

Board of Selectmen's Meeting

August 15, 2011, 6:30 PM

Sanford Hall, Town Hall

155 Village Street

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

Also Present: Missy Dziczek, Director, Council on Aging; Brenda Hamelin, Animal Control Officer; David D'Amico, Deputy Director, Department of Public Services; Chan Rogers, Water/Sewer Commission Member and Medway Representative to the MAPC; Barbara Saint André, Town Counsel; Allen Tingley, Police Chief; Paul Trufant, Fire Chief.

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

At 6:33 PM Selectman Trindade moved to go into Executive Session for the following purposes: 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 (Exemption 3) and 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) with respect to the following: Claybrook II, American Legion Property, and Sewer Easement Litigation; Selectman Foresto seconded. No discussion. Roll Call Vote – 5-0: Dunne, aye; Crowley, aye; Trindade, aye; Foresto, aye; Espinosa, aye.

At 7:11 PM Chairman Dunne reconvened the public session.

Public Comments: None

Authorization to Expend Grant Funds – Executive Office of Elder Affairs - \$10,346:

The Board reviewed a grant expenditure form and supporting funding formula document.

Ms. Missy Dzcizek, Director, Council on Aging, stated this grant will help support volunteer appreciation, and continue various exercise programs. There will be another grant available to help fund the programs set up by a nurse shared with the Town of Franklin.

Selectman Foresto moved that the Board authorize the expenditure of \$10,346 awarded by the Executive Office of Elder Affairs for the purposes outlined in the authorization form submitted to the Board; Chairman Dunne seconded. No discussion. Vote -- 3-0 (Espinosa and Trindade were out of the room at the time of the vote.)

Authorization to Expend Grant Funds – MAPC Bike Rack Program -- \$9,181.50:

The Board reviewed the following information: (1) a grant expenditure authorization form; (2) MAPC letter of approval, dated February 2011; and (3) Trilary, Inc. quote for bike racks, dated August 8, 2011.

Present: David D'Amico and Chan Rogers

Mr. David D'Amico stated DPS has submitted information identifying locations for bike racks in town, mostly at schools. He stated there will be approximately \$3,000 in expenditures on the part of the Town to pour foundations as well as other installation costs.

Selectman Foresto moved that the Board authorize the expenditure of \$9,181.59 awarded by the MAPC Regional Bike Parking Program for the purchase of fourteen bike racks; Chairman Dunne seconded. No discussion. Vote - 2-1 (Crowley, oppose; Espinosa and Trindade were out of the room at the time of the vote.)

Discussion – Potential Water Shut off on Properties with No Scheduled Meter Replacement:

The Board reviewed a proposed letter to be sent to property owners who have no scheduled water meter replacement.

Present: David D'Amico and Chan Rogers

Mr. David D'Amico stated that approximately 50 properties in town have been non-responsive to meter replacement. The Department of Public Services has sent letters to property owners via registered mail, and a Notice of Shutoff has gone out. Departmental staff will mark those meters this week, leaving note of impending shut off, which will be followed by the water actually being shut off. Properties without a viable source of water can be condemned. Mr. D'Amico stated he believes some of these properties may be abandoned already. Brief discussion followed.

It was noted that the letter has already gone out, and that it was approved by the Water Commission before it went out.

Approval – Agreement for Legal Services – Petrini & Associates:

The Board reviewed a proposed contract between Petrini & Associates and the Town of Medway for the period of July 1, 2011 through June 30, 2014.

Selectman Trindade moved that the Board authorize the Chairman to sign the legal services contract with Petrini & Associates as submitted in the packet; Selectman Espinosa seconded. No discussion. All ayes, 5-0.

School Committee Report from School Committee Liaison:

Ms. Deb Trindade stated things have been fairly quiet with the School Committee this summer. There was a meeting in July, and they will meet again at the end of August. New staff included two new administrators, a new principal at Burke Memorial, and a new director of special education, respectively. At the middle school, offices have been moved around to accommodate the repair project and solar panels are in place, supplying energy to the annex until both buildings are connected. Updates on the repair project can be found via a link on the school website.

Selectman Crowley noted that the contract with Consigli has not yet been signed, as it is being reviewed by attorneys at present. The risk is on the part of the contractor, if he begins work without a signed contract. Discussion followed.

Selectman Espinosa asked if there would be disruption to gym use during this work, as he had been approached by a resident with concerns. Ms. Trindade stated work on the gym will likely be done when basketball is not in session. Interested parties should contact the school.

Selectman Crowley asked if the amount of circuit breaker funds has been identified yet. Ms. Trindade replied it came in around the 65% level, noting that their budget allowed for a 60% level. The actual dollar amount may not be known until the report has been received.

Approval – Alex Handy 5K Memorial Walk/Run – September 17, 2011:

The Board reviewed a recommendation from Police Chief Tingley as well as information and forms associated with the Memorial Walk/Run submitted by Ann Handy.

Selectman Foresto moved that the Board approve the Alex Handy Memorial Walk/Run on September 17, 2011 with the condition that the organization hire two detail officers as recommended by the Police Chief; Selectman Trindade seconded; No discussion. All ayes, 5-0.

Approval – One Day Liquor License – The Buffet Way, Inc. – September 17, 2011:

The Board reviewed the following information: (1) One-day Liquor License application, dated July 13, 2011, including proof of insurance; (2) Email, dated July 22, 2011, from Police Chief Tingley approving event; and (3) Digital approval of Building Commissioner, dated July 22, 2011.

Selectman Foresto moved that the Board grant a one-day liquor license to The Buffet Way, Inc. to cater a September 17, 2011 wedding at St. Joseph's parish center; Selectman Trindade seconded. No discussion. All ayes, 5-0.

Action Items from Previous Meeting:

#1 – Regarding Street Acceptances, Selectman Espinosa stated he must recuse himself from discussions involving Goldenrod as he lives in the area. Selectman Trindade volunteered to replace him in this matter.

#2- Route 109 project – Selectman Espinosa stated the committee will be meeting again on August 31.

#3- American Legion Building – Selectman Trindade will continue the discussion with American Legion.

#4 – Storm Water Resource Management Plan – Ms. Kennedy stated the project is ready to move forward pending notification of loan approval. She noted it does not require immediate action. Tom Holder, Director, Department of Public Services, is working on developing a regional approach for regional solutions.

#5 – Economic Development Initiatives – Ms. Kennedy stated the Economic Development Committee may want to have a joint meeting with the Board of Selectmen in the next four to six months to look at future opportunities to build up the tax base.

#6 – Town website – Virtual Town Hall – Ms. Kennedy stated an initial meeting with interested staff focused on what things would look like. Suggestions were offered and the consultant will come back with a mockup design.

#7 – Bylaw change to allow alcohol on Town owned property is on tonight's agenda.

Selectman Crowley noted that Fall Town Meeting is only eleven weeks away, and he would like to revisit the issue of the purchase of an ambulance. Ms. Kennedy stated she is already working on it, and will add it to the list of Action Items.

Update on Highland Street – Route 109 Design Committee:

Mr. D'Amico reported to the Board that the Department of Public Services will be doing a "test case" to designate Highland Street going north as a one-way to see how it works. Informational signs will be put up for a couple of weeks before it is implemented. The schools have been notified.

Additionally, traffic from Bellingham is being rerouted off Route 126 while a culvert is being repaired. The repair project will begin in September, and should be completed by mid- to late October.

Discussion – Proposed Bylaw Amendment – Article XII, Section 12.13, Prohibition of Alcohol on Public Property:

The Board reviewed an email from Town Counsel with proposed language amendment to the existing bylaw prohibiting alcohol on public property, with the amendment designed to allow alcohol on Town property at 2B Oak Street only.

Present: Police Chief Allen Tingley.

It was noted that this was a suggestion connected with the Medway 300 celebration being planned for next year. The Thayer property could also be used for small events, wedding, retirement dinners, etc., once appropriate measures are approved to allow alcoholic beverages.

Ms. Kennedy stated that if the Board wanted to move forward with this matter, it would go on the warrant for Town Meeting vote. She suggested that a public hearing might be a good idea.

Selectman Crowley expressed concern that the “Thayer property” be more clearly identified. Selectman Trindade suggested other places that might be also considered as venues for small events. Selectman Crowley suggested testing the process with one property first, as others can always be designated at a later date. As is the current practice, applications for one-day liquor licenses would have to be considered and granted for each event.

Chairman Dunne asked that this matter be added to the Action Items, specifying the geographic boundaries of the property is in question.

It was agreed that it is the Board’s intent is to move forward with this at Fall Town Meeting, noting there needs to be education and communication to the community on why it’s being proposed.

Dog Hearing – Jones:

Present: Brenda Hamelin, Animal Control Officer; Laurie Jones, 10 E Broad Street (dog owner), Police Chief Allen Tingley

The Board reviewed the following information: (1) Procedure for dog hearing; (2) Notice of Selectmen’s Hearing, dated August 2, 2011; (3) Neighborhood resident statement; and (4) a timeline of events (beginnin Fall 2007) and supporting documentation submitted by the Animal Control Officer.

At 8:00 PM Chairman Dunne reconvened the Jones Dog Hearing, continued from July 18, 2011, by reading the Notice of Selectmen’s Hearing, dated August 2, 2011.

Chairman Dunne asked which individuals planned to speak during the hearing, and swore them in to testify truthfully.

Ms. Brenda Hamelin, Animal Control Officer, briefly reviewed Clyde's behavior, difficult even before Ms. Jones moved to Medway. At that time, the dog was living with her son, Stephen Hayes in the residence which is located directly across Village Street from Town Hall. Dogs were often seen running around the parking lot before Ms. Laurie Jones was responsible for the dogs, and Clyde was never licensed. Jumping forward to this year, Ms. Hamelin recited recent incidents involving Clyde. Most recently he attacked a dog on a leash, reported by Mr. Matthew Reardon. She read the police incident report. The dog was sent home on a temporary restraining order until the hearing. The dog had to be vaccinated for rabies, licensed (yet to be done), chained or leashed, muzzled when tethered, never to be tethered without adult supervision. Ms. Hamelin gave a citation for violation of the leash law, in addition to fines for the lack of rabies vaccination and lack of license.

Ms. Jones that no bite occurred in the incident, noting because her dog has not been neutered, he goes after females. Her dog has never bitten a person or another dog. She says she has the money to pay for fines, but wanted to have the hearing first. Ms. Hamelin stated Clyde has chased people down the street.

Selectman Foresto stated the real issue is that the dog has not been licensed or vaccinated. Selectman Crowley asked Ms. Jones why she ignores the leash law as she has not licensed the dog for years. Ms. Jones responded that she has seen other dogs in the area not on leashes.

A man identifying himself as Ms. Jones' nephew stated the dog is very friendly, adding that he has two children who have never been hurt.

Selectman Foresto asked Ms. Hamelin if she explained the consequences to Ms. Jones. Ms. Hamelin responded she had, specifying that the dog could be placed on a permanent restraining order or taken away. Due to the age of the dog, he might be difficult to place.

Selectman Trindade suggested licensing the dog, so if he gets out, he can be returned to the home safely. Additionally, he wondered why a grandchild is opening the front door without adult supervision. Ms. Jones stated that since she got a screen door, the dog has not gotten out. Ms. Hamelin stated no other escapes have been reported.

Ms. Kerry Otto, identifying herself as Ms. Jones' daughter, stated her dog does not live there, only accompanies her when she visits.

Selectman Espinosa stated the issue is not always about the dog, but that the responsibility falls to the dog owner. It is the job of the owner to follow the laws. It is like having a child and protecting that child. He asked Ms. Jones for assurance that there will be no further incidents. Ms. Jones said she would come to Town Hall the following day to pay the fines.

Responding to a question from the Board, Ms. Hamelin stated her recommendation is a permanent restraining order, use of both a leash and a muzzle when outside the house.

Chairman Dunne asked Ms. Jones if she can maintain the restrictions imposed by the previous temporary restraining order. Ms. Jones responded she would.

Selectman Crowley stated other residents who have had these orders imposed have produced no further incidents, and the Board needs to have faith that she will follow through. Ms. Jones stated her son is the dog's actual owner, and she will see if the son can take the dog in at his residence in North Carolina. Her daughter will soon be traveling there and can take the dog with her.

Chairman Dunne moved that the Board accept a permanent restraining order with five conditions, and by noon tomorrow (August 16), that the dog fines be paid and dog licensed; Selectman Trindade seconded. Selectman Crowley proposed a friendly amendment that a written record be made that the conditions are accepted. All ayes, 5-0. The Police Department will deliver the letter and obtain written acceptance.

Dog Hearing – Briggs:

Present: Brenda Hamelin, Animal Control Officer; Andrew Briggs, 38 Winthrop Street (dog owner)

The Board reviewed the following information: (1) Procedure for dog hearing; (2) Notice of Selectmen's Hearing, dated August 2, 2011; and (3) a timeline of events (beginning in July 2006) and supporting documentation submitted by the Animal Control Officer.

At 8:30 PM Chairman Dunne convened a Dog Hearing by reading the Notice of Selectmen's Hearing, dated August 2, 2011.

Chairman Dunne asked those individuals planning to speak to solemnly swear or affirm that their testimony will be truthful.

Ms. Brenda Hamelin, Animal Control Officer, stated there have been issues with the Briggs dogs as soon as he got them. She reviewed several incidents involving violations of leash law and absence of vaccinations, as well as resident complaints. An additional incident occurred on August 30, 2008, violation of leash law for Kylie, and Mr. Briggs was fined.

Ms. Hamelin read aloud email from Karen Castle. Mr. Briggs stated the third dog mentioned in the email no longer lives in Medway.

Mr. Briggs stated he would have liked to have more time, having received the notice on August 2, and his family just returned from vacation last night. He acknowledged he needs to do a better job of keeping them in the yard, but stated he lets them out in the morning. He asked for a copy of all the paperwork. Chairman Dunne asked if they were "working dogs" as it is a farm, to which Mr. Briggs replied the dogs were simply for security. If someone comes onto the property, they bark and let him know.

Selectman Trindade stated he has two dogs, and wondered why Mr. Briggs does not take better care of the dogs as they are getting injured. Mr. Briggs replied that he had a 5-foot fence and they dug under it.

Selectman Trindade urged diligence in keeping them contained. Mr. Briggs said the farm’s office is in the house too, and sometimes the door does not get closed tightly.

Ms. Hamelin recommended a permanent restraining order, tethering the dogs close to the house.

Selectman Crowley noted there have been a total of eleven complaints -- four times cited for rabies, and seven times for leash law. Additionally, there have been four incidents of non-licensure.

Mr. Briggs stated dogs are 8 years old and reluctantly added that he will just have to tether them.

Selectman Espinosa emphasized that the dogs need to be confined to the property and not chase people going by. He asked Mr. Briggs for assurance that he will keep them confined. Mr. Briggs responded that he would look into putting up another fence.

Ms. Hamelin recommended a permanent restraining order, specifically kennel, tether, electric fence, or by whatever means it takes to keep the dogs on the property. If a permanent restraining order is imposed, and dogs get out, she will have to pick them up. If dogs bite someone, she will pick them up and have them destroyed. Dogs must be leashed to go off the property for any reason.

Selectman Trindade moved the Board accept the recommendation of the Animal Control Officer; Selectman Foresto seconded. No further discussion. All ayes, 5-0.

Approval of Warrants:

Selectman Crowley, Clerk, read aloud Warrant #12-7, dated 8/18/11, submitted for approval:

| | | |
|---------|----------------------|---------------------|
| 12-7P | Gross Payroll Town | \$235,628.39 |
| 12-7SP | Gross Payroll School | \$134,301.82 |
| 11-E3SP | Gross Payroll School | \$342,739.10 |
| | Total | \$712,669.31 |

Selectman Trindade moved that the Board approve Warrant #12-7 in the amount of \$712,669.31; Selectman Espinosa seconded. No discussion. All ayes, 5-0

Town Administrator’s Report:

Ms. Kennedy stated she has received notification from the Secretary of the Department of Veterans’ Services that Medway’s newly formed Veterans’ District has been approved. The district will be comprised of the communities of Holliston, Hopkinton, Ashland and Medway. The Town of Westborough may possibly join. Ms. Kennedy stated she can actively begin recruiting for a full time agent, noting that the assignment for the current temporary agent will soon run out.

Regarding the Highland Street Water Tank, the Department of Public Services may schedule a public relations program for sometime in the fall.

Ms. Kennedy reported that a property on Village Street that had looked like a trash dump has been cleaned up, and today it was significantly improved.

Selectmen's Report:

The Board confirmed the Selectman Liaison Assignments.

Selectmen Espinosa and Trindade had no report.

Selectman Foresto reported the Medway Cable Access Committee is appointing an access manager for Town government, 20-hours week, who will come to every meeting and be a "go to" person.

Selectman Crowley asked that articles deferred from recent Town Meetings is added to Action Items.

Chairman Dunne announced that tomorrow evening will be a joint meeting with Library Board of Trustees, focusing on strategic planning. Based on ballot vote on the non-binding question at Town Meeting, the regionalization issue will be explored further.

Selectman Crowley announced on Friday, August 26, the U.S. Air Force Jazz Band will perform a concert at Choate Park.

Approval of Minutes:

The Board reviewed draft minutes of public sessions held on March 31, 2011; April 19, 2011; April 25, 2011; May 9, 2011; and June 20, 2011.

Selectman Trindade moved the Board approve the draft minutes of March 31, 2011, as amended; Selectman Foresto seconded. No further discussion. All ayes, 5-0.

Selectman Trindade moved the Board approve the draft minutes of April 19, 2011, as amended; Selectman Espinosa seconded. No further discussion. All ayes, 5-0.

Selectman Trindade moved the Board approve the draft minutes of April 25, 2011, as drafted; Selectman Espinosa seconded. No discussion. All ayes, 5-0.

Selectman Trindade moved the Board approve the draft minutes of May 9, 2011, as drafted; Chairman Dunne seconded. No discussion. All ayes, 5-0.

The draft minutes of June 20, 2011 will be reviewed at another meeting.

At 8:55 PM Selectman Trindade moved to adjourn; Selectman Espinosa seconded. No discussion. All ayes, 5-0.

Respectfully submitted,
Jeanette Galliardt
Board Secretary