

Board of Selectmen's Meeting
October 15, 2012 – 6:00 PM
Sanford Hall
155 Village Street

Present: Glenn Trindade, Vice-Chair (6:07 PM); John Foresto, Clerk; Selectman Dennis Crowley, Selectman Richard D’Innocenzo, and Suzanne Kennedy, Town Administrator. Chairman Andrew Espinosa was absent.

Also Present: Sue Ellis, Human Resources Director; Jeffery Lynch, Fire Chief; Marc Terry, Mirick O’Connell; Carol Pratt, Town Accountant; Melanie Phillips, Treasurer-Collector and Finance Director; Will Naser, Principal Assessor; Judith Evans, Superintendent, Medway Public Schools; Tom Holder, Director, Department of Public Services; David D’Amico, Deputy Director, Department of Public Services; Stephanie Bacon, Health Agent; Allen Tingley, Police Chief.

At 6:02 PM Selectman John Foresto, Clerk, called the meeting to order and led in the Pledge of Allegiance.

At 6:03 PM Selectman Crowley moved that the Board enter Executive Session under Exemption 3: 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 and the chair so declares [namely, the Municipal Public Employees’ Local Union and Medway Permanent Firefighters Association contracts]; with the intent to return to public session; Selectman D’Innocenzo seconded. No discussion. Roll Call Vote – 3-0-0: Crowley, aye; D’Innocenzo, aye; Foresto, aye.

At 7:00 PM Vice-Chair Trindade reconvened the public session.

Ratification – Union Contracts:

At this time, Vice-Chair Trindade announced that the Town had recently concluded negotiations with two employee unions and has two new contracts to ratify tonight. The funding associated with those contracts will be considered at Town Meeting.

Selectman John Foresto moved that the Board ratify the contract with the Municipal Public Employees’ Local Union; Selectman Crowley seconded. No further discussion. VOTE: 4-0-0.

Selectman John Foresto moved that the Board ratify the contract with the Medway Permanent Firefighters Association; Selectman D’Innocenzo seconded. No further discussion. VOTE: 4-0-0.

Public Comments:

Mr. Mark Robinson, 26 Milford Street, lodged a complaint with the Department of Public Services and the ability to connect to Town water. He intends to demolish the house and replace it with a home of a similar size. As part of that process, he wants to replace the existing water line from the house to the

1 curb. The Department of Public Services intends to require that he replace the curb cock and the pipe
2 into the main, which means opening the street. Conversely, his plumber said that would be necessary if
3 the existing line were of inadequate material or size, which is not the case. Mr. Robinson stated his
4 costs would be roughly \$3,250 including fees, plus costs to repave the road. Additionally, to cut into the
5 road, he must use a contractor approved by the Town, and he is required to hire a police detail.
6

7 Mr. Robinson said that all work to be done is on his own property, and he should not have to hire police
8 detail to “supervise” when there is no danger to either pedestrians or motorists. There will be no
9 damage to the road. He noted that time is critical as the latest date to open the street is November 15,
10 and that opportunity to do so will not occur again until April 1. He stated he is putting in a modular
11 home that he will use as his residence. Further, he had to get permission from the Historical
12 Commission to demolish the existing home, had to meet with the Planning Board to move it two feet
13 closer to the road, and now there will be tests.
14

15 Mr. Robinson expressed annoyance, stating he feels like he is getting “nickel and dimed” by the Town.
16 If Department of Public Services wants to replace the pipe while the trench is open, he has no problem
17 with that. He does not, however, think taxpayers should have to pay for Town infrastructure.
18

19 Discussion followed. Vice-Chair Trindade promised to get back to him with some kind of response
20 before the end of the week.
21

22 Mr. Robert Bernardo, 34 Village Street, stated he bought the property to demolish the existing home
23 and build something new, and he is encountering a similar situation to Mr. Robinson’s. He is also
24 confused that the Town would want property owners to dig up the road. He added that he also owns
25 property at 3 Island Road, and was willing to run the water from Island Road but was told he could not.
26

27 Vice-Chair Trindade asked that each resident leave his name, phone, and email address with Ms. Karen
28 Kisty, Operations Manager.
29

30 **Discussion – Five Year Forecast:**

31 Due to the Chairman’s absence, the Board opted to postpone this discussion until November 5.
32

33 **Review, Approval and Voting of Fall Town Meeting Warrant:**

34 *The Board reviewed a draft of the 2012 Fall Town Meeting Warrant.*
35

36 Present: Melanie Phillips, Treasurer-Collector and Finance Director.
37

38 **Article 1 – Amendment Annual Authorization: Council on Aging Revolving – Selectman Foresto moved**
39 **that the Board approve Article 1; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.**
40

41 **Article 2 – Appropriation: Ambulance Enterprise Debt Service** -- This article is necessary to correct an
42 error in the Crystal Reports. **Selectman Foresto moved that the Board approve Article 2; Selectman**
43 **D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**
44

45 **Article 3 – Appropriation: Sewer Enterprise Fund Debt Service** – This article is related to borrowing
46 that occurred after 2012 Annual Town Meeting. **Selectman Foresto moved that the Board approve**
47 **Article 3; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.**
48

1 Article 4 – Appropriation: General Fund Debt Service – This is also related to borrowing that occurred
2 after 2012 Annual Town Meeting. **Selectman Foresto moved that the Board approve Article 4;**
3 **Selectman Crowley seconded. No discussion. VOTE: 4-0-0.**
4

5 Article 5 – Free Cash: Fire Turnout Gear – Fire Chief Lynch stated this was to replace fire equipment so
6 that each firefighter had a second set in case something happened to the first. This represents 25% of
7 the total equipment, and will be on a staggered replacement schedule going forward. **Selectman**
8 **Foresto moved that the Board approve Article 5; Selectman D’Innocenzo seconded. No discussion.**
9 **VOTE: 4-0-0.**
10

11 Article 6 – Free Cash: Fire Training – Fire Chief Lynch stated this represents costs related to getting
12 firefighters trained in order to attain Firefighter 1 and 2 official certifications. It is anticipated that his
13 departmental budget can be increased so that the line item can fund training on a regular basis. The
14 certification is a one-time event, yet new techniques are presented for everyone during training.
15 Without the additional training, the department may not qualify for reimbursement of costs expended
16 during emergency situations, such as hurricane, blizzard, etc. **Selectman Foresto moved that the Board**
17 **approve Article 6; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.**
18

19 Article 7 – Free Cash: PAMET Software – This article is to fund software that will be integrated with
20 existing software in order to generate reports from relevant data and statistics, including potential
21 hazards highlighted on the way to fire calls, medical history of victims/patients, addresses, etc. It will
22 cut down time necessary to create reports. The cost includes training as well as a bridge to convert
23 existing software. There is an annual maintenance cost of \$4,500. Discussion on increasing number of
24 full time firefighters and use of ambulance fund to help cover some of these expenses in the future,
25 allocating the cost back to the Enterprise Fund, and use of GIS information. Selectman Crowley
26 informed viewers that the Board of Selectmen spent three hours discussing these three articles at a
27 previous meeting. **Selectman Foresto moved that the Board approve Article 7; Selectman D’Innocenzo**
28 **seconded. No further discussion. VOTE: 4-0-0.**
29

30 Article 8 – Borrowing: Board of Health Water Pollution Abatement Projects – Ms. Stephanie Bacon,
31 Health Agent, provided a brief explanation of how the abatement program works, noting it is for Title 5
32 septic system repairs and for tying into Town sewer if a system has failed and tie-in is available.
33 Qualifying household income level must be less than \$150,000. Ms. Melanie Phillips, Finance Director,
34 stated this is the fourth time the Town would be offering it, noting that there was little interest
35 previously but the current economy may attract more applicants (four calls so far). The fee appears as a
36 betterment on the resident’s tax bill, and, if there is a default, the Town can put a lien on the property.
37 Ms. Bacon suggested it should be an annual warrant article. **Selectman Foresto moved that the Board**
38 **approve Article 8; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**
39

40 Article 9 – Revise: Town Clerk Salary – This amount represents the increase specified in the Town Clerk’s
41 contract, tethered to the negotiated salary increase in the union contract. **Selectman Foresto moved**
42 **that the Board approve Article 9; Selectman D’Innocenzo seconded. No discussion. VOTE: 3-0-1 –**
43 **Crowley abstain.**
44

45 Article 10 – Salary Reserve Transfer: Collective Bargaining Agreement – It is noted that, after the
46 transfer there will be roughly \$33,000 left in this account, which may not be sufficient to settle
47 outstanding contracts. **Selectman Foresto moved that the Board approve Article 10; Selectman**
48 **D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

1
2 Article 11 – Retained Earnings Transfer: Solid Waste Enterprise Fund – also related to collective
3 bargaining. **Selectman Foresto moved that the Board approve Article 11; Selectman D’Innocenzo**
4 **seconded. No discussion. VOTE: 4-0-0.**

5
6 Article 12 – Retained Earnings Transfer: Sewer Enterprise Fund – also related to collective bargaining.
7 **Selectman Foresto moved that the Board approve Article 12; Selectman Crowley seconded. No**
8 **discussion. VOTE: 4-0-0.**

9
10 Article 13 – Retained Earnings Transfer: Water Enterprise Fund – also related to collective bargaining.
11 **Selectman Foresto moved that the Board approve Article 13; Selectman Crowley seconded. No**
12 **discussion. VOTE: 4-0-0.**

13
14 Article 14 – Retained Earnings Transfer: EMS Fund – also related to collective bargaining and to fund
15 salary differential to increase position to lieutenant. **Selectman Foresto moved that the Board approve**
16 **Article 14; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.** At this time Selectman
17 Crowley suggested that the Town Administrator have salary information available at Town Meeting in
18 case there are questions.

19
20 Article 15 – Transfer: Main Street Water Main Replacement Project – Mr. Tom Holder, Director,
21 Department of Public Services, stated this is a repurposing of surplus funds from a water tank project.
22 Funds can be transferred to another water project, which would be the replacement of the water main
23 on Main and West Streets. He described difficulties encountered during the water main replacement in
24 one location where heavy equipment was necessary to get through ledge. Four change orders also
25 increased the contract price by \$28,000. Discussion followed. It was noted that, as Acting Chair,
26 Selectman Trindade requested an opinion from Town Counsel to ensure that the Town has followed all
27 procedural processes with this contract. **Selectman Foresto moved that the Board approve Article 15;**
28 **Selectman D’Innocenzo seconded. Selectman Crowley suggested a position of TBD while information**
29 **is gathered. Selectman Foresto withdrew his motion; the article will remain on the warrant as TBD.**

30
31 Article 16 – Transfer Unexpended Balances: HVAC Upgrades Fire Station and Town Hall – Mr. Holder
32 stated the original funds were for HVAC units at the public library, and this will repurpose the balances
33 for HVAC units at the Fire Station and Town Hall. At the Fire Station, units will provide heat to the
34 downstairs office, and air conditioning to Chief Lynch’s office. These units will provide heat and air
35 conditioning to both of those offices. At Town Hall, the office for the Director of Information
36 Technology and the computer server room will benefit from air conditioning. Concern was expressed
37 for the appropriateness of that room to house the computer servers. Ms. Kennedy is confident the
38 appropriated amounts will cover the costs. **Selectman Foresto moved that the Board approve**
39 **Article 16; Selectman D’Innocenzo seconded. No further discussion. VOTE: 4-0-0.**

40
41 Article 17 – Free Cash Transfer: War Memorials – Selectman Crowley expressed concern that the
42 revised pricing has not been submitted. Mr. Richard Parrella stated originally the article was not to
43 exceed \$25,000 for the monuments. Later a draft article was submitted for review by the Town
44 Administrator and Town Counsel. He added that the dollar amounts cannot be exact because the
45 project has not gone out to bid yet. The list of veteran names is still being prepared, and some services
46 may be donated which could affect the funding. **Selectman Foresto moved that the Board approve**
47 **Article 17 as written; Selectman D’Innocenzo seconded. No further discussion. VOTE: 4-0-0.**

1 Article 18 – Appropriation: Athletic Field Maintenance -- Superintendent Judith Evans stated the intent
2 of this article is to try to rectify some expenses that are not budgeted or unanticipated expenses such as
3 field preparation, repair of irrigation equipment, etc. She noted that users of the high school fields pay a
4 permit fee to the Town, yet the schools have to absorb the costs of maintenance and repair. Mr. Tom
5 Holder suggested that it is premature to move forward with this as the Department of Public Services is
6 not prepared to take on the tasks, noting that field preparation cannot be handled with current staff.
7 Discussion followed on budgeting, Chapter 70 funds, and timeline (until June 30, 2013). It is noted that
8 the Department of Public Services and the School Department will work together to put together a
9 summary of scope and estimated costs. Some of these expenses may be for contracted services.
10 Noting that this involved only the grass fields at the high school, Mr. David D’Amico, Deputy Director,
11 Department of Public Services, explained that funds originally on account for the field maintenance
12 were taken away during a previous period of economic strife, and it has never been rectified.

13
14 After discussion, **it was decided that the Board take a TBD position on Article 18** while the groups get
15 together to further define expectations, whose budget it is, and related issues.

16
17 Article 19 – Free Cash Transfer: Trane Debt Service – The School Department is turning back funds
18 derived from savings on energy. **Selectman Foresto moved that the Board approve Article 19;**
19 **Selectman Crowley seconded. It was clarified that the dollar amount should read \$22,608.**
20 **VOTE: 4-0-0.**

21
22 Article 20 – Transfer: Medway High School Baseball Field Drainage Repairs – This is a repurposing of
23 funds to correct inadequate drainage existing from the original construction of the baseball field at
24 Medway High School; a firm has been selected to do the work. Any funds remaining after the work is
25 complete will have to be used for things connected with the original project, as state law prohibits it
26 being used for anything other than the school construction. Ms. Melanie Phillips, Finance Director,
27 clarified that the wording of the article allows for the possibility that other problems will be discovered
28 when the drainage is being repaired; otherwise another article will be necessary for any new issues.
29 Selectman Crowley noted that the delay in presenting these articles from several years ago is tethered
30 to the litigation between the contractor and the Town. Discussion followed. **Selectman Foresto moved**
31 **that the Board approve Article 20 with a dollar amount of \$35,925; Selectman D’Innocenzo seconded.**
32 **No further discussion. VOTE: 4-0-0.**

33
34 Article 21 – Borrowing: Thayer Property Renovation – The expectation is that a firm price/quote will be
35 available for Town Meeting. Selectman Foresto suggested the Board note its position as TBD. Vice-
36 Chair Trindade clarified this project is not just for 2B Oak street but is also connected with Choate Park.
37 Ms. Carol Pratt, Town Accountant, stated there is \$800,000 in the historical preservation fund, \$711,000
38 in open space, and approximately \$2.3 million in Community Preservation Act retained earnings. Mr.
39 Frank Rossi stated that the Community Preservation Committee has yet to sign off on this article, adding
40 that the group will be meeting again before Fall Town Meeting. Discussion followed. **The Board opted**
41 **to note its position on Article 21 as TBD for the time being.**

42
43 Article 22 – Free Cash Transfer: Parks and Recreation Study – It is noted that the Parks Master Plan
44 project went out to bid with an October 18th deadline. Mr. Holder clarified that there is presently 55
45 acres of property that can be used for passive recreation, and this plan will evaluate all the Town’s
46 properties. He explained how the bid opening process will work in the review committee, and is
47 optimistic that it can be completed before Fall Town Meeting so that an estimated cost can be included
48 in the article. **The Board opted to note its position on Article 22 as TBD for the time being.**

1
2 Article 23 – Amendment: Interest Rate on Deferred Property Taxes – Ms. Phillips briefly explained that
3 the current practice has no defined structure, which causes the rate to change every year. Mr. Will
4 Naser, Principal Assessor, stated a review of surrounding communities was performed before drafting
5 the article. This will establish a fixed rate, making it easier for residents and their financial planning.
6 **Selectman Foresto moved that the Board approve Article 23; Selectman D’Innocenzo seconded. No**
7 **discussion. VOTE: 4-0-0.**

8
9 Article 24 –Adjustment: Community Preservation Fund Statutory Set-Aside – **Selectman Foresto moved**
10 **that the Board approve Article 24 as written; Selectman D’Innocenzo seconded. No discussion.**
11 **VOTE: 4-0-0.**

12
13 Article 25 – Free Cash Transfer: Massachusetts Appeals Court Ruling – Verizon won a lawsuit against the
14 Town on appeal, and this amount represents the interest due. Mr. Will Naser noted that the principal
15 amount may be paid from the overlay account, but the interest cannot. The rate is set by the Mass.
16 Department of Revenue. **Selectman Foresto moved that the Board approve Article 25 as written;**
17 **Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

18
19 Article 26 – Amend General By-Laws: Settlements – This article is designed to give the Board of
20 Selectman a more realistic amount of money with which to settle agreements. Surrounding
21 communities were surveyed for their claim settlement practice, and revealed that the Town of
22 Framingham allows the Board of Selectmen to settle claims up to \$25,000 without Town Meeting
23 approval; similarly, the Town of Sherborn allows its Board of Selectmen to settle claims up to \$100,000.
24 In both cases, this is possible only if funds are available to pay the settlement; otherwise, Town Meeting
25 appropriation is necessary. **Selectman Foresto moved that the Board approve Article 26 as written;**
26 **Selectman D’Innocenzo seconded. No further discussion. VOTE: 4-0-0.**

27
28 Article 27 – Approve: Police Department Mutual Aid Agreement – Police Chief Allen Tingley stated this
29 enables the Medway Police Department the ability to combine with 49 other towns from which aid
30 could be obtained, and provide aid to those communities in return. It also extends their jurisdiction into
31 those communities to apprehend felons where currently they are not able to cross into those
32 communities to do so. **Selectman Foresto moved that the Board approve Article 27 as written;**
33 **Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

34
35 **Consent to Assignment – VNA Public Health Nurse Services Agreement from Milford Regional Medical**
36 **Center, Inc. to Salmon Home Care, LLC:**

37 *The Board reviewed the following information: (1) Consent to assignment dated July 12, 2012; and (2)*
38 *Email, dated September 11, 2012, from Town Counsel indicating approval of form.*

39
40 **Selectman Foresto moved that the Board vote to authorize the Chair to execute the Consent to**
41 **Assignment relative to the Public Health Nurse Services agreement changing contractual entity from**
42 **Milford Regional Medical Center, Inc. to Salmon Home Care, LLC; Selectman D’Innocenzo seconded.**
43 **No discussion. VOTE: 4-0-0.**

44
45 **Approval – Special One Day Liquor and Amusement Licenses – Medway 300th Committee:**

46 *The Board reviewed the following information: (1) Correspondence, dated October 10, 2012, from Police*
47 *Chief Tingley; (2) Application for Exhibition, Show or Amusement License – Live Entertainment for Taste*

1 of Medway event to be held October 27, 2012; and (3) Application for Special One-Day Liquor License for
2 Taste of Medway event to be held October 27, 2012.

3
4 Chief Tingley stated he has asked that there be no parking on Oak Street, all servers be up-to-date on
5 TIPS training, and a detail of two police officers with marked cruiser be on the premises. Selectman
6 Foresto announced that this event is scheduled for October 27 at the Thayer homestead. A wine and
7 beer tasting will occur outdoors on the lawn of the Thayer house.

8
9 **Vice-Chair Trindade moved that the Board approve both the Special One-Day Liquor License and the**
10 **Exhibition, Show or Amusement License – Live Entertainment License for the Taste of Medway event**
11 **to be held October 27, 2012 with the proviso that the conditions outlined by Chief Tingley in his letter**
12 **dated October 10, 2012 are satisfied; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**
13 It was noted that neither Selectman Crowley nor Selectman Foresto will realize any financial gain.

14
15 **Action Items from Previous Meeting:**

16 The Board opted to postpone discussion of Action Items until next meeting.

17
18 **Approval of Warrants:**

19 *The Board reviewed Warrant 13-16, dated 10/18/12.*

20
21 Selectman Foresto, Clerk, read aloud Warrant 13-16 presented for approval:

22	23	24	25
	13-16	Town Bills	\$841,837.39
		TOTAL	\$841,837.39

26 **Vice-Chair Trindade moved that the Board approve Warrant 13-16 in the amount of \$841,837.39;**
27 **Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

28
29 **Town Administrator’s Report:**

30 Ms. Kennedy presented a photographic collage of historical photos to be displayed in Sanford Hall. She
31 stated that, after an unsuccessful effort to locate a historical photo that would complement that of Mr.
32 Sanford, she selected several with a common theme. One by one, Ms. Kennedy identified each photo,
33 each representing a former mill in Medway. It was suggested that a plaque with that identifying
34 information be displayed with the photos.

35
36 **Selectmen’s Reports:**

37 D’Innocenzo – No report.

38
39 Crowley – Thanked Kathy Foresto and Bob O’Neill for their work on the Medway 300 flags.

40
41 Foresto -- The Thayer House is collecting historical items that will be part of the final display at the
42 renovated house.

43
44 Trindade – Expressed concern for the water issue presented by residents during Public Comments.
45 Ms. Kennedy clarified that the matter falls under the jurisdiction of the Water and Sewer Commission.
46 Vice-Chair Trindade stated he would like to see documentation that justifies this kind of action, and
47 whether the Commission would consider grandfathering some properties.

1 **Vice-Chair Trindade moved that the Board hold a special meeting with the Water and Sewer**
2 **Commission to discuss this issue, and prior to that meeting, review relevant documentation in order**
3 **to understand their thinking; Selectman D’Innocenzo seconded. No further discussion. VOTE: 4-0-0.**
4

5 **Approval of Minutes:**

6 Due to the lateness of the hour, review of the minutes from meetings held on July 16, 2012; August 21,
7 2012; September 4, 2012; September 7, 2012; and September 11, 2012 was postponed.
8

9
10 **At 9:35 PM Selectman Crowley moved to adjourn; Selectman D’Innocenzo seconded. No discussion.**
11 **VOTE: 4-0-0.**
12

13
14 Respectfully submitted,
15 Jeanette Galliardt
16 Office Manager