

**Board of Selectmen's Meeting
March 21, 2011, 6:30 PM
Sanford Hall, Town Hall
155 Village Street**

Present: Chairman Dennis Crowley, Selectmen John Foresto, Selectman Andrew Espinosa, Selectman Glenn Trindade and Town Administrator Suzanne Kennedy. Selectman Dunne arrived at 6:43 PM.

At 6:39 PM Chairman Crowley called the meeting to order, and the Board recited the Pledge of Allegiance.

At 6:40 PM Selectman Foresto 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 further, to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body, and to return to public session upon adjournment; Selectman Trindade seconded. Roll call vote: Selectman Foresto, aye; Selectman Trindade, aye; Selectman Espinosa, aye; Chairman Crowley, aye; all ayes, 4-0.

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

Public Comment: None

Action Items from Previous Meeting:

Item #3 – DPS Facility Feasibility Study – Selectman Trindade mentioned a property in Milford that might be considered for DPS barn. Ms. Kennedy mentioned another property (building) that could be purchased outright, and then retrofit to specific purpose. She added that she is in the process of setting up an appointment with the realtor.

Item #4 – Route 109 Project -- Selectman Espinosa stated the public hearing on this matter is scheduled for April 27.

Item #6 – Energy Grant – Ms. Kennedy stated notification of the \$158,000 grant award came today from Governor Patrick's office.

Item #8 – Storm Water Resource Management Plan – It was suggested the Town send a letter to the state saying that Medway cannot afford the \$500,000 necessary to comply with the plan, and further asking for guidance from the state given this financial position. Selectman Trindade clarified for residents the plan mandated by the EPA. Discussion followed. Chairman Crowley stated the EPA will hold additional meetings on this matter in June and July, noting that compliance may not be mandated until after the upcoming fiscal year, and speculated the total cost could be as much as \$15-20 million. Ms. Kennedy stated there will be a meeting in Washington, D.C. in April on this issue and suggested a member of the board attend this meeting along with Senator McGovern.

Item #9 –Water Permit Appeal – Chairman Crowley asked for an update. Ms. Kennedy responded that Town Counsel will provide report during a future executive session.

Affordable Housing Trust Presentation:

Present: Affordable Housing Trust members (residents) – Michael Heineman, Ann Sherry, Ralph Caton and James Gillingham.

While monitoring a PowerPoint presentation, Mr. Michael Heineman briefly updated the Board on recent activities of the Affordable Housing Trust, clarifying benefits of these efforts. He stated that the term affordable housing often generates misconceptions and stereotypical comments regarding “projects”, or “tenements”, etc. He noted one of their consultants also works with the Town of Sudbury, and displayed images of housing units in various communities. He explained the ongoing initiatives.

Mr. Heineman explained the purpose of the Town Meeting article is to transfer Community Preservation Act funds to the Affordable Housing Trust. He stated the funds would be put into a separate account and managed by the Town Treasurer.

Mr. Heineman stated they would like to develop a buyer-ready list so that buyers are available when housing units are complete. This work would be done by a community housing specialist (a part time position) who would also promote services of the Trust to realtors and developers. Discussion followed.

Responding to a question from Selectman Dunne, Mr. Heineman stated that, despite their best efforts, there is still resistance to affordable housing. Consequently, the group opted to ask for only part of the available funds in order to show progress towards its goals and hopefully receive positive feedback from the community before seeking additional funds. He stressed that, after the initial money, any balance of the \$800,000 in CPA funds for affordable housing can only be made available by Town Meeting action.

Selectman Espinosa commended the group for their hard work and the presentation. He expressed concern about potential for annual requests for funds. Mr. Heineman responded that could happen, but it all depends on what gets done in the first year. Discussion followed on how the coordinator would interact in town, benefits, who would supervise, etc. Chairman Crowley stated he liked the idea of a housing coordinator, someone who can monitor eligibility of the residents of the units to maintain the integrity of the affordable housing concept.

Selectman Dunne asked who has the authority to spend money in the Trust account. Mr. Heineman stated the Trust has control and can spend the money. Ms. Sherry briefly explained how the requests move through the process, noting the Trust actually makes the purchase. Once Town Meeting action transfers funds to the Trust, the Trustees have authorization to spend those funds as specified.

Selectman Foresto asked how properties can be lost. Mr. Heineman replied that sometimes a deed restriction can prohibit specific actions, such as resale, or deadlines are not met. Ms. Sherry stated units cannot be restricted or reserved for Medway residents, though a local preference can be specified.

Usually there is a lottery of eligible people, and also a group of non-Medway people. Ms. Susy Affleck-Childs, Planning and Economic Development Coordinator, stated that typically the local person is selected from one group, and then the remaining local people are added to the non-resident drawing.

Responding to a question from Chairman Crowley, Mr. Heineman stated that, if the Trust is disbanded or terminated, any funds under its control would go back to the Community Preservation Committee, the original source of the funds. To reactivate a disbanded Trust, the Board of Selectmen would need to appoint people to serve.

Ms. Sherry stated residents are being notified of this initiative through outreach via the local paper, on the website, etc., as well as public meetings. Selectman Dunne suggested putting tonight's PowerPoint presentation on the Town website as soon as possible as it is very informative. He also suggested a public forum to alleviate misconceptions and misinformation.

The Board thanked the members of the Affordable Housing Trust for their hard work and dedication to the community.

School Committee Report from School Committee Liaison:

Ms. Shelly Wieler thanked the Board for attending the joint meeting of the School Committee and the Board of Selectmen held on March 16, noting it was a good way to discuss pertinent topics.

Ms. Wieler briefly updated the Board on recent activities. She stated a joint Finance Committee meeting is scheduled for Tuesday, March 29. Solar panels for the Middle School will be constructed in April. Though the Middle School Repair Project is approximately two weeks behind schedule, she noted it was on a very aggressive schedule and should be back on track soon. The construction management at risk method has been approved by the MSBA.

Ms. Wieler reported that two seats on the committee are up for re-election in May, and to date only one person has taken out papers. Interested persons have until Friday, March 27 to pull papers. Fifty signatures are required to get your name on ballot. A write-in candidate with a majority vote can also secure a position. She urged residents with high standards in education and interested in the education of the Town's children to run for a three-year term.

Selectman Dunne congratulated the School Committee and the Superintendent of Schools for efforts toward budget resolution. He read aloud from an email from Dr. Evans on budget resolution, mainly the elimination of a proposed position [curriculum director] and transfer of circuit breaker funds into the school general fund, thereby complying with the Board of Selectmen budget policy statement. The matter will be further explored at a budget subcommittee meeting scheduled for March 23. He stated further the joint meeting of the School Committee and the Board of Selectman on March 16 was very positive, and expressed optimism that more revenue will be coming in from the state.

Ms. Wieler stated that hard copies of the budget were delivered to town hall today and should be distributed soon. She stated the school budget can be complicated, sometimes due to funds being tied to specific uses. The concept of "buckets of money" is misleading because they are sometimes

earmarked for specific uses or type of student and can disappear quickly. Spending down reserves makes the schools nervous. Ms. Wieler suggested that the subcommittee be allowed to do its work on moving the budget forward.

Chairman Crowley acknowledged that Selectman Foresto is the Board's liaison to the School Committee and attends the budget subcommittee meetings. He suggested adding Selectman Dunne and the Town Accountant to the list of attendees at the subcommittee meeting, and scheduling the meeting later to allow time for folks to get up to speed. He stated he has comments he wants to prepare and send with Selectman Foresto to the meeting. Discussion followed. Ms. Wieler cautioned that adding too many people to a committee can make the group unwieldy, but stated the meeting is open to the public. Selectman Espinosa suggested the presence of the Town Accountant will be helpful to answer any questions on the format of the budget presentation. Ms. Pratt is very familiar with MUNIS and other financial aspects of the budget process.

Selectman Trindade moved that the Board request Selectman Dunne and Town Accountant Carol Pratt attend the meeting of the subcommittee with regard to budget resolution; Selectman Foresto seconded. Ms. Wieler stated it was unnecessary to have two Selectmen at the meeting. Selectman Espinosa stated there have been communications issues and an increased presence might alleviate that. Selectman Foresto concurred, especially as it is primarily a working meeting, only discussion, no voting. Further discussion followed. **All ayes, 5-0.** Ms. Wieler stated she would make sure they were invited to the meeting on Wednesday, March 23.

Discussion and Vote – Layout of Hunter Lane and Ivy Lane:

The Board was in receipt of the following information: (1) Memorandum from Planning and Economic Development Coordinator, dated March 15, 2011; (2) As-Built Plan of Land entitled "Birch Hill Acres" Hunter Lane and Ivy Lane Roadway, dated June 29, 2009; (3) Notice of Public Hearing to be held on Monday, April 4, 2011, dated March 15, 2011; (4) Overview of Warrant Articles 23, 24 and 25; and (5) Email from Town Counsel regarding Hunter and Ivy Lanes (Article 24), dated March 2, 2011.

Ms. Susy Affleck-Childs stated this matter is on the agenda for the Planning Board's meeting on Tuesday, March 22. She added that the public hearing is scheduled for April 4, and residents in the neighborhoods of Hunter Lane and Ivy Lane have been invited. Brief discussion followed.

Selectman Trindade moved that the Board of Selectmen express its intent to lay out as public ways a portion of Ivy Lane from Station +00 to Station 1+90.48 and a portion of Hunter Lane from Station +700 to Station 15+26.83 as shown on the Birch Hill Street Acceptance Plan dated October 28, 2009 and to refer this matter to the Planning and Economic Development Board for a report and recommendation; Selectman Dunne seconded. Ms. Affleck-Child stated all abutters have been contacted of the eminent domain taking, and surveys are being conducted. Town Counsel will then work with the Planning and Economic Development Board to file appropriate paperwork for eminent domain taking with specific notifications to affected abutters. **All ayes, 5-0.**

Ms. Affleck-Childs stated further that a complete package of information will be ready in time for Town Meeting.

Authorization of chairman to Execute Contract with Cintas for Uniform Rental:

The Board was in receipt of the following information: (1) Contract between the Town of Medway and CINTAS Corporation, dated February 9, 2011; and (2) Contract Summary, start date April 11, 2011.

Present: Tom Holder, Director, Department of Public Services; David D'Amico, Assistant Director, Department of Public Services

Selectman Trindade moved that the Board authorize the Chairman to execute a 3-year contract with CINTAS for an amount not to exceed \$12,000 to provide for uniform rental for the employees of the Department of Public Services; Selectman Dunne seconded. No discussion. All ayes, 5-0.

Authorization of Chairman to Execute Contract with Tata & Howard for General Engineering Services Related to Sewer Support:

The Board was in receipt of the following information: Contract between Tata & Howard and the Town of Medway, dated February 8, 2011.

Present: Tom Holder, Director, Department of Public Services; David D'Amico, Assistant Director, Department of Public Services

Ms. Kennedy stated this action is to provide support as there is no in-house engineer. Mr. Holder stated he would like to put into place a modified procedure for securing professional consultants, locking in the terms and conditions. He noted that this particular action is funded by the department budget. It is a general services contract, which formalizes the process. Mr. Holder stated further that Town Counsel has approved it. Chairman Crowley expressed concern for applying storm water expenses to the appropriate accounts.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Tata & Howard for an amount not to exceed \$5,000 to provide general engineering services related to sewer support; Selectman Espinosa seconded. No further discussion. All ayes, 5-0.

Authorization of Chairman to Execute Contract with Dankris Builders for Re-Screening of Populatic Street Well:

The Board was in receipt of the following information: (1) Contract Summary from Dankris Builders Corp. with a start date of March 23, 2011; and (2) Letter, dated January 24, 2011, from Gregory L. Eldridge, Haley and Ward, regarding bids for the re-screening project.

Present: Tom Holder, Director, Department of Public Services; David D'Amico, Assistant Director, Department of Public Services

Selectman Trindade clarified for residents the nature of this work, noting that periodically screens have to be cleaned or replaced to keep water flowing.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Dankris Builders Corp. for an amount not to exceed \$75,220 for the re-screening project at the Populatic Street Well; Selectman Dunne seconded. Mr. Holder stated that Town Meeting articles appropriated the finances for this type of work. All ayes, 5-0.

On a separate topic, Chairman Crowley asked about the vertical turbine pump. It was noted that the pump was removed, cleaned and then re-installed.

Update – Solid Waste Audit Report:

The Board was in receipt of a Report entitled “Town of Medway Recycling Center Study”, dated May 5, 2010, revised July 9, 2010, from Michael J. Richard , P.E., Weston and Sampson.

Present: Tom Holder, Director, Department of Public Services; David D’Amico, Assistant Director, Department of Public Services; Michael J. Richard, P.E., Weston and Sampson.

Mr. Michael Richard, Weston and Sampson, briefly reviewed the report submitted to the Board. He suggested cash not be accepted at the gate, and recommended the Town consider implementing some checks and balances. He advised that the Town not accept wood waste. Mr. Richard stated the Town has a good recycling rate, most likely a result of the Pay as You Throw system. He suggested more public education on recycling as well as policing activity at the transfer station to insure compliance, i.e., more organized traffic patterns with appropriate signage so that every vehicle passes by an authorized attendant. Mr. Richard stated that the Solid Waste Association of North America (SWANA) offers – online training and information for residents. He stated he would like to see facility begin to operate in the black, not at a deficit.

Selectman Dunne acknowledged that the deficit is covered by other funds but wondered where fees could be increased. He stated that the recycling center provides a service to the residents and should not be considered a breakeven or profit center. When asked about a single stream system, Mr. Richard responded that would be more expensive as recyclables have to be transported further after sorting. Not every company who accepts recyclables will take it comingled. Discussion followed on enterprise accounts, feasibility of closing landfill, wood waste, increase of fees, public education, etc.

Mr. David D’Amico, Assistant Director, Department of Public Services, clarified that the noted deficit is connected to the operation of the recycling center, not the solid waste collection overall.

Mr. Tom Holder, Director, Department of Public Services, stated the department has already implemented some of the suggested changes reflected in the report.

Authorization of Chairman to Execute Contract with Davis Square Architects for Thayer House Development Project:

The Board was in receipt of correspondence, dated March 16, 2011, from Davis Square Architects, outlining DRAFT proposal for architectural services.

Mr. Dan Hooper, Chairman, Thayer Development Committee, briefly explained that the proposal submitted by Davis Square Architects was a draft, and that the committee would be checking specifics. He noted the contract is for a fixed fee of \$29,000 plus reimbursement of eligible travel expenses, etc.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Davis Square Partners relative to the Thayer House Development Project in an amount not to exceed \$30,000, subject to review and approval by Town Counsel and Town Accountant. No discussion. All ayes, 5-0.

Selectman Foresto reviewed the rapid sequence of events last week, noting the committee reviewed letter from Davis Square Partners, rejected parts of it, and reached agreement on Friday, March 18.

Approval of Memorandum of Understanding – Metro Boston Consortium for Sustainable Communities:

The Board was in receipt of the following information: (1) Memorandum of Understanding with Metro Boston Consortium for Sustainable Communities dated February 23, 2011; (2) Draft note to Board of Selectmen, dated March 9, 2011; and (3) Email from Town Counsel, dated March 18, 2011.

Ms. Kennedy stated that ten months ago Medway decided to lend support to this consortium, and now that it has received a \$4 Million grant, it is prudent to enter into a Memorandum of Understanding. She stated that involvement with this group may open the door to additional grants for Medway. This group will focus on economic opportunities available along Route 495, as well as regionalization initiatives. She clarified that the Memorandum of Understanding comes at no cost, and the Town can disengage at any time.

Selectman Trindade moved that the Board approve the Memorandum of Understanding with Metro Boston Consortium for Sustainable Communities; Selectman Foresto seconded. Ms. Kennedy clarified that Town Counsel has reviewed the document and sees no problem with entering into the agreement. Discussion followed. All ayes, 5-0.

Discussion and Vote of Proposed Annual Town Meeting Date Change:

The Board reviewed an updated calendar relative to reviewing budget information prior to Annual Town Meeting.

Selectman Trindade moved the Board change the date of the Annual Town Meeting from May 9, 2011 to June 13, 2011; Selectman Foresto seconded. Selectman Trindade relayed a comment from a member of the Finance Committee, noting that Town Meeting held in May is specified by the Town Charter, and suggested that perhaps the Town Charter be changed. He reminded the Board that Town Meeting has been changed several times in the past years. Selectman Espinosa stated the

present economic forecast may not always be the case and changing the Charter to accommodate present conditions may not be wise. Selectman Dunne agreed with Selectman Espinosa. All ayes, 5-0.

Regarding the updated budget calendar, Chairman Crowley expressed concern that he and Selectman Foresto will be absent April 4-7, and it will be difficult to meet the Finance Committee's deadline of April 8. Discussion followed. It was agreed to change the Selectmen's meeting from April 4 to Monday, March 28, beginning at 6 PM. Topics for discussion include, but are not limited to, budgets from the Department of Public Services, Town Clerk, Town Administrator, Town Accountant, Town Treasurer, Enterprise Accounts and warrant articles not needing appropriation. Ms. Kennedy stated she will meet separately with Selectman Espinosa who cannot attend on March 28.

Opening and Closing of Proposed Special Town Meeting Warrant Recommendations:

Selectman Dunne moved that the Board officially open the Warrant for the Special Town Meeting scheduled for June 13, 2011; Selectman Trindade seconded. Selectman Dunne felt the Warrant should be closed at a later date. All ayes – 5-0

Approval of Warrants:

There were two (2) Warrants submitted for approval.

(1) Selectman Foresto read aloud Warrant #11-37, dated 3/17/2011:

11-37P Gross Payroll Town	\$200,886.64
Gross Payroll School	776,865.37
TOTAL	\$977,752.01

Selectman Trindade moved the Board approve Warrant #11-37, dated 3/17/2011, in the amount of \$977,752.01; Selectman Espinosa seconded. No discussion. All ayes, 5-0.

(2) Selectman Foresto read aloud Warrant #11-38, dated 3/24/2011:

11-32 Town Bills	\$ 982,401.86
11-32A Town Bills	2,125.88
11-32S School Bills	486,345.85
TOTAL	\$1,470,873.59

Selectman Trindade moved the Board approve Warrant #11-38, dated 3/24/2011, in the amount of \$1,470,873.59; Selectman Dunne seconded. No discussion. All ayes, 5-0.

Town Administrator's Report:

Regarding the Transportation Committee's bond bill at the State House, Ms. Kennedy stated she notified Senator Spilka's office that Medway has an interest in these funds, specifically \$400,000 for school parking lot repairs. She clarified that this money should not be confused with anticipated Chapter 90 funds. Ms. Kennedy states she also asked for \$500,000 for additional roadway improvement costs and sidewalk repairs, hoping that her swift action will be to the Town's advantage.

Ms. Kennedy stated that the Town has received a grant of \$158,000 relative to its designation as a "green" community.

Regarding a report from Northeastern University on economic development, Ms. Kennedy stated the Planning and Economic Development Coordinator will be preparing a report focusing on Oak Grove and other Medway issues. She asked the Board if it would consider working with the Planning and Economic Development Board to develop a strategic plan focused on economic development. Discussion followed.

Selectmen's Reports:

Selectman Foresto stated he would like clarification of his role as liaison to a committee as it seems that role is evolving. He questioned whether a liaison should be expected to be involved in negotiating a budget. Discussion followed.

Selectman Trindade suggested the Board consider a motion that if vacancies in the Department of Public Services remain unfilled for remainder of the fiscal year, those funds be allocated to free cash, or write a Town Meeting article that moves the money into salary reserve for FY12. The money could be moved back to the DPS budget at a later date. Additionally, he asked Town Administrator Suzanne Kennedy to instruct department heads to conserve cash. Ms. Kennedy responded that money is already in the DPS budget for those vacant positions, but due to difficulty in getting quality candidates, the positions remain unfilled. Ms. Kennedy stated vacancies in other departments can be put on hold until further fiscal information is available. Discussion followed. Ms. Kennedy will encourage staff to be prudent in spending.

Selectman Espinosa had no report this evening.

Selectman Dunne stated he had received an email from a member of Library Board of Trustees, requesting the draft proposal regarding regionalization be removed from the Town website. He respectfully declined this request, and encouraged residents to review the document. He added that there is no mention in any meeting minutes of the Library Board of Trustees that the document was presented, considered, or voted on. Ms. Kennedy clarified the document has been posted as a "draft" and not as a final product. Changing topics, Selectman Dunne stated he plans to attend the School Committee's subcommittee meeting on March 23.

Chairman Crowley asked for an update on health care premiums. Ms. Kennedy stated she has budgeted a 12% increase, but has since learned the increase could be as high as 19.5% due to some seriously ill insureds. Discussion followed.

Approval of Minutes:

As requested by Chairman Crowley, the DVD of the January 19, 2011 meeting was reviewed to clarify a section on page 5 of the draft minutes. Revised minutes of that meeting are now submitted for approval.

Chairman Crowley moved that the Board accept the public session minutes of January 19, 2011, as revised; Selectman Trindade seconded. No discussion. All ayes, 5-0.

At 9:59 PM Selectman Trindade moved to adjourn; Selectman Foresto seconded. No discussion. All ayes, 5-0.

Respectfully submitted,
Jeanette Galliardt
Board Secretary