

**Board of Selectmen's Meeting
June 13, 2011, 6:00 PM
Room A-111, Medway High School
88 Summer Street**

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

Also Present: Mark Cerel, Town Meeting Moderator and Chairman, Community Preservation Committee; Barbara Saint André, Town Counsel; and Andrew Rodenhiser, Planning and Economic Development Board Chairman.

At 6:01 PM Chairman Crowley called the meeting to order, and the Board recited the Pledge of Allegiance.

Public Comments: None

Discussion – Capital Improvement Plan 2012-2016:

The Board was in receipt of the Capital Improvements Planning Committee's 5-Year Plan for 2012-2016, dated May 20, 2011.

Town Administrator Suzanne Kennedy stated she is presenting the five year capital plan to the Board because it was recently received from the Capital Improvement Planning Committee. Chairman Crowley suggested putting it on the agenda for a future meeting and asking the Capital Improvements Planning Committee come in to discuss it. Ms. Kennedy responded the submission of the plan is for informational purposes only at this time.

Discussion – Town Meeting Articles:

For reference purposes, the Board received copies of the Special Town Meeting Warrant, Annual Town Meeting Warrant, and proposed motions for both proceedings.

Regarding **Article 20– Establish OPEB Trust Fund**, Ms. Kennedy stated a recently passed state statute may cause a measure proposed by the Town to be rejected as they are very similar. Ms. Barbara Saint André, Town Counsel, stated that communities can accept the local option statute or go to legislature for special legislation specific to one's community. Mr. Cerel stated the article up for consideration tonight is not broad enough, noting that the matter was before legislature a few years ago. Ms. Kennedy acknowledged this article does not include language for funding, while the local option one

does. She doubted there would be consequences if this matter was postponed until fall Town Meeting. Ms. Saint André suggested it might be quicker to have Town Meeting adopt the state statute.

Discussion followed on benefits of Article 20 vs. local option and impact on credit or bond rating. Ms. Kennedy stated she would like to get it done soon so that it is not forgotten.

Selectman Dunne moved that the Board table Article 20 – Establish OPEB Trust Fund; Selectman Foresto seconded. No further discussion. Split vote: 4-1 – Crowley oppose.

Regarding Article 12 – CPC Transfer to Affordable Housing Trust Fund, Selectman Dunne stated he read in an email that the Community Preservation Committee has not signed off on this article yet. Mr. Ceresi stated the CPC would be meeting within the hour and he anticipated a Memorandum of Understanding would be signed in the near future. He acknowledged the committee was not in the loop soon enough, but that the contracts are being prepared. He reminded the Board that the CPC is only an advisory committee in this matter.

Regarding the Town Clerk's salary, Ms. Kennedy stated it is part of the overall municipal budget and there is no specific language required to vote on the salary of the Town Clerk. She noted that at Town Meeting 2010, simply pointing out that the salary was part of the overall budget was adequate. Regarding the motion for Town Meeting, Ms. Saint André stated she took parts A and B and combined them in one motion. The Board agreed this was the most efficient way to handle it.

Regarding Article 23 – Hunter & Ivy Lane Street Acceptance, Ms. Saint André stated the Warrant contains a proposal for the Town to accept these two roads. In doing so, the Town has to obtain an interest, a fee or some ownership. She stated she wants the Town only to take an easement, as there is then no confusion regarding ownership. It could also be gifted, but homeowner properties are owned by various mortgage companies who will most likely not sign off on it. Local banks are not usually a problem, but out-of-area companies are often difficult to deal with. Responding to a question from Chairman Crowley, Ms. Saint André confirmed that both the motion and article are written appropriately. She stated that accepting a street is a benefit, and no damages should be awarded.

Ms. Rondi Chapman asked for clarification of a reduction of \$60,000 in the Health Office budget [Article 2]. Ms. Kennedy explained there was a reduction in the Health Agent's hours and the clerical staff was laid off due to a reduction in workload. She clarified further that the Town is not required to have a full-time Health Agent. Chairman Crowley stated there were also some union negotiations being conducted at the time the budget was released so details could not be discussed.

Restaurant 45:

Chairman Crowley reported to the Board that the owner of Restaurant 45 is exploring outdoor dining at his restaurant and wondered whether the alcoholic beverages license allows serving on the outside deck. Additionally, the owner would like to work with the Town to access 8-10 parking spots behind the Fire Station, noting the lot could be created with crushed stone or paved with stripes, both with

appropriate signage. Selectman Dunne asked for a copy of the request. Ms. Kennedy responded there has not been a formal request. Discussion followed. Selectman Espinosa stated he thought the matter was going to be on the agenda and someone was coming in to speak on it. Chairman Crowley stated that was the original plan but thought there wouldn't be time given that Special Town Meeting begins at 7 PM.

Selectman Trindade stated this matter was brought up a few years ago, with expanded parking, and extension of the building. Selectman Espinosa stated there was no mention of serving alcohol on the deck. Selectman Trindade agreed, stating that the owner didn't move forward as he believed parking concerns to be the stumbling block. The Police Chief has since been consulted and there are no problems. Ms. Allison Potter, Assistant to the Town Administrator, stated the Alcoholic Beverages Control Commission previously approved the extension of premises to the deck. Permission to allow the service of alcohol on the deck is at the discretion of the Board.

Selectman Espinosa stated the alcohol itself does not require additional parking. Chairman Crowley noted that the additional parking spots would be available to anyone, not just limited to the restaurant. Selectman Espinosa suggested the owner come in and talk with the Board about it. He stated he wants to understand the safety issues, as it is Town-owned land. Chairman Crowley stated the owner would have to work with the Town to develop the parking which would ultimately be public parking for anyone. He stated that the owner is concerned that he will be challenged by his initial assertion that no parking would take place on public ways (part of initial license).

Mr. Andrew Rodenhiser stated that technically the immediate neighboring streets have not been accepted by the Town so it is not public parking. Residents have asked for No Parking signs there. There will be discussion tomorrow. Ms. Kennedy asked Rodenhiser to address his Board's position at its Planning Board's meeting. He agreed.

Ms. Potter stated she has only a verbal request, nothing in writing. Chairman Crowley suggested the Board request a letter specifically stating what the applicant is seeking. Discussion followed.

Selectman Trindade moved that the Board approve extension of Restaurant 45's liquor license to include alcohol outdoors; a friendly amendment suggested that written application and all related processes are followed; Selectman Espinosa seconded. Ms. Saint André stated that in order to extend the liquor license, a public hearing is required. However, as Selectman Trindade stated, the Board may have already extended the license to include the deck. At this time there is no provision to *serve* on the deck; patrons can be served inside and carry their drinks outside to the deck. **Selectman Trindade withdrew the motion.**

Selectman Trindade moved that the Board modify the conditions of the Restaurant 45 liquor license to include serving of alcohol on the outside deck area with the friendly amendment that written application and all related processes are followed; Selectman Espinosa seconded. Mr. Rodenhiser asked if this would involve the Planning Board. Chairman Crowley responded the Planning Board has no jurisdiction with alcohol. **Split Vote: 4-1 – Dunne oppose.**

Realignment of the Board:

There was brief discussion on duties associated with various positions on the Board of Selectmen, as well as time commitments. Chairman Crowley noted that the Chairman has to be available at various times for meetings outside of regular Board meetings, and a flexible schedule is necessary. It was agreed to postpone the discussion on alignment until 8:00 AM on Thursday, June 16.

At 6:50 PM Selectman Trindade moved to adjourn in order to attend Special Town Meeting and Town Meeting; Selectman Dunne seconded. No discussion. All ayes, 5-0.

Respectfully submitted,
Jeanette Galliardt
Board Secretary