

**Board of Selectmen's Meeting
February 6, 2012, 6:00 PM
School Committee Meeting Room, Medway Middle School
45 Holliston Street**

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

Also Present: Barbara Saint Andre, Town Counsel; Melanie Phillips, Treasurer-Collector; Tom Holder, Director, Department of Public Services; Maryjane White, Town Clerk; Sue Ellis, Human Resources Director.

At 6:00 PM Chairman Foresto called the meeting to order and led the Board in the Pledge of Allegiance.

Public Comments: None.

Approval – Warrant for Primary Election – March 6, 2012:

The Board reviewed a Warrant as prepared by the Town Clerk.

Selectman Trindade moved that the Board approve the Warrant as prepared by the Town Clerk relative to the Primary Election to be held on March 6, 2012; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Ms. White stated the election will be held at St. Joseph's Parish due to the repair project at the Middle School. Notice of the change in voting venue has been publicized.

Executive Session:

At 6:05 PM Selectman Trindade moved that the Board go into Executive Session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to collective bargaining, specifically for a collective bargaining agreement update, and litigation, specifically Ruggiero/Cahill, Medway Trotter v. Medway, McDonald v. Planning and Economic Development Board, if an open meeting may have a detrimental effect of the bargaining or litigating position of the Town; and to return to public session immediately following executive session; Selectman Espinosa seconded. Roll call vote – All ayes, 4-0: Chairman Foresto, aye; Selectman Espinosa, aye; Selectman Crowley, aye; Selectman Trindade, aye.

At 6:44 PM Vice Chairman Foresto reconvened the public session.

Discussion/Approval – Bank of America ePayables Program:

The Board reviewed the following information: (1) Proposal from Bank of America regarding ePayables Program; (2) Questions & Answers regarding Bank of America ePayables Program; (3) Letter, dated

January 24, 2012, from Town Counsel regarding Bank of America ePayables Agreement; and (4) Bank of American Corporate Credit Card Service Agreement.

Present: Barbara St. Andre, Town Counsel; Melanie Phillips, Finance Director.

Ms. Melanie Phillips, Finance Director, briefly explained how the Town currently pays its bills and stated that she would like to shift from paper checks to an electronic system utilizing a payment card. Essentially, the Town would send Bank of America an electronic file containing payee information, and it would transfer those funds onto the electronic cards for each vendor as designated. The Town would receive a percentage of the total payment as revenue, preliminarily estimated to be between \$24,000 and \$40,000 annually. This program will do all the work, including soliciting vendors' participation. Ms. Phillips concluded that she views the program predominantly as a revenue source for the Town.

Responding to a question from Chairman Foresto, Ms. Phillips stated none of her colleagues in area communities are using this program and that Medway would be the first.

Selectman Espinosa asked who absorbs the cost of the program. Ms. Phillips responded the vendor is ultimately the one, as he will pay a fee (approximately \$75) to participate in the program. She said she is hoping to convert people from paper checks, reducing the number of checks the Town prints, and vendors will get their payments more quickly because of the electronic funds transfer. The MUNIS software already supports five different payment types, and the vendor has the option to continue receiving payment via paper check.

Selectman Trindade asked if there is a contract associated with the program. Ms. Phillips stated the Town can opt out any time it would like, acknowledging that there are penalties now for deviation from regular processes. She reiterated that this move is mostly to gain revenue, but commented it will also help to increase the efficiency of the department. Ms. Phillips clarified that Bank of America is suggesting this change, not the Town.

Ms. Barbara Saint Andre stated the bank sent a proposed contract to the Town, which she reviewed and returned with a number of comments. Bank of America made most of the changes she requested. The biggest one they did not change was that, under the agreement, the Town has to waive its right to a jury trial. She wanted to make the Board aware of that clause. Additionally, there is an indemnification clause which, unless the Town asks Bank of America to put the Town trademark/logo/seal on the payment card, is a non-issue.

Selectman Trindade moved that the Board of Selectman authorize the Chair to enter into an agreement with Bank of America for Town participation in the ePayables Program; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Approval – General Obligation Bond Award, Morgan Keegan & Co.:

The Board reviewed a General Obligation Bond Award for \$8,118,000, dated February 15, 2012, from Melanie Phillips, Finance Director.

Present: Melanie Phillips, Finance Director.

Ms. Phillips reported that, due to the Town's increased bond rating, there was a very competitive response to their bid. Where there are usually three or four bidders, there were ten this time. The bids ranged from 2.019% – 2.99%. The winning bid was for 2.019% with a premium of \$357,938.42. Brief discussion followed. The Board asked for more detailed information to pass on to the School Building Committee.

Selectman Trindade moved that the Board of Selectmen award the General Obligation Bond for \$8,118,000, dated February 15, 2012, to Morgan Keegan & Co. for a TIC bid of 2.019% and a premium of \$357,938.42; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Authorization – DOR Approval – Massachusetts Water Pollution Abatement Trust Loan Related to Stormwater Management - \$500,000:

The Board reviewed the following information: (1) Proposed letter, dated February 6, 2012, from Finance Director to Department of Revenue; (2) Massachusetts Water Pollution Abatement Trust's Notice, dated December 14, 2011, to Town approving subsidized loan in the amount of \$50,000 at 2% interest rate; (3) Department of Environmental Protection Notice of Project Approval Certificate, dated December 12, 2011; (4) Memorandum, dated January 6, 2012, from David Peterson, Kleinfelder/SEA to Tom Holder, Director, Department of Public Services regarding Medway's Integrated Water Resources Management Plan (IWRMP); and (5) Miscellaneous supporting documentation – IWRMP budget, fee breakdown by water resource, analysis of effect on ratepayer.

Present: Melanie Phillips, Finance Director; Tom Holder, Director, Department of Public Services.

Chairman Foresto put forth questions to consider while this matter is under discussion, specifically, is a study necessary, why now, opinion of elected representatives, availability of zero-percent loans, possibility of regionalization after data analyzed, who has control of the money and impact on water rates.

Selectman Espinosa provided a brief history to the public. When it was brought to the Board of Selectmen a few months back, it felt there wasn't enough information to approach residents for approval. The Board later opted to put it on the Warrant for Special Town Meeting, at which the vote was to accept it. Selectman Espinosa indicated his was the only dissenting vote, believing that the federal government has not been forthcoming in whether it will or will not have money available. He stated he personally cannot see the value in borrowing \$500,000 at 2% interest, and would prefer to do it on a timeframe in the best interest of the Town and when more information is available.

Ms. Phillips stated that the combined impact on water and sewer rates would be \$4.58 on an annual basis. The Town would have control of the money, and the ability to draw down what was needed when it was needed.

Selectman Trindade echoed Selectman Espinosa's comments and explained the nature of the EPA regulatory efforts. He stated that the money being requested is to map where the Town's stormwater goes, and at the end of this study, then determine what kind of infrastructure needs to be in place to contain stormwater to meet EPA requirements. Those costs are in the millions. He briefly mentioned how original sewer projects came about in Medway.

Responding to a question from Selectman Crowley, Mr. Holder stated the money would be divided up between several things, stormwater and waste water being the two main ones. If the draft permit does

not happen, the EPA will work with the Town to manage the project. Projects in the pipeline often do not occur, which then frees up money. Each component is important to the Town being able to provide water service to the residents. The project can be altered based on what the permit looks like. Discussion followed.

Ms. Phillips noted the first \$500,000 is an interim loan will have a maturity date, and, at that time, it will be bonded. She clarified further that any money earmarked for a water project must come out of the Water or Sewer Enterprise Account.

Selectman Espinosa reiterated his position that the timing is not good, noting that the study is necessary, just not now. Chairman Foresto summarized that the matter should not be left hanging indefinitely and the Board should make a decision.

Selectman Trindade moved that the Board authorize the Treasurer to petition the Massachusetts Department of Revenue for permission to borrow a total of \$500,000 as a General Obligation Bond through the Massachusetts Water Pollution Abatement Trust Loan Program; Selectman Crowley seconded. Ms. Phillips clarified the article did not specify an Enterprise Account, merely to approve the project. Split Vote, 3-1: Espinosa opposed.

Selectman Trindade moved that the Board authorize the Chairman to execute the Project Regulatory Agreement by and between the Town of Medway and the Massachusetts Department of Environmental Protection subject to the review and approval of Town Counsel; Selectman Crowley seconded. No discussion. All ayes, 4-0.

Selectman Trindade moved that the Board authorize the Chairman to execute the Loan Agreement by and between the Town of Medway and the Massachusetts Water Pollution Abatement Trust subject to the review and approval of Town Counsel; Selectman Crowley seconded. There was brief discussion clarifying the difference between the two types of agreements. Split Vote, 3-1: Espinosa oppose.

Approval – Contract Amendment for Marsh Moriarty Ontell & Golder P.C. regarding Title Work for Oak Grove:

The Board reviewed the following information: (1) Notice of Special Town Meeting approval vote; (2) Contract Amendment; and (3) Documents relative to initial contract with Marsh, Moriarty, Ontell & Golder P.C.

Present: Will Naser, Principal Assessor.

Chairman Foresto reminded viewers this was approved initially at Special Town Meeting. Selectman Crowley wanted to know why the Town Meeting article specified \$21,000, yet the contract is written for \$15,000. Ms. Kennedy clarified that there are two pieces to finishing the project.

Selectman Crowley moved that the Board approve the amendment with the \$21,000 figure, then withdrew the motion without a second.

Selectman Trindade moved that the Board of Selectmen approve an amendment to the contract with Marsh, Moriarty, Ontell & Golder P.C. associated with title work for Oak Grove in an amount not to exceed \$15,000; Selectman Crowley seconded. No discussion. All ayes, 4-0.

Approval – Appointment of Paul Russell to Historical Commission:

The Board received a Letter of Interest, dated January 1, 2012, from Paul Russell, 8 Hillview Terrace.

Present: Paul Russell.

Mr. Paul Russell introduced himself. He stated he has had longstanding interest in art and photography as a hobby, and had done some of the pictures hanging in Town Hall.

Selectman Trindade moved that the Board approve the appointment of Paul Russell to the Historical Commission for an adjusted three-year term expiring on June 30, 2014; Selectman Crowley seconded. No discussion. All ayes, 4-0.

Approval – Appointment of Douglas Downing to the Memorial Committee:

Selectman Trindade moved that the Board approve the appointment of Douglas Downing to the Memorial Committee for an adjusted one-year term to expire on June 30, 2013; Selectman Crowley seconded. No discussion. All ayes, 4-0.

It was noted that Mr. Downing is a former Selectman.

Approval – Class II License Amendment for Bluestone Management Corp. d/b/a Medway Imports:

The Board reviewed the following information: (1) Letter, dated January 12, 2012, from Barry Roth, President of Medway Imports; and (2) Email, dated January 13, 2012, from John Emidy, Building Commissioner.

Present: Barry Roth, President, Medway Imports.

Mr. Roth briefly explained that when the Zoning Board of Appeals originally reviewed his application for a license, it removed “body work” from the license and added “no repairs.” He is now trying to add body work and repairs to his license as the bylaw has since changed allowing these activities by right at his location. Brief discussion followed.

Selectman Trindade moved that the Board approve an amendment to the Class II License previously granted to Bluestone Management Corporation d/b/a Medway Imports to allow for on-site vehicle repairs; Selectman Espinosa seconded. Brief discussion on building issues, tenant, no changes to building, only the addition of on-site repairs. All ayes, 4-0.

Discussion – Appointment Composition of Town-Wide Energy Committee:

The Board reviewed the following information: (1) Email, dated January 3, 2012, from Frank Faist, Chair, Town-Wide Energy Committee;; and (2) Town-Wide Energy Committee composition language prepared by Town Counsel and approved by Board of Selectmen on December 5, 2011.

Present: Frank Faist, Chair, Town-Wide Energy Committee.

Mr. Faist briefly explained that, as part of the process of clarifying the membership makeup of the committee, the number was reduced to seven. He would like to recommend that the wording somehow indicate that as current members matriculate off the committee, the membership will be reduced to

seven. He does not want to lose the existing membership, now numbering nine, and the amount of expertise that goes with them. When people resign, those vacancies will not be replaced if the total number would exceed seven members.

Chairman Foresto stated the Town is fortunate to have the combined expertise of the members on the committee, people who are knowledgeable in the industry and in the business world, and able to speak to both technical and business issues.

Selectman Crowley asked Ms. Kennedy to submit a revised membership listing, based on Mr. Faist's request. Chairman Foresto asked that the matter be added to Action Items and revisited at another meeting.

Brief discussion followed on the Energy Committee's response to the Kearsage proposal relative to a solar farm in Bellingham. There are concerns about the length of the agreement, protections and guarantees in the contract, and percentage of return. The consensus is that the committee is in favor of it to save money, but wants Town Counsel to look at the agreement before moving forward.

Presentation – Capital Improvement Planning Committee Budget Presentation:

The Board reviewed a report featuring the FY2013 Budget with capital items listed along with preferred methods of financing.

Present: Melanie Phillips, Finance Director; Tom Holder, Director, Department of Public Services; Capital Improvement Planning Committee -- Tom Anderson, Chair; Rich Briggs; Jim Gillingham, Peter Sigrist.

Mr. Tom Anderson stated this is the annual report featuring what the committee would like to fund: 75 projects totally \$28 million. Last year the committee recommended 81 projects for a total of \$27.5 million, with the previous year totaling \$15 million. He noted that the single biggest item they considered is replacing the Department of Public Services facility, which did not make this year's list. While some DPS projects are on the list, the building itself is not. It was noted that some projects were denied, other merged into other projects, and others funded through other methods. Funding is predominantly accomplished via free cash, general fund, enterprise accounts and bonding (one project).

Discussion began on review of the projects funded from free cash beginning with generators, Information Technology upgrades, and sidewalk improvements. A new flatbed truck will have interchangeable apparatus which helps save money instead of buying separate types of trucks; eliminates need for separate sander, street cleaner, and dump truck, and can be used all year long. Swapping out various types of equipment takes about an hour. The Board asked for a list of the interchangeable components.

Regarding a Fire Department command vehicle, the department does not have one now. If the Fire Chief arrives at a scene before the regular trucks, he has minimal emergency equipment. A proper command vehicle would enable him to be a first responder.

Mr. Anderson stated the Oakland Basketball Court has been on the list for a couple of years. The committee hopes to solicit feedback from residents about their expectations for the parks in the community. Brief discussion followed on fees for Parks and Recreation classes, how much fees are, where the money goes, who has the authority to collect that money and how that fund has grown. The

Board asked for that clarification and for a list of expenditures, as it would help to determine the kinds of things that should come before the CIPC or funded internally with available funds.

To coincide with the Medway 300 celebration, new signage is suggested throughout town and especially markers at town lines. Some signs will be granite posts while others will be aluminum.

Discussion followed on the stabilization fund and the Town's bonding capacity. A ladder truck for the Fire Department would be the only bonded item. The current truck is 31 years old and the ladder no longer fully extends. The price on the project list is \$800,000 but the expected price is closer to \$865,000. This will be finalized as they move forward. Bonding is usually for 30 years. The Board asked Ms. Phillips to update the document showing when debt will drop off, and show how bonding this fire truck will figure into it.

A water superintendent truck, as well as various sewer system improvements, will be funded out of Enterprise accounts. Tom Holder will send a report on filtration system improvements. He stated the \$200,000 request is a small piece of what would be required to fix all the sewer issues. Discussion followed.

Responding to a question from Selectman Crowley about project rankings, Mr. Anderson stated the committee is happy to share the listing, but cautioned that each person rates the projects, and those ratings are merged together. It is a multi-layered analysis.

It was noted that \$4,200 in grant funds from MIIA will be used for portable lighting for emergency purposes or to direct traffic at night.

Mr. Anderson stated the committee will update the list of projects posted online. Additionally, the committee would like to explore a way to fund small items without going for emergency transfers, but need to figure out the financing mechanism.

Regarding the DPS Facility, there was some discussion on what this facility needs to be. The committee recommended that the Board of Selectmen form a committee to explore various options apart from building a new building. Looking ahead, it should be something that could be funded on a debt exclusion in 2016. The Board asked Ms. Kennedy to add this topic to the Action Items.

Approval – Opening of Annual Town Meeting Warrant:

Selectman Trindade voted to open the Annual Town Meeting Warrant on February 6, 2012 and close it on February 21, 2012; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

School Committee Report from School Committee Liaison:

There was no report.

Action Items:

Due to the lateness of the hour, discussion of the Action Items was postponed.

Approval of Warrants:

The Board reviewed two warrants, #31 and #32, submitted for approval.

Selectman Crowley, Clerk, read aloud the following Warrants:

Warrant 31, dated 2/2/2012, \$951,700.42			
12-31P	Gross Payroll Town		\$216,019.07
12-31SP	Gross Payroll School		\$735,681.35
	TOTAL		\$951,700.42

Warrant 32, dated 2/9/2012, \$520,339.98			
12-32	Town Bills		\$333,367.85
12-32S	School Bills		\$186,972.13
	TOTA:		\$520,339.98

Selectman Trindade moved that the Board approve Warrant #31 in the amount of \$951,700.42; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Selectman Trindade moved that the Board approve Warrant #32 in the amount of \$520,339.98; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Town Administrator’s Report:

Ms. Kennedy shared a press release from the MAPC in connection with a new energy program known as LEAP (Local Energy Action Program) to help strategize for renewable energy. She clarified it is a technical assistance program, not a grant. The LEAP staff will work with Town to develop various energy efficient programs. Ms. Kennedy stated she received notice today that Medway is one of eight communities selected for this program. Possible initiatives through LEAP include working with the Medway Housing Authority, the Medway business community to establish a recycling program, determination of the viability of electrical charging stations, evaluation of changing to LED street lights, and development of a community outreach program that would include water conservation activities. MAPC assistance would be offered to develop the programs and help identify funding sources.

Selectmen’s Reports:

Selectman Crowley asked for an update on the Village Street sidewalks as an Action Item. He also asked for an indication of costs relative to sewer charges or abatements for the 110 residents that qualified. With regard to the Town Election in May, he asked if the Board would consider a non-binding question again. This helps to get a sense of what residents are thinking. He asked the Board to develop a list of possible questions.

Selectman Trindade stated he would like to have a discussion about the sewer report on filtration, and, additionally, the fees received by Parks and Recreation.

Selectman Espinosa wondered what the agenda for the joint meeting with the Trustees of the Medway Public Library looked like and the purpose of the meeting. Discussion followed. The Board asked Ms. Kennedy for budget information relative to the library so they go to the meeting informed.

Chairman Foresto reported that the Thayer Development Committee received fourteen responses to the Request for Qualifications (RFQ). The committee narrowed the list down to six firms, and finally selected one, Architectural Consulting Group out of New Bedford. This firm has done projects similar to that of 2B Oak Street.

At 9:07 PM Selectman Trindade moved to adjourn; Selectman Espinosa seconded. No discussion. All ayes, 4-0.

Respectfully submitted,

Jeanette Galliardt
Night Board Secretary