

**Board of Selectmen's Meeting
January 3, 2012, 5:00 PM
School Committee Meeting Room
Medway Middle School, 45 Holliston Street**

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

Also Present: Barbara Saint André, Town Counsel; Melanie Phillips, Treasurer-Collector; Carol Pratt, Town Accountant; Tom Holder, Director, Department of Public Services; Susy Affleck-Childs, Planning and Economic Development Coordinator.

At 5:02 PM Chairman Foresto called the meeting to order and led the Board in the Pledge of Allegiance.

Public Comments: None

Executive Session:

At 5:03 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 of the bargaining or litigating position of the public body (Exemption 3): [Ruggerio/Cahill; Medway Trotter]; and to return to public session immediately following executive session; Selectman Espinosa seconded. Roll call vote – All ayes, 3-0: Chairman Foresto, aye; Selectman Espinosa, aye; Selectman Crowley, aye.

At 5:33 PM Chairman Foresto reconvened the public session.

Chairman Foresto stated that, due to the requirement to review Warrant Articles for Special Town Meeting by 7:00 PM, tonight's agenda would be slightly rearranged in order to accomplish this review. At this time, he asked Ms. Suzanne Kennedy, Town Administrator, to begin the review.

Closing of Special Town Meeting Warrant; Approval of Articles; Vote on Recommendations:

The Board reviewed the Draft Special Town Meeting warrant for January 17, 2012.

At this time, the Board considered each Warrant article for approval.

Article 1: Citizens' Petition – Purchase 125.9 Acres of Land:

This property did not meet criteria to be considered as Open Space and the petitioner has asked that the matter be placed on the Warrant. It was noted that the Finance Committee has scheduled a Public Hearing to review all warrant Articles, including this one. Brief discussion followed on Town Meeting procedure regarding the handling of this motion as a citizens' petition, use of Community Preservation Act funds, appraisals, positive motion vs. negative motion and potential for dismissal if a positive motion is not presented. It was also noted that Mr. Wickett is not a registered voter in the Town of Medway.

Selectman Crowley moved that the Board dismiss Article 1; Selectman Espinosa seconded. Selectman Crowley offered some background information regarding appraised value as the basis for his motion; Selectman Espinosa concurred. No discussion. All ayes, 3-0.

Article 2: Free Cash Appropriation: Fund Oak Grove Title Exams:

Ms. Kennedy briefly explained the purpose of this article, to provide additional funds for title research. It is believed that the funds will cover all or most of the titles that remain. Parcels with “cloudy” or convoluted titles may require more funds, though there are few of these.

Selectman Espinosa moved that the Board place Article 2 on the Special Town Meeting Warrant; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Selectman Espinosa moved that the Board approve Article 2; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Article 3: Free Cash Appropriation: Repay Deputy Collector Agency Account:

This article is to rectify a bookkeeping error which necessitates transferring money to the appropriate account.

Selectman Crowley moved that the Board place Article 3 on the Special Town Meeting Warrant; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Selectman Espinosa moved that the Board approve Article 3; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Article 4: Free Cash Appropriation: Fund IT Maintenance and Repair Account:

Ms. Kennedy reported that the fiber optic cable at the high school was damaged by rodents, and without this infusion of funds, the account will not have enough money to cover the repair costs. Brief discussion followed on use of emergency funds vs. free cash appropriation.

Selectman Espinosa moved that the Board place Article 4 on the Special Town Meeting Warrant; Selectman Crowley seconded. No discussion. Split vote, 2-1: Crowley oppose.

Chairman Foresto moved that the Board approve Article 4; Selectman Espinosa seconded. Selectman Crowley reiterated his position that it is an inappropriate use of free cash. Split vote, 2-1: Crowley oppose.

Article 5: Free Cash Appropriation: The Meadows Street Acceptances:

Ms. Kennedy reminded the Board of its intention to accept roads that are in completed subdivisions. She indicated that future road acceptance projects should be budgeted and included in the budget process.

At this time, Selectman Espinosa stated he had to excuse himself from this discussion and subsequent vote as he lives in one of the subdivisions noted in this matter and took a seat in the hall. Ms. Saint André, Town Counsel, stated that his removal from the discussion affects the quorum on this issue, and the article cannot even be placed on the Warrant. Given this, there was no further discussion on Article 5, the matter will be reconsidered for Annual Town Meeting in May.

Article 6: Budget Transfer: Claybrook II Street Acceptances:

Ms. Kennedy stated this transfer of funds would cover all the legal expenses involved with this street acceptance. Ms. Susy Affleck-Childs briefly discussed the tasks that remain with this particular set of street acceptances. Brief discussion followed.

Selectman Espinosa moved that the Board approve Article 6; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Selectman Crowley moved that the Board close the January 17, 2012 Special Town Meeting Warrant; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Vote – Date of 2012 Annual Town Election – Proposed for May 22, 2012:

The Board reviewed a document entitled Draft 2012 Annual Town Meeting/FY2013 Budget Calendar.

Selectman Espinosa moved that the Board set the 2012 Annual Town Election for Tuesday, May 22, 2012; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Approval – Emergency Transfer Request – Fire Dept. – Automated Electronic Defibrillators – \$8,648.60:

The Board was in receipt of an Emergency Transfer Request from the Fire Department.

Present: Matt Anzivino, EMS Coordinator, Fire Department.

Mr. Matt Anzivino briefly explained the need for the funds request, noting that the department is short on automated electronic defibrillator units. One unit is in for repair, and some of the others are too old to remain in service, per regulation.

Selectman Espinosa moved that the Board approve the Fire Department’s emergency transfer request for \$8,648.60 to purchase four automated electronic defibrillators; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Approval – Mass. Water Pollution Abatement Trust Loan – \$500,000:

The Board reviewed the following information: (1) Mass. Water Pollution Abatement Trust’s notice to Town approving subsidized loan (2% interest rate); and (2) Department of Environmental Protection’s Project Approval Certificate.

Mr. Tom Holder, Director, Department of Public Services, briefly updated the Board on this matter, noting the process has taken 15 months to process all the documentation required. Selectman Espinosa stated he has an issue with the federal government imposing mandates on communities who are in no position to absorb these costs. He reiterated his position has nothing to do with Mr. Holder or the Department of Public Services. Brief discussion followed on the EPA rulings, timetables, permit requirements and related topics.

Selectman Crowley expressed concern that this particular vote is only to seek approval from the Department of Revenue to borrow the funds. Ms. Melanie Phillips, Finance Director, responded that she needs this vote to move forward. Selectman Crowley stated this vote does not authorize the actual

program. Ms. Phillips stated it was voted at Town Meeting. Selectman Crowley also asked what the resident impact on water and sewer rates would be if this program went forward. Discussion followed.

Chairman Foresto stated that there is no need to take a vote on this matter tonight. The Board will be meeting with elected representatives at the Legislative Breakfast on Friday where additional information can be obtained. The matter can be placed on the agenda for January 17. Ms. Phillips will also bring additional tax and financing information to that meeting.

Authorization to Borrow (\$8,118,000 Bond) – Treasurer/Collector:

The Board reviewed the following information: (1) \$8,118,000 bond issue statement; and (2) Copy of certificate of vote for ambulance borrowing in the amount of \$218,000.

Ms. Melanie Phillips, Finance Director, stated a revised handout was distributed to the Board this evening. She briefly reviewed the items included in this financing, which include water mains, an ambulance, a water truck, the middle school repair, and similar items. Chairman Foresto expressed concern that two years of road work would be an upheaval for residents, and would like to see the Route 109 project and the water main replacement to happen at the same time, if it were possible.

The Board asked Ms. Phillips if she could hold off until the Board could meet on Friday. Ms. Kennedy expressed concern that not even 50% of the Route 109 design work has been done, and asked if there was any target date when the work would actually begin. Selectman Crowley theorized that the water main may be in such need of replacement that it cannot last until the road project begins. Ms. Kennedy will invite Mr. Holder to the Legislative Breakfast; Ms. Phillips indicated she needs to have a vote on Friday.

At this time, Selectman Crowley asked Ms. Phillips a number of questions regarding the items included in the financing. Responding to a question from Selectman Espinosa, Ms. Phillips stated this is a good time to get financing because of the low interest rate.

Chairman Foresto moved that the Board of Selectmen authorize the Treasurer to petition the Massachusetts Department of Revenue for permission to bond \$6,918,000; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Selectman Crowley moved that the Board adopt a maximum useful life of seven years for the ambulance to be financed with the proceeds of the \$218,000 borrowing authorized by a vote of the Town passed as Article 2 at the Fall Town Meeting on November 14, 2011; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Brief discussion followed on billing revenue with regard to ambulance services.

Authorization of Chairman to Execute Contract with D. I. Jacobs Consulting Company – Non Union Position Compensation Study – \$5,000:

The Board reviewed a contract with D. I. Jacobs Consulting Company.

Present: Don Jacobs, D.I. Jacobs Consulting Company.

Ms. Kennedy reported that a similar study was authorized for the non-union personnel two years ago, and there are funds remaining from that project which can be used to continue the study for other

personnel groups. Mr. Don Jacobs briefly described how this study can help the municipality to discover a way to consistently classify both positions and employees in order to establish a sense of equity. This involves updating job descriptions and developing a compensation plan. He estimated this study would take less than 90 days to complete.

Selectman Espinosa asked why the HR Director was not proposing this project. Ms. Kennedy responded that Ms. Ellis is on vacation. Selectman Espinosa asked about the current practice of employee evaluation. Ms. Kennedy stated she usually seeks information from surrounding communities. She added that she wants to make sure the Board is confident that employees are being properly compensated for their duties. Brief discussion followed.

Selectman Crowley wondered why this matter was not mentioned before this, as it would have been nice to have some advance notice. Ms. Kennedy responded there was no other way to do it other than in an open meeting. He suggested that she could have mentioned it in her report, and note that it was coming up in a future meeting.

Selectman Crowley asked if the finished document is considered a public document. Mr. Jacobs said everything he turns in to the Town is considered a public document. Selectman Crowley expressed concern that such information could be problematic for salary negotiations. Ms. Kennedy reminded the Board that all salary increases are always dependent on available funding. Mr. Jacobs noted that, in his experience, the most important employee concern is internal equity (compared to their peers) as opposed to external equity (compared to other communities). Mr. Jacobs also suggested that the results of this study can be considered a policy on which future administrators can rely.

Selectman Espinosa moved that the Board authorize the Chairman to execute a contract with D.I. Jacobs Consulting Company for non-union and department head compensation study in an amount not to exceed \$5,000; Selectman Chairman Foresto seconded. Selectman Crowley cautioned that this could open a Pandora's Box of issues. All ayes, 3-0.

Discussion --2011 Financial Statements:

The Board was in receipt of annual financial statements for the year ended June 30, 2011, prepared by Melanson Heath & Co.

Present: Frank Melanson, Melanson Heath & Co.

Mr. Frank Melanson briefly reviewed the financial statements. Selectman Crowley wanted to know why there was no management letter this year; Mr. Melanson responded that there are no serious issues so a letter was unnecessary. Selectman Crowley expressed concern that the lack of a letter could pose questions to future Boards. Mr. Melanson agreed a letter could be supplied that states no significant issues are present. Lengthy discussion followed on various aspects of the report, accounting principles, and related topics. Overall, Mr. Melanson commended the Town on its financial position.

The Board asked the Town Accountant to supply some figures on free cash for the next meeting. The Board expressed appreciation for the department heads keeping a close look on their individual departmental budgets while working toward goals.

School Committee Liaison Report:

Noting that her report would be brief, Ms. Deb Trindade stated that the next School Committee meeting is Thursday of this week. She also stated Diane Borgatti volunteered to serve on the Energy Committee, per the Board's request that a School Committee representative join that group. Responding to a question from Selectman Crowley on the replacement of computers for the schools, Ms. Trindade stated Rich Boucher will include that information in his report on technology needs.

Authorization of Chairman to Execute Contract with Touchdown Carpet and Flooring Inc. – Carpeting – \$4,809.67:

The Board reviewed a contract with Touchdown Carpet and Flooring, Inc.

Ms. Kennedy briefly provided some background information. This is the lowest price for a particular quality of carpet provided by four different area vendors. While this action is not required, Ms. Kennedy stated she felt it prudent to have it in writing.

Selectman Crowley moved that the Board authorize the Chairman to execute a contract with Touchdown Carpet and Flooring, Inc. for the carpeting of Sanford Hall in an amount not to exceed \$4,809.67, pending the approval of Town Counsel and the Town Accountant; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Designation – Affordable Housing Trust Members as Special Municipal Employees:

The Board considered the opinion of Town Counsel regarding a Special Municipal Employee designation for members of the Affordable Housing Trust.

Ms. Kennedy briefly explained that this action will eliminate potential conflicts of interest when clients of Trust members are involved in Affordable Housing matters.

Selectman Crowley moved that the Board designate members of the Affordable Housing Trust as Special Municipal Employees; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Approval – 3rd Annual Medway Community Farm 5K – April 29, 2012:

The Board reviewed the following information: (1) Request from Nate Hamilton, Medway Community Farm Treasurer; and (2) Police Department Recommendation regarding the fundraiser.

Selectman Crowley moved that the Board approve the request of the Medway Community Farm to host its 3rd annual 5k fundraiser on Sunday, April 29, 2012, at 9 AM, with the condition that the Community Farm secures two detail officers to manage the participants' and spectators' safety at this event; Selectman Espinosa seconded. No discussion. All ayes, 3-0.

Action Items From Previous Meeting:

No update on Action Items.

Approval of Warrants:

The Board reviewed a Warrant, dated 1-5-12, submitted for approval.

Selectman Crowley, Clerk, read aloud the Warrant, as follows:

Gross Payroll – Town	\$211,669.27
Gross Payroll – School	<u>751,926.58</u>

TOTAL \$963,595.85

Selectman Espinosa moved to approve the Warrant as read; Chairman Foresto seconded. No discussion. All ayes, 3-0.

Town Administrator's Report:

Ms. Kennedy wanted the Board to know that the vendor for curbside collection has decided to transfer ownership of his operation to Waste Management Services. This change was done for family reasons, and the transfer was reviewed by Town Counsel.

Selectman Crowley expressed concern that many residents missed a recent pickup due to believing there was pickup when it was a holiday. Brief discussion followed on better communication to residents of the pickup schedule including posting on the website and through the mail.

Selectmen's Reports:

Selectman Espinosa had no report.

Selectman Crowley thanked Ms. Kennedy for notifying all departments managers and committee chairs about the Charter requirement that they attend Town Meeting. Ms. Kennedy credited Ms. Allison Potter for that effort.

Regarding the June 2012 retirement of Fire Chief Trufant, Selectman Crowley asked Ms. Kennedy for her plan to put together a selection committee for the search for a new Fire Chief. She will report to the Board when those plans have been completed.

Selectman Crowley commended Mr. Tom Holder and the DPS staff on resolving a trash pickup situation for senior citizens regarding discounted services. A number of seniors met with Mr. Holder to work out a solution to reinstate the discount. Selectman Crowley also commended the seniors for taking the initiative to meet and work toward a solution. Brief discussion followed.

Approval of Minutes – November 21, 2011:

The Board reviewed draft minutes of the November 21, 2011 Selectman meeting.

Review of the November 21, 2011 minutes were postponed until another meeting.

At 7:52 PM Selectman Espinosa moved to adjourn; Selectman Crowley seconded. No discussion. All ayes, 3-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary