

Board of Selectmen's Meeting

June 20, 2011, 6:30 PM

Sanford Hall, Town Hall

155 Village Street

Present: Vice Chairman John Foresto, Selectman Andrew Espinosa, Selectman Dennis Crowley and Town Administrator Suzanne Kennedy. Selectman Glenn Trindade was absent. Chairman Richard Dunne arrived at 6:42 PM.

At 6:37 PM Vice Chairman John Foresto called the meeting to order and led the Board in the Pledge of Allegiance.

At 6:38 PM Selectman Crowley moved that the Board go into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, Memorandum of Agreement – Massachusetts Laborers' District Council (Municipal Public Employees' Local Union and Sewer Easement Settlement); and to return to public session upon adjournment; Selectman Espinosa seconded. Roll call vote: 3-0. Vice Chairman Foresto, aye; Selectman Espinosa, aye; Selectman Crowley, aye.

At 7:04 Chairman Dunne reconvened the public session and led the Board in the Pledge of Allegiance.

Public Comments: None.

Presentation – MASSPIRG – Proposed Expanded Bottle Bill:

The Board was in receipt of the following information: (1) Letter to Board Chair Colleen Spivey, MASSPIRG, dated May 26, 2011; (2) Resolution in Support of Updating the Massachusetts Bottle Bill; (3) Sierra Club/MASSPIRG Bottle Bill Update, dated March 24, 2010; and (4) List of Municipalities supporting expanded Bottle Bill. At the meeting, the Board received the following: (a) Top 10 Reasons to Update the Bottle Bill; and (2) Beverage Containers in Litter & Public Waste Receptacles (Mass DEP).

Ms. Claire Sullivan introduced herself to the Board, stating and has been working with MASSPIRG for a number of years beginning as President of Mass Recycle. She stated she has also been working with South Shore Recycling Cooperative, which consists of fourteen communities on the South Shore.

Ms. Sullivan briefly reviewed the existing bottle bill, noting that current markets for single-serve beverages have dramatically increased. These containers are usually found on side of road or in trash and that a major portion of waste from non-deposit containers such as bottled water and sports drinks. She distributed two handouts speaking to the bottle bill and the impact of non-deposit containers on littering. Ms. Sullivan stated the goal of the bottle bill update is to put responsibility for recycling containers on the manufacturers and not the municipalities. Typically, the redemption rate for containers designated under the bottle bill is about 70%. This keeps containers out of the waste stream and also creates jobs. 193 other municipalities have signed on to this resolution.

Ms. Kennedy asked what needs to happen in order for the State Legislature to enact legislation now that so many towns are supporting the measure. Ms. Sullivan responded that a public hearing is scheduled for July 20, and then the bill moves through various committees (including Ways and Means) eventually coming to vote on the floor. She acknowledged that opposition from the industry is very strong.

Selectman Espinosa asked if deposit amount would change. Ms. Sullivan indicated it probably would not, though supporters would like to increase it to ten cents, but they know that would never get through the Legislature. She suggested that may be easier to update once this update has passed.

Selectman Crowley moved execute the Resolution in Support of Updating the Massachusetts Bottle Bill which places Medway on record as being in support of expanding the Massachusetts Beverage Container Deposit Law as well as encouraging recycling of all beverage containers; Selectman Espinosa seconded. A friendly amendment was suggested the motion read that the Board was authorizing the Chairman to execute the Resolution. Amendment accepted. All ayes, 4-0.

Selectman Foresto asked the Town Administrator to send a copy of the Board's motion to elected officials representing Medway at the state level.

Authorization of Chairman to Execute Solid Waste and Recycling Contract with American Waste Services:

The Board reviewed a Contract Between the Town of Medway and American Waste Services, LLC., effective July 1, 2011, already signed by vendor, Town Accountant and Town Counsel.

Mr. Tom Holder, Director, Department of Public Services stated this vendor has provided solid waste and recycling for the Town for at least seven years. He stated the company is very good at its job, and understands the Town's needs. Presently Medway has a 49% recycling rate under its Pay-As-You-Go program without changing to a co-mingled program. Mr. Holder stated he does not believe the cost of instituting such a program would increase the recycling rate. He stated he would prefer to stay with a traditional solid waste and recycling program, as the recycling rate and efficient system does not necessitate a change at this time. He added that he has been working with the schools on their single-stream system, with the sorting done later. There has been a good response from students.

Mr. Holder stated this is a three-year contract, and there will be no change in fees to residents for this year. Consumer price index will drive any future increases after 2012.

Selectman Espinosa asked if the *Curbside Chronicle* (recycling schedule) could be posted more visibly on the Town's website. Right now, it takes several clicks of the mouse to get to it.

Responding to a question from Selectman Crowley, Mr. Holder stated he negotiated the contract. In the past it was handled by the Board of Health, but as there was a transfer of duties from the Board of Health to the Department of Public Services, it fell to his jurisdiction. He noted it is consistent with contracts secured in the past.

Selectman Foresto moved to approve the contract with American Waste Services, LLC for the period of July 1, 2011 through June 30, 2014 for solid waste and recycling collection services in an amount not to exceed \$544,200; Selectman Espinosa seconded. It was agreed to send a copy of the approved contract to the Board of Health as a courtesy. All ayes, 4-0.

Authorization of Chairman to Execute Identification of Infiltration/Inflow Sources for Wastewater Collection System and Revision of GIS Contract with Haley & Ward:

The Board reviewed a Contract between the Town of Medway and Haley and Ward, Inc., already signed by vendor, Town Accountant and Town Counsel, for professional engineering services, namely identification of infiltration and inflow sources for Town's Wastewater Collection System and Revisions to GIS Sewer Layer.

Mr. Tom Holder, Director, Department of Public Services, stated this matter was approved at the 2010 Annual Town Meeting, and the department has been using previous funding sources to get to this point. Approval of this contract will allow the department to move forward and effect some sewer pipeline metering, manhole inspections, and structural failures detected by cameras. Responding to a question from Selectman Crowley, he stated he had no information yet on the leakage at Chicken Brook.

Selectman Crowley moved to approve the contract with Haley & Ward, Inc. for identification of infiltration and inflow sources for the Town's wastewater collection system and revision to the GIS sewer layer in an amount not to exceed \$55,000; Selectman Espinosa seconded. No further discussion. All ayes, 4-0.

Ms. Kennedy commended the Department of Public Services on the redesign of the Town's recycling center. She stated she has received a number of positive comments on improvements in navigating the site, traffic flow and accessibility to containers by both residents and recycling vendors. Selectman Crowley emphasized that all improvements were paid for by retained earnings, not increases in price of trash bags or other fees.

Approval – Common Victualler License Transfer – Medway House of Pizza (Change of Owner):

The Board was in receipt of the application by George Kosivas with associated attachments.

Mr. George Kosivas stated he is the new owner of Medway House of Pizza and now needs the Common Victualler License to be transferred to his name. Ms. Karen Kisty, Operations Manager for the Town of Medway, confirmed that all associated paperwork is in order.

Selectman Foresto moved to approve the transfer of the Common Victualler License associated with the Medway House of Pizza from Mark Elrahi to George Kosivas; Selectman Espinosa seconded. There was brief discussion. All ayes, 4-0.

Approval – Class II License – Late Model Cars Ltd., LLC:

The Board was in receipt of the following information: (1) Email correspondence from Town Counsel, dated June 7, 2011; (2) Zoning Board of Appeals, dated May 25, 2011; (3) Email correspondence from the Registry of Motor Vehicles, dated January 9, 2009; and (4) Class II license application, dated January 28, 2011, with associated documents.

Town Administrator Kennedy stated all requirements for the Class II license have been met, noting that the business was not the principal business of the proponent. She reminded the Board that it has authority to accept or reject the application. She stated that Massachusetts General Laws stated that the person designated on the license must be proper person to engage in business, it is the proprietor's principal business, and has a place to conduct the business. There was a brief discussion on zoning laws.

Mr. Thomas Carson, 3 Sledding Hill Way, stated he previously held a Class II license in Medway three years ago at prior residence at 29 North Street. He stated he sells cars part-time, and it is not a means to support his family. He noted he will likely retire from his full-time job as a mechanical engineer in a couple of years, and business could become more prominent in his life, but for now, he is a casual business owner, and the activity is a hobby. He stressed that the dealer license is necessary should he happen to sell more than three autos in a year, and also allows him to attend the auctions not open to the general public.

Mr. Carson stated the Zoning Board of Appeals approved it, and believed no reason to come to the Board. However, the Building Inspector thought a special permit might be necessary. He noted that his previous license has restrictions including storage of cars and assumes those same restrictions will apply. He is seeking only a renewal of the license at his present address.

Selectman Crowley moved to approve the application of a Class II Auto Dealer's License for Lake Model Cars, Ltd., LLC; Selectman Espinosa seconded. Ms. Karen Kisty, Operations Manager for the Town of Medway, confirmed that all documentation is in order. All ayes – 4-0.

Authorization of Chairman To Execute Public Health Nursing Services Agreement with VNA and Hospice of Greater Milford:

The Board reviewed the following information: (1) Contract between the Town of Medway and the Milford Regional Medical Center, Inc. d/b/a VNA and Hospice of Greater Milford, effective June 10, 2011 to June 30, 2012 ; and (2 Email from Town Counsel, dated June 15, 2011, approving contract as to form.

Ms. Kennedy stated the Health Agent is on vacation. She also stated this is a standard agreement executed on annual basis. She clarified that the major focus for the Board of Health is on septic installation and repair, as well as inspections of eateries. The VNA provides public health services, communicable disease detection, food clinics, health screenings and some child health services. Ms.

Kennedy stated the VNA is exploring the possibility of expanding services on a regional basis; she will report back to the Board in coming months.

Selectman Foresto moved to approve the agreement with VNA and Hospice of Greater Milford for public health nursing services in an amount not to exceed \$14,150; Selectman Espinosa seconded. Selectman Foresto noted that this contract is different from the one signed with the Medway Senior Center. All ayes, 4-0.

Discussion/Approval – Construction of Ride Share Parking Area at Medway Fire Station #1 (Intersection of Summer and Milford Streets):

The Board reviewed the following information: (1) Emails to/from Town Counsel, dated June 7, 2011; June, 6, 2011; May 12, 2011; and April 13, 2011; and (2) Letter from Mark Smith, owner, Restaurant 45, 45 Milford Street, dated June 14, 2011.

Present: Police Chief Allen Tingley; Fire Chief Paul Trufant; and John Emidy, Building Commissioner and Zoning Enforcement Agent.

Town Administrator Kennedy stated the letter from restaurant owner regarding extension of liquor license prompted placing this item on the Board's agenda for tonight's meeting.

It was noted that the parking area behind the fire station is already public parking, previously utilized as a stop along an area transit line.

Selectman Espinosa stated the parking area can remain open public parking, not specific to Restaurant 45, or the Board can take action to designate it specifically for the use of Restaurant 45's patrons and employees, but it cannot be both. Selectman Crowley emphasized that the restaurant's owner has offered to create parking for everyone's use. Selectman Espinosa disagreed, stating his understanding was that the restaurant owner needed additional parking to extend the liquor license to the deck area.

Mr. John Emidy, Building Commissioner and Zoning Enforcement Officer, the restaurant cannot exceed the total number of seats for the restaurant and deck, whether or not liquor is served on the deck. He stated he should receive submission of any changes to his department. Ms. Kennedy stated the applicant has proposed to do some paving of the parking area (now gravel) to enable patrons or visitors to other area businesses to utilize the parking lot, and suggested stipulations can be applied. Mr. Emidy responded that it is his responsibility to determine whether conditions exist to merit a Certificate of Inspection for Occupancy that would include the deck area; this does not fall to the Planning Board. He clarified that the Planning Board has jurisdiction on zoning issues. Discussion followed. It was noted that the lot is public parking now, but specific spaces are not marked.

Selectman Espinosa clarified that serving of alcohol on the desk right now would be in violation of zoning laws. Mr. Emidy confirmed that the deck/porch has to be certified for occupant loading and it has not been yet. Chairman Dunne emphasized that the appropriate process should be followed.

Police Chief Tingley recommended that the lot be striped with specific spaces to avoid chaotic parking and minimize safety issues. Selectman Espinosa suggested more information be obtained, specifically relative to building laws, what is required for safety standpoint for parking and pedestrian crossing, and whether the applicant is prepared to fulfill those obligations. Then the Board of Selectmen will have all necessary information to move forward.

Selectman Crowley stated that Restaurant 45 did not want to approach the Planning Board until it had the Selectmen's approval on outdoor alcohol serving and parking issues resolved.

Selectman Foresto stated the applicant should be behind this action, not Town staff or other individuals. Mr. Emidy stated that his office (Building Department) is the proper place to start.

Ms. Kennedy offered to convene meeting with staff and applicant as she does think there are safety issues. Chairman Dunne read aloud the restaurant owner's letter and asked about the process and instructed the Town Administrator to respond to the owner/applicant that he must begin in the Building Department.

Discussion/Approval – Use of Metal Detector at Thayer House property:

The Board reviewed the following information: (1) Email from Town Counsel, dated June 6, 2011; and (2) Resident Request Form, dated May 5, 2011.

Ms. Kennedy stated that Town Counsel has indicated that it is very difficult to enforce any return of property to the Town, noting there are existing laws regarding discovery of "lost" or "abandoned" property.

Selectman Espinosa was happy to have a clarification from Town Counsel. Selectman Foresto suggested that, if valuable items are found and that discovery is made public, the Town could pursue recovery. Ms. Kisty stated the Town's main concern is how he leaves the property, such as not filling holes he has dug, thereby creating safety issue for other users of the property. Discussion followed.

It was agreed to draft a contract outlining liability and responsibility to turn over historical or valuable property.

Approval – Emergency Transfer Requests – Veterans (\$875 Expenses and \$635 Salary):

The Board reviewed the following information: (1) Transfer Request, dated June 6, 2011, in the amount of \$875 for expenses associated with increased case load; and (2) Transfer Request, dated June 6, 2011, for mileage reimbursement.

Ms. Kennedy stated the requests were submitted due to the increase in caseload, noting the agent has to attend many more meetings than in the past, and increased costs of \$875 is associated with benefits and \$625 is for reimbursement of mileage expenses.

Selectman Foresto moved to approve two transfer requests presented for Veterans Services – one in the amount of \$875 for costs associated with increased case load and one in the amount of \$625 to

cover additional Veterans Agent mileage reimbursements through June 30, 2011; Selectman Espinosa seconded. No further discussion. All ayes, 4-0.

Annual Board and Committee Reappointments:

The Board was in receipt of the following information: (1) List of Reappointments; (2) New Appointment Request from Sandra Dobday for the Cultural Council; (3) Email from the Chairman of the Zoning Board of Appeals requesting staggered terms; and (4) List of outstanding appointments and/or vacancies.

With respect to the vacancy on the Cultural Council, Ms. Sandra Dobday, 11 Oakland Street, stated she has lived in Medway for twenty-two years, has a Bachelors Degree in Art, ongoing interest in art, and would like to help support those seeking funding in art projects.

Selectman Foresto moved to appoint Sandra Dobday to the Cultural Counsel for a term of three years July 1, 2011 – June 30, 2014; Selectman Espinosa seconded. Selectman Crowley suggested the Medway 300 committee could use Ms. Dobday’s talents and expertise. Selectman Foresto stated he would forward her contact information to the person planning the Cultural Weekend associated with Medway’s 300th anniversary. All ayes, 4-0.

Selectman Foresto read aloud the names of individuals up for reappointment as follows:

Affordable Housing Committee – Reappoint Robert Ferarri for a three-year term beginning July 1, 2011 and ending June 30, 2014;

Affordable Housing Trust – Reappoint Michael Heineman and Ann Sherry, each for a three-year term beginning July 1, 2011 and ending June 30, 2014;

Cemetery Commission – Reappoint Jeanne Johnson, Marian Pierre-Louise, and Bruce Hamblin, each for a one-year term beginning July 1, 2011 and ending June 30, 2012;

Capital Improvement Planning Committee – Reappoint James Gillingham for a four-year term beginning July 1, 2011 and ending June 30, 2015;

Conservation Commission – Reappoint Ken McKay for a three-year term beginning July 1, 2011 and ending June 30, 2014;

Constables – Reappoint Paul Yorkis for a three-year term beginning on July 1, 2011 and ending on June 30, 2014;

Council on Aging – Reappoint Nanette Glenny, Robert Goode, and Mary Lou Staples each for a three-year term beginning July 1, 2011 and ending June 30, 2014

Cultural Council- Appoint Sandra Dobday for a three-year term beginning July 1, 2011 and ending June 30, 2014:

Education Fund Committee – Melinda Peden and Joann Bruce, each for a three-year term beginning July 1, 2011 and ending June 30, 2014;

Historical Commission – Appoint Marian Pierre-Louis for a three-year term beginning July 1, 2011 and ending June 30, 2014;

Medway Christmas Parade – Reappoint Richard Parrella and Allen Tingley each for a three-year term beginning July 1, 2011 and ending June 30, 2014;

Medway Pride Day Committee – Appoint Jodi Kairit for a one-year term beginning July 1, 2011 and ending June 30, 2012;

Memorial Committee – Appoint Colonel Michael Matondi (Ret.) and Allen Tingley each for a one-year term beginning July 1, 2011 and ending June 30, 2012;

Thayer Property Development Committee – Appoint Dan Hooper and Marcia Kramarz each for a one-year term beginning July 1, 2011 and ending June 30, 2012;

Town-wide Facility Management Study Committee – Jeff Devolder, Robert Ferrari, Larry Muench, Robert Parrella, Jack Robinson and Peter Manning each for a one-year term beginning July 1, 2011 and ending June 30, 2012

Representative to Charles River Pollution Control District – Appoint Paul DeSimone for a one-year term beginning July 1, 2011 and ending June 30, 2012.

Representative to Metropolitan Area Planning Council – Appoint Cranston Rogers for a one-year term beginning July 1, 2011 and ending June 30, 2012.

Representative to SouthWest Area Planning Committee, Citizen at Large – Appoint Paul Yorkis for a one-year term beginning July 1, 2011 and ending June 30, 2012.

Ms. Kennedy stated there are vacancies on the Finance Committee and those have been advertised. She suggested the Board may be able to approach people on their own to secure qualified volunteers. Typically those vacancies are filled prior to the end of the fiscal year.

Selectman Espinosa moved to accept appointments as read; Selectman Foresto seconded. Brief discussion on whether constables are appointed or elected. Selectman Crowley suggested a friendly amendment to add John Robinson to Town-wide Facility Management Study Committee. Selectman Crowley offered a second friendly amendment that the Chairman have discussion with the Zoning Board of Appeals Chairman about those appointments. Ms. Kisty stated the Zoning Board of Appeals Chairman would like to stagger the appointments to alleviate too many people changing at once. Friendly amendments accepted. All ayes, 4-0.

Selectman Foresto offered the Board's thanks to people for volunteering their time to work toward betterment of the Town, noting that it is a commitment of time away from their families and other activities.

Approval of FY12 Meeting Calendar:

The Board discussed a potential meeting calendar in accordance with provisions of the Town Charter. After discussion it was decided to cancel the meeting scheduled for Tuesday, July 5, as it comes on the heels of a major holiday weekend. This leaves only one meeting in July on Monday, July 18.

There was discussion on when information must be submitted in order to get on the agenda, allowing sufficient time for review, gather documentation, etc. It was decided that requests to be included on the agenda for a Selectmen's meeting must be submitted by noon on the previous Wednesday. Anything submitted after that time has to be approved by Chairman Dunne.

Regarding warrants submitted for payment, Selectman Espinosa asked if there can be some coordination of people available to sign warrants that need to be paid between Selectmen meetings. A minimum of three signatures is required. Brief discussion followed. Ms. Kennedy will work on developing a schedule on when Board members are available.

Approval of Warrants:

Selectman Crowley read aloud Warrant #11-51, dated 6/23/11, presented for approval:

11-51 Town Bills	\$ 92,005.16
11-51S School Bills	\$ 325,811.40
11-51S Gross Payroll – Town	\$ 248,312.44
11-51SP Gross Payroll – School	\$1,790,117.22
TOTAL:	\$2,456,246.22

Selectman Foresto moved the Board approve Warrant #11-51 in the amount of \$2,456,246.22 as read: Chairman Dunne seconded. No discussion. All ayes, 4-0.

Action Items from Previous Meeting:

#2 – Route 109 Project – Selectman Espinosa stated there was a meeting on June 15 specific to the Franklin/Highland/Main Street intersection. There were good comments from residents. He stated the committee will work with Greenman-Pedersen on the design components to eventually present to the Board. Discussion followed on funding sources.

#3 – American Legion Building – Chairman Dunne stated he had a conversation with Selectman Trindade on this matter, which will be put on the agenda for July 18. He indicated Mr. Trindade's main concern was determining a purpose for the building if taken over by the Town.

#5 – Strategic Initiatives for Economic Development – Ms. Kennedy stated staff is looking at what opportunities exist, how to get past obstacles, and identifying strategies to expand opportunities in Town.

#6 – Virtual Town Hall -- Ms. Kennedy reported that IT Administrator Richard Boucher indicated there was money in his budget to move forward with this project. She will report back to the Board on progress.

#7 – Bylaw Change to Allow Alcohol to be served on Town-owned property – Ms. Kennedy stated she will have more information for the meeting on July 18. The matter would need to be considered at the Fall Town Meeting.

Selectman Espinosa asked the Boys State representatives be invited to the first fall meeting. He stated the Governor of Boys State was from Medway as well as three other representatives. He indicated that the speech made by the Boys State Governor was the best the coordinator had ever heard.

Chairman Dunne stated he would like to add a discussion with the Library Board of Trustees in order to have a discussion on strategy and direction of library, using present and future budget allocations. Noting that a joint meeting would be good, Selectman Crowley suggested it be a separate meeting as it could be lengthy. Chairman Dunne suggested adding this matter to an agenda soon, either July or August.

Town Administrator's Report:

Ms. Kennedy reported Medway will begin being served by a temporary Veterans Agent as of July 1. Mr. Ken Trajanowski is the Veterans Agent for Northbridge and three other communities as an informal district. He plans to hold regular office hours on Friday afternoons. Along with other Town Administrators, Ms. Kennedy is going to meet with the State Veterans Services office in Boston to present the proposal for Veterans District for Medway and other area communities.

A grant application is now available for infrastructure needs such as an economic development and public works project, and the Town can apply to secure funding for the Route 109 water main project. Applications are due by September.

There is a proposal under consideration by the Senate Conference Committee with regard to health insurance reform. If the senate proposal is enacted, it would require that contribution rates be the same for retirees as employees, and the resulting cost to Medway would be over \$300,000 more than budgeted. Discussion followed.

Ms. Kennedy stated that, on a recent trip to Marlborough, Medway received a check for \$158,000 in recognition of its "green" community designation. She noted that Medway was well represented -- Tom Holder, DPS Director; John Emidy, Building Commissioner, Shelly Wieler, Vice chair of the Energy Committee; and Frank Faist, Chairman of the Energy Committee, all attended.

Selectmen's Reports:

Selectman Espinosa – no report.

Selectman Foresto – Regarding the Thayer house, the committee has received two sets of designs from the architect, presently under review by committee. There is a meeting with the architect on June 24. Unhappy with the architect's slowness in performance on the project, he has advised that no further payments be made until after meeting.

Selectman Crowley suggested that the Chairman of the Board of Selectman or an appointee be a representative on the Middle School Building Committee. Brief discussion followed. **Selectman Espinosa moved that Selectman Crowley continue as the Board of Selectmen's representative to the Middle School Building Committee; Chairman Dunne seconded. No further discussion. Vote – 3-0-1. Crowley abstain.**

On another matter, Selectman Crowley asked that the ambulance contract be added to Action Items. Ms. Kennedy stated she would like to get ambulance billing resolved as well.

Acknowledging that there is a lot of road work being done in Medway, Chairman Dunne asked motorists to be patient and take extra time in their travels through town. Additionally, he asked that motorists be cognizant of schoolchildren out and about as Tuesday, June 21, is the last day of school.

Chairman Dunne stated a letter is being sent to the Boston Bruins, congratulating them on their Stanley Cup victory and inviting them to display the Stanley Cup at Medway Pride Day. He hopes for a favorable response.

Approval of Minutes:

Chairman Dunne suggested all minutes for approval could be considered at the meeting on July 18. The Board agreed.

At 9:05 PM Selectman Espinosa moved to adjourn; Selectman Foresto seconded. No discussion. All ayes, 4-0.

Respectfully submitted,
Jeanette Galliardt
Board Secretary