former owner of MWAG Enterprises in Medway. He is seeking to return to Main Street to reopen a business he closed nine months ago. Auto Purveyors, 4F Main Street, will be for exotic and internet auto sales.

Mr. Potheau stated he has been the owner of the property since 1977 and has launched an extensive site plan procedure to put in drainage to improve the property. The parking area is being cleaned up. He noted that the automobile business has changed a great deal in the last few years and that internet sales are significant. He has converted the property for different lease agreements, and has no intention to change anything, no additional paving, parking or signage. The building can hold six tenants and at present include a church, a prom store and a business that sell police and firefighter uniforms. The site plan has been approved. Discussion followed.

Selectman Espinosa moved that the Board approve new Class II Auto Dealer licenses for Advisory Management Group LLC d/b/a Auto Purveyors and MWAG Auto, Inc. subject to the condition that individual licenses are not issued until all application requirements are met; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Discussion – 2012 Annual Town Meeting and Election Schedule:

Present: Maryjane White, Town Clerk.

Ms. White stated the Town Charter designated that Annual Town Meeting shall be the second Monday in May and that the Town Election shall be the third Tuesday in May. This year they would be one day apart. She expressed concern that Annual Town Meeting could conceivably run more than one night which would conflict with the election. If the events are separated, the Board of Selectmen, familiar with the budget and its preparation, can be at Town Meeting to speak to those issues, and the election can happen later. Discussion followed on keeping Town Meeting on its scheduled night and rescheduling the election for a week later. It was suggested to hold the election at St. Joseph's Parish Center instead of the Middle School due to the repair project.

Ms. White agreed to contact the church to see if it is available to accommodate the election one week later than its original scheduled date.

Discussion – Citizen Petition for Special Town Meeting:

The Board reviewed the following information: (1) Proposed January 16, 2012 Special Town Meeting Calendar, and (2) Proposed (alternate) January 19, 2012 Special Town Meeting Calendar.

New calendars were distributed, as it was noted that January 16 was Martin Luther King Day, and would be a legal holiday. Ms. Kennedy stated she received a citizen petition regarding the possible purchase of property. In accordance with the Town Charter, a Special Town Meeting must be held within 45 days of the signatures being certified by the Town Clerk. Ms. Kennedy presented the Board with options. Discussion followed on the process for handling a citizen petition, wording of the petition, etc.

Ms. Kennedy clarified that the Board does not vote on this petition, but if additional articles are to be included in this Town Meeting warrant, a Board of Selectmen recommendation would be required on the additions. Selectman Crowley commented on the potential funding source for the proposed acquisition. It was noted the article's language cannot be amended as it is a citizen petition. Discussion followed.

Selectman Crowley stated he met with Town Counsel on a variety of related issues, including financing. Chairman Foresto asked if the Town would be privy to an appraisal or valuation on which it could determine a purchase price. Selectman Espinosa asked for a clarification on the procedures. It was agreed to invite Town Counsel to an upcoming meeting to discuss these questions.

Selectman Crowley moved that the Special Town Meeting be scheduled for Tuesday, January 17, 2012, at 7:30 PM; Selectman Espinosa seconded. No further discussion. All ayes, 3-0.

Discussion – Installation of Underground Utilities for Route 109:

The Board reviewed an email thread between Tom Holder, Director, Department of Public Services and Thomas Emerick, Mass DOT, dated December 13, 2011.

Present: Tom Holder, Director, Department of Public Services; David D’Amico, Deputy Director, Department of Public Services.

Ms. Kennedy stated the Mass DOT advised that underground installation of utilities for Route 109 will be eligible for 50% reimbursement of associated costs. If underground utilities are approved in the road design, that change will need to be figured into the design and cost estimates.

Mr. Holder clarified that reimbursement is confined to costs connected with pole placement. In the past, NSTAR, Comcast, Verizon, etc. had explored this, and for some reason, it did not happen. The utility will perform the final design but typically wants the money in advance, roughly \$100,000 to start. The ratepayers (people who are currently on the lists with each utility) in essence pay the cost of such a project, and, as it is usually considered a betterment, those costs are passed to the ratepayers for the duration of the bonding time period.

Mr. D’Amico stated the utilities would like to see this approved at Annual Town Meeting or at least some assurance that it will move forward. Selectman Espinosa responded that it may not happen that way as the Town and utilities are separate entities. Discussion followed.

Mr. Holder stated they brought the matter to the Board’s attention, and will get more information. It was suggested that a non-binding question might be a way to get the word out to the residents.

Mr. D’Amico acknowledged the final design could be a year off as it is considered more of an aesthetics issue rather than function. They want to be shovel-ready when the construction funds do become available. Mr. Holder noted this modification could impact the Route 109 design as it would affect much of the business area. Selectman Espinosa reported that the design committee decided to go with regular utilities, but would certainly entertain the notion of underground installation, if we can fit it in, and it does not jeopardize the work that has already been done on the project.

Mr. Holder stated 58 poles are involved. Some poles are being moved for various reasons, some as much as 15 feet back from their present location. Mr. D’Amico stated this used to be a utility-borne cost, but Mass DOT now offers a reimbursement to the utilities as an incentive to get the work done in a timely fashion.

Discussion followed on scheduling of public hearing relative to the Route 109 Design Project, but as the response from Mass DOT has not been received, the hearing cannot be scheduled. It is potentially earmarked for the February-March timeframe.

The Board asked that the costs for the work be clarified, specify how that was determined, how many accounts are involved, and whether taxpayer cost is based on a percentage of that household's bill or is a fixed levy. Ms. Kennedy reminded the Board this was just to introduce the concept.

Discussion and Approval – Commitment to MAPC's Shared Regional Energy; Manager/Community Innovation Challenge Grant:

The Board reviewed the following information: (1) Email from Erin Brandt, Metropolitan Area Planning Council (MAPC), dated November 11, 2011; (2) Community Innovation Challenge Grant Guidelines; (3) Community Innovation Challenge Grant Application – Local Support Documentation Form; and (4) Proposed Letter to Pam Kocher, Executive Office for Administration & Finance, in support of MPAC Shared Regional Energy Manager application.

Ms. Kennedy updated the Board on the possibility of a shared regional energy coordinator, a position that could be utilized by the Energy Committee. Options are: (A) send a letter that Medway would like to participate, and B) that we recognize the following issues: this funding would be for MAPC to help us design the program and help us fill the position, and, in addition, help supplement funding of the position, at least in the short term. She stated she has spoken with the Town of Bellingham, which is not interested in a regional coordinator at this time. The communities of Holliston, Hopkinton and Ashland are considering it, but have indicated they may not go forward if there is a significant funding commitment. She clarified that sending the letter only indicates that we are interested.

Selectman Crowley moved that the Board authorize the Chair to execute the Local Support Documentation Form and forward letter to Pam Kocher, as drafted; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Discussion and Approval – Open Meeting Law, Policy on Remote Participation:

The Board reviewed the following information: (1) Press Release from Attorney General Coakley, dated November 18, 2011; and (2) copy of M.G.L. c.30A, sec. 25(a) and (b)/29.10 Remote Participation.

Ms. Kennedy stated this provision would allow a governmental body to conduct meetings by audio or video only when physical attendance is difficult (personal illness or disability, military service, etc.). She cautioned that a quorum must still be physically present at the meeting. If approved, a notice will be sent out to all committees.

Selectman Crowley moved that the Board of Selectmen authorize remote participation in public meetings by members of all Town of Medway public bodies in accordance with the regulations set forth by the Attorney General and codified in 940 Code of Massachusetts Regulations (CMR) 29.10, effective January 3, 2012; Selectman Espinosa seconded. Chairman Foresto clarified the absent member cannot be counted as part of the quorum, yet they have a vote in any action considered at the meeting. He added that the Town is not physically set up to operate this way and must consider the costs. In order for the absent member to participate, as an example, the phone call needs to be broadcast. In the interest of gathering additional information, Selectman Crowley withdrew his motion. Ms. Kennedy will talk to Rich Boucher, Director of Information Technology, about potential costs for upgrading Sanford Hall.

Approval – New Balance Reach the Beach Relay:

The Board reviewed the following information: (1) Email, dated November 21, 2011, from Paul Dionne, Sponsorship Coordinator – Reach the Beach Relay; (2) Correspondence, dated December 2, 2011, from Police Chief Allen Tingley; and (3) outline of the Relay route.

Selectman Espinosa moved that the Board of Selectmen approve the New Balance Reach the Beach Relay through the Town of Medway on May 18-19, 2012 with the proviso that conditions set forth by Police Chief Tingley are met; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Discussion – Appointment of BOS member to Energy Committee:

The Board reviewed a document entitled “Town-Wide Energy Committee – Draft language proposed by Town Counsel”, approved by the Board of Selectmen at its meeting on December 5, 2011.

Chairman Foresto stated the Board of Selectmen now has a physical seat on the committee. The membership of the committee will now be as follows: One member from the Planning and Economic Development Committee; four appointed by the Board of Selectmen, one member from the Board of Selectmen and one member from the School Committee, for a total of seven members.

Selectman Crowley moved that the Board amend Town-Wide Energy Committee Appointment Document to read that “one member will be a member of the Board of Selectmen or its appointed designee approved by the Board of Selectmen”; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Discussion followed on representation by other groups. Chairman Foresto will share elements of the discussion with Frank Faist.

Discussion – House Bill No. 00200 relative to Electoral College:

The Board reviewed a letter, dated December 2, 2011, from the Board of Selectmen in Erving, MA regarding House Bill No. 00200.

Ms. Kennedy stated she placed this matter on the agenda out of deference to the Board of Selectmen in Erving. Selectman Crowley stated he phoned Town Hall in Erving to request more information. Chairman Foresto stated residents need to know this is happening. Selectman Crowley suggested asking their elected representatives about it at the Legislative Breakfast on January 6. The Board agreed to add this topic to the breakfast agenda.

School Committee Report from School Committee Liaison:

No report.

Action Items from Previous Meeting:

There was brief discussion on including street acceptance funds into the annual budget. No other updates on Action Items.

Approval of Warrants:

Selectman Crowley, Clerk, read aloud Warrant #12-25, dated 12/22/11, submitted for approval:

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| 12-25S | School Bills | \$ 302,938.56 |
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| 12-25P | Gross Payroll Town | \$ 222,398.26 |
| 12-25SP | Gross Payroll School | \$ 770,875.27 |
| | TOTAL | \$1,296,212.09 |

Selectman Espinosa moved to approve Warrant #12-25 as presented; Chairman Foresto seconded. No discussion. All ayes, 3-0.

Town Administrator’s Report:

Ms. Kennedy announced there will be a regional forum in connection with proposed casino legislation on January 26, 2012 at 7:30 PM at the Adams Middle School, Woodland Street, in Holliston. Senator Spilka and Representative Dykema will be there to outline the legislation. She urged the Board to attend and extended the invitation to any interested residents.

Ms. Kennedy reported that Governor Patrick has signed into law the expansion of off-premises liquor license quotas for an individual business. A vendor has a limit of three such licenses. Next year a purveyor will be able to secure additional licenses, which, over the next few years, can increase incrementally as provided by the new law. She added that this law is a result of lobbying by supermarkets that sell liquor. Selectman Crowley wanted to know how many of each kind of license has currently been issued in Medway.

Selectmen’s Reports:

Selectman Espinosa wondered what happens following the Oak Grove matter not being approved by the Finance Committee. Ms. Kennedy explained options, noting there will be no Board of Selectmen meeting before the Special Town Meeting Warrant closes.

Selectman Crowley asked Ms. Kennedy to notify all elected officials that they are obligated to attend all Annual Town Meetings and Special Town Meetings, and to include the specific paragraph from the Town Charter in her communication. He commented that he has noticed some of them have not been attending.

Chairman Foresto stated he met with the Town of Franklin regarding the resource management tool, School Dude. The Facilities Manager provided a good presentation. Chairman Foresto indicated Mr. Holder, DPS Director, needs to see this presentation to see if it meets his needs. The Town of Franklin indicated this tool is used by many communities, does the job effectively and is cost effective.

Selectman Crowley stated the Board needs to meet regarding a follow-up to the meeting with the School Committee regarding facilities management, and suggested some time in January. He asked Ms. Kennedy to put it on the agenda for January 3. Selectman Espinosa suggested that, without additional information, a meeting is not necessary at this time. Discussion followed.

On another matter, Ms. Kennedy will contact the School Dept. to schedule a meeting of the Budget Advisory Committee.

Chairman Foresto asked Ms. Kennedy to send the Board information relative to proposed articles she is considering adding to the Warrant for Special Town Meeting.

Approval of Minutes:

The Board reviewed draft minutes of the meeting held on November 21, 2011.

The Board postponed its review of the minutes.

**At 7:21 PM Selectman Espinosa moved to adjourn; Chairman Foresto seconded. No discussion.
All ayes, 3-0.**

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary