

**Board of Selectmen's Meeting
September 12, 2011, 7:00 PM
Sanford Hall, Town Hall
155 Village Street**

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

Also Present: Barbara Saint André, Town Counsel; Missy Dzikczek, Director, Council on Aging; Tom Holder, Director, Department of Public Services; Susy Affleck-Childs, Director, Planning and Economic Development

At 7:01 PM Chairman Dunne called the meeting to order and led the Board in the Pledge of Allegiance.

Action Items from Previous Meeting:

Due to the absence of two Board members, Action Items will be considered at the next meeting.

Approval – Intermunicipal Agreement with Town of Franklin for Shared Nursing Services:

The Board reviewed an Intermunicipal Agreement Between the Towns of Franklin and Medway for Shared Nursing Services.

Ms. Missy Dzikczek, Director, Council on Aging, stated this particular agreement will allow for some evidence-based programs targeting the prevention of falls, the primary reason seniors end up in nursing homes. She added that the cost of the programs will be covered with grant funds, as well as a grant from the Office of Elder Affairs.

Selectman Trindade moved that the Board approve the Intermunicipal Agreement between the Towns of Franklin and Medway for Shared Nursing Services related to the Council on Aging in an amount not to exceed \$5,500; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Town Administrator Suzanne Kennedy stated she has received information about another grant opportunity that she will forward to Ms. Dzikczek.

Responding to a question from Chairman Dunne, Ms. Dzikczek stated things are going well at the Senior Center, and announced that breakfast service was starting up again this week.

School Committee Liaison Report:

No report.

Executive Session:

At 7:07 PM Chairman Dunne 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 (Exemption): (1) Sewer Easement Litigation – Medway Trotter; and (2) MGL Chapter 93A Demand by Town of Medway – Middlesex Savings Bank; and to return to public session in approximately ten minutes; Selectman Trindade seconded. Roll call vote: 3-0. Selectman Trindade, aye; Selectman Espinosa, aye; Chairman Dunne, aye.

At 7:14 Chairman Dunne reconvened the public session.

Public Comments: None.

Approval – Reappointment to Affordable Housing Committee – Teresa O’Brien:

The Board reviewed a letter of interest from Ms. Teresa O’Brien, 32 Wellington Street, dated August 8, 2011.

Selectman Trindade moved that the board approve the re-appointment of Teresa O’Brien to the Affordable Housing Committee for a term of two years to expire June 30, 2013; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Vote – Easement Takings for portions of Ivy and Hunter Lanes:

The Board reviewed the following information: (1) Order of Taking; (2) Sample letter to abutters, dated August 16, 2011; (3) Eminent Domain Release; (4) Email from Allison Potter dated August 16, 2011 listing affected property owners; and (5) Site Map included as Warrant Article 23 at 2011 Annual Town Meeting held on June 13, 2011.

Present: Barbara Saint André, Town Counsel; Susy Affleck-Childs, Director, Planning and Economic Development

Ms. Barbara Saint André, Town Counsel, reminded the Board that Town Meeting vote was to accept these portions. She stated the title work has been done, the Order of Taking has been prepared, neighbors have been notified and it is now time for the Board to adopt the Order of Taking. She

emphasized that as the neighbors have agreed to the action, it is considered a “friendly” Order of Taking, consisting of an easement of the street as well as easements regarding drainage. The Town will have 30 days to record it at the Registry of Deeds. Ms. Saint André stated she will send a second letter to the neighbors, one in which they will sign off to release the Town from any damage involved in this project. She reminded the Board that after recording the Town owns those streets and will be responsible for all repairs, plowing, etc. Brief discussion followed.

Selectman Trindade moved that the Board of Selectmen adopt the following order and authorize the Chairman to sign all notices and offers required in connection herewith: Ordered that acting through and under the authority of the vote of the Town at the Annual Town Meeting held on June 13, 2011, and pursuant to the provisions of General Laws chapter 79 and General Laws chapter 82, as amended, and of any and every power and authority granted to it, express or implied, the Town of Medway, acting through its Board of Selectmen, has adjudged that common convenience and necessity require the town ways be located and laid out to be known as Hunter Lane and Ivy Lane, and therefore takes for itself certain permanent easements for the purpose of laying out Hunter Lane and Ivy Lane as public ways as set forth in the Order of Taking appended to this Order, including appurtenant slope, drainage, snow, access, future roadway and maintenance easements, which Order of Taking is hereby adopted by the Board of Selectmen, and further that the Board determines that no person has sustained damage by reason of this taking; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Vote – Intent to Lay out Iarussi Way/Evergreen Meadow Subdivision as a Public Way:

The Board reviewed the following information: (1) Memorandum from Susy Affleck-Childs, Director, Planning and Economic Development, dated August 11, 2011; and (2) Medway Assessors Atlas Map No. 5-3.

Ms. Susy Affleck-Childs, Director, Planning and Economic Development, reported that the developer has done everything he needed to do in a timely fashion, and she would like to start the layout process for the roadway. After the Selectmen begin the process, the matter will go to the Planning Board. She stated that ultimately she would like to have it come before the residents at the Fall Town Meeting. Chairman Dunne clarified that the Board typically handles financial matters at the fall meetings and other matters in the spring. Ms. Affleck-Childs respectfully disagreed, stating that something like a street acceptance could be done as soon as it has been completed. Brief discussion followed.

Selectman Trindade moved that the Board express its intent to lay out as a public way Iarussi Way in its entirety from Station 0+00 to its end at Station 9+57.36 and refer this matter to the Planning and Economic Development Board for a report and recommendation; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Approval – Support of SWAP’s application to MAPC for funding from Sustainable Communities program for Greater SWAP Region Public Transit Feasibility Study:

The Board was in receipt of a memorandum from Ms. Susy Affleck-Childs, Director, Planning and Economic Development.

Ms. Susy Affleck-Childs, Director, Planning and Economic Development, stated the purpose of this funding would assist in exploring the public transit options in this area. Such exploration would evaluate what presently exists, determine the needs of the area and formulate a plan of available options.

Selectman Trindade moved that the Board vote to support SWAP’s Application to the MAPC for funding from the Sustainable Communities Program for the Greater SWAP Region Public Transit Feasibility Study; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Authorization of Chairman to Execute Contract for Village Street drainage project – Oliveira Construction, Inc.:

The Board reviewed a contract between the Town and Oliveira Construction, dated September 6, 2011.

Mr. Tom Holder, Director, Department of Public Services, stated the design of the drainage project has been completed. The construction of the project was awarded to the low bidder (Oliveira Construction, Inc.), all the appropriate checks were performed, and the Board now has the contract for its approval. He noted that the contract has been reviewed and approved by Town Counsel. Mr. Holder stated this work includes new catch basins and pipe work which will connect to the existing system.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Oliveira Construction Inc. in an amount not to exceed \$56,400 for the Village Street drainage project; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Discussion – Miscellaneous Department of Public Services Matters:

Responding to a question from the Chairman about the Highland Street Water Tank, Mr. Holder stated the tank is up and running, and drawing water. The old tank has been demolished. He added that the department is doing some site work associated with the project, such as plantings, and anticipates a grand opening in October. He suggested that October 25 might be an appropriate day as it is the anniversary of the Town. The Board agreed that October 25 would be an excellent date for the opening.

Town Administrator Suzanne Kennedy asked about the impact of increased traffic from Bellingham. Mr. Holder stated the traffic has been rerouted, as both eastbound lanes have been closed. The first six days of the planned detour were problematic, coupled with the repercussions from Hurricane Irene, so it was difficult. Highland Street was back to being two-way while clearing streets, then they decided the planned detour was not good. On September 9, the detour was reorganized, opening West Street to

two-way, establishing police details, and updating sign boards, all of which contributed to a significant improvement in traffic flow. As this is a project that can run 6 – 8 weeks, it could be November before Route 126 is open on both sides. Mr. Holder acknowledged that the department is also getting caught up with all work associated with Hurricane Irene.

Ms. Kennedy announced there will be a public hearing with the utilities to discuss a perceived lack of response with regard to Hurricane Irene. More information will be forthcoming.

Selectman Trindade stated that every available person was out to help (police, fire, etc.) with storm assistance. If trees were not moved, it was because they were tangled with live wires. Those had to be left for the power company to address. He complimented the Department of Public Services for their work. Selectman Espinosa acknowledged that this was also an opportunity to review how things are handled in an emergency situation and note the Town's preparedness.

Authorization of the Chairman to Execute MetroWest Veterans' Services District Bylaws and Agreement for Veterans' District and Apportionment of Expenses:

The Board reviewed the following information: (1) MetroWest Veterans' Services District Bylaws; (2) Agreement by and among the Towns of Ashland, Holliston, Hopkinton and Medway for Veterans' District and Apportionment of Expenses; and (4) Opinion of Peter Mello of Petrini & Associates.

Ms. Kennedy briefly reviewed the agreement between Medway, Hopkinton, Ashland, and Holliston, which included bylaws and a proposed budget. She stated that Town Counsel has offered the opinion that district membership is comprised of the board chairmen, but discussed with Chairman Dunne that the Town Administrator be appointed the designee for the group. If the Board is agreeable to this change, the agreement will be adjusted. The Board had no objection.

Selectman Trindade moved that the Board authorize the Chairman to execute the MetroWest Veterans' Services District Bylaws and Agreement By and Among the Towns of Ashland, Holliston, Hopkinton and Medway for Veterans' District and Apportionment of Expenses; Chairman Dunne seconded. No discussion. All ayes, 3-0.

Vote – Nomination of Richard Dunne to MPO SWAP Sub-Region Seat:

The Board reviewed the following information: (1) Nomination paper for Richard Dunne; and (2) Official Notice – 2011 Boston Region MPO Municipal Election Procedures.

Town Administrator Kennedy briefly explained changes within the MPO to increase representation from smaller communities to help balance out the representation from larger communities. Now Medway has an opportunity to have a representative in the MPO, rather than just the South West Advisory Planning Board (SWAP). There is an election process, and other individuals are competing for this sub-

region seat. When the full Board of Selectmen is available, they will discuss an alternate. Ms. Kennedy stated that 101 communities participate in the group with 22 seats “at the table”.

Selectman Trindade moved that the Board vote to support the nomination of Richard Dunne to fill the SWAP Sub-Region seat on the MPO; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Vote – Nomination of Setti Warren (Newton) to MPO At-Large City Seat:

The Board was in receipt of nomination papers for Setti Warren.

Ms. Kennedy stated Medway has been asked by the City of Newton to support Setti Warren in this matter. Mr. Warren is the mayor of Newton.

Selectman Trindade moved that the Board authorize the chair to support the nomination of Setti Warren to fill an At-Large City Seat on the Boston Region MPO; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Vote – Nomination of Maurice Handel (Needham) to MPO At-Large Town Seat:

The Board reviewed a letter, dated August 18, 2011, from Kate Fitzpatrick, Town Manager, Needham, supporting the nomination of Maurice Handel.

Ms. Kennedy stated this letter was the only letter received regarding the At-Large Town Seat. Brief discussion followed.

Selectman Trindade moved that the Board authorize the Chair to support the nomination of Maurice Handel to fill the At-Large Town Seat for the Three Rivers Sub-Region on the MPO; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Discussion – Fall Town Meeting Schedule:

The Board reviewed a Draft Fall Town Meeting Schedule.

The Board briefly discussed the Fall Town Meeting Schedule, noting specific dates and events. Town Administrator Kennedy reminded the Board that after its approval, the calendar goes to the Finance Committee for review. It is anticipated that the Finance Committee’s Public Hearing will occur the week of November 1.

Chairman Dunne moved that the Fall Town Meeting Warrant be opened as of September 12, 2011; Selectman Trindade seconded. No discussion. All ayes, 3-0.

Selectman Trindade moved that the Board approve the Fall Town Meeting Schedule with the update that the Town Meeting Warrant has been opened; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Approval of Warrants:

In the absence of Selectman Crowley, Clerk, Selectman Trindade read aloud the two warrants submitted for approval for a total expense of \$1,435,715.02:

12-10	Town Bills	\$303,299.87
12-10S	School Bills	\$198,963.30
12-11	Gross – Payroll Town	\$239,422.56
12-11S	Gross – Payroll School	\$694,029.29
TOTAL		\$1,435,715.02

Selectman Trindade moved the Board approve Warrants 12-10 and 12-11 as read for a total amount of \$1,435,715.02; Chairman Dunne seconded. No discussion. All ayes, 3-0.

Use of electronic signatures:

Chairman Dunne suggested it would be helpful to have electronic signatures for members of the Board so that business can be conducted in a member’s absence or inability to get to Town Hall when documents need to be signed. An email would be sent asking permission to use the signature, and reply to the email would authorize usage of the electronic signature. Brief discussion followed.

Town Administrator’s Report:

Ms. Kennedy announced there will be a legislative breakfast meeting hosted by the South West Advisory Planning Committee (SWAP) on September 16th and stated she and Chairman Dunne will be attending.

Referring to current legislative discussions regarding the entrée of casino gambling in Massachusetts (Milford area being Medway’s concern), Ms. Kennedy stated she attended a recent meeting, noting that the prevailing thoughts consist of three choices: oppose the casino, scuttle the Milford location, or if Milford is selected, seek various protections for the community. Three regions have been identified as potential locations, the most likely being Suffolk County. She asked the Board if they wished to write a letter asking to be present when discussions are held with the potential developer and the Gaming

Commission. Ms. Kennedy stated Representative Dykema said that there have been no studies done on the local impact of a casino, i.e., increased traffic, consumption of resources, etc. Chairman Dunne suggested drafting a letter, but clarified that this matter needs the discussion of the full Board. Ms. Kennedy pointed out that the final legislative decision may be made this week and stated she would like to get some kind of letter out ASAP. Discussion followed. The Board agreed that the Town Administrator should draft a letter asking for participation in discussions with the Gaming Commission.

Selectmen's Reports:

Selectman Trindade – No report.

Selectman Espinosa stated that, on September 22, he will be attending a meeting of the Metropolitan Planning Office (MPO) on behalf of the Route 109 Design Committee with the hope of getting the project on the long term planning list. He stated the temporary designation of Highland Street a one-way occurred during Hurricane Irene, and proved to be less than desirable under extreme conditions. However, the experiment gave insight into related situations that may be useful in considering the project's design. He concluded his report by stating that the meeting featuring the 25% design point will occur sometime in the next couple of months.

Chairman Dunne briefly reviewed the August 16 joint meeting of the Board of Selectmen and the Library Board of Trustees. He indicated he is committed to having another meeting soon to continue the strategic planning discussion for the library. The meeting was open to the public; he will keep everyone informed with updates.

Approval of Minutes:

Due to the absence of Selectman Crowley and Selectman Foresto, the minutes for public sessions held on May 16, 2011 and June 20, 2011 will be considered at another meeting.

At 8:00 PM, Selectman Trindade moved to adjourn; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Respectfully submitted,
Jeanette Galliardt
Board Secretary