

**Board of Selectmen's Meeting
April 2, 2012, 7:00 PM**

**Sanford Hall, Town Hall
155 Village 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: Sue Ellis, Human Resources Director; Tom Holder, Director, Department of Public Services; Melanie Phillips, Treasurer-Collector; Carol Pratt, Town Accountant; Allen Tingley, Police Chief; Chan Rogers.

At 7:02 PM Chairman Foresto called the meeting order and led the group in the Pledge of Allegiance.

At 7:02 PM Selectman Trindade moved to enter into Executive Session under Exemption #6 to consider the purchase, exchange, lease or value of real property owned by Richard Briggs if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to return to public session immediately following executive session; Selectman Espinosa seconded. No discussion. Roll Call Vote: 4-0-0 -- Crowley, aye; Espinosa, aye; Foresto, aye; Trindade, aye.

At 7:08 PM Chairman Foresto reconvened the public session.

Public Comments: None.

Discussion – Ambulance Services Procurement:

Present: Karen Kisty, Operations Manager; Melanie Phillips, Finance Director.

Ms. Kennedy reminded the Board it had asked for a synopsis of the RFP process relative to ambulance services. She stated there is an agreement with the current vendor, but it has been difficult to reach him. It was decided to go out to RFP – Request for Proposal– as the Town is required to have an ambulance services contract in place. Ms. Kennedy recommended that the Board of Selectmen reject the sole bid that was submitted. Staff is present tonight to give both a report with recommendations as well as a brief review of the evaluation process. She concluded by thanking Selectman Crowley for his assistance in this matter.

Ms. Karen Kisty stated they received invaluable assistance from Bill Mergandahl of Pro EMS. She stated she checked the RFP's posted by other communities, determined the best fit for Medway, and posted it on the Central Register. The RFP got only one response. Deadline for submittal was March 14, and the review was on March 20.

Ms. Kisty stated the respondent did not supply the information they were looking for. For example, he did not identify the cost to residents. He did not ask for statistics on the Town's average number of ambulance trips each year, and provided no information on his contractual agreements with other area

communities. It was unclear whether he would be able to respond appropriately or whether a backup service would be necessary. The industry standard is a response time of twelve minutes or less, but there is no way to get information on new providers. Typically, a process can be instituted where a fine is levied for calls beyond twelve minutes, if the provider agrees to do so for 90% of the time (or whatever the contract might state).

Ms. Melanie Phillips stated there was lengthy discussion on this RFP, it was decided that the right thing to do was to throw it out. She distributed a proposed operating procedure with goals. A committee consisting of the Fire Chief, EMS Coordinator, and Bill Mergandahl would interview providers, do a site visit, assure compliance, etc. If a provider was chosen, the contracts would be drawn up and the process would move forward.

Responding to a question from Chairman Foresto, Ms. Phillips stated the Town is not at risk while this process takes place, as there is a current provider with a billing agreement. It is not atypical for a billing agreement to be executed by the Fire chief and the provider. Ms. Kennedy recommended a standard contract as opposed to a billing agreement be reviewed and approved by the Board of Selectmen.

Discussion followed. The Board expressed concern for the following: out of compliance with Medicare (it is not); billing agreement does not cover enough information; what are standard practices; what are industry standards; contract vs. service agreement; invite someone in the industry to give us more information; what are other area communities doing; secondary provider; and lastly, the Board would like to see copies of different kinds of contracts and service agreements.

Ms. Kennedy stated she did discuss billing agreements with Mr. Mergandahl. He said sometimes a billing agreement is appropriate, and other times it should be a contract. The Inspector General advised use of a contract, as a contract will refer to the statutes and defines any liability.

Chairman Foresto summarized that a contract would contain all service and billing information. He asked Ms. Kennedy to put together a one-page summary of all discussion points and data.

Authorization of Chairman to Executive Contract with Robert Gorman Construction -- \$7,500 – Police Station Rail Installation:

The Board reviewed the following information: (1) Memo, dated April 2, 2012, relative to Contract; (2) Quotation form, dated January 26, 2012; and (3) Contractual Agreement with supporting documents.

Present: Allen Tingley, Police Chief.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Robert Gorman Construction for an amount not to exceed \$7,500 to install snow and ice rails on the Police Station roof; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Appointment – Council on Aging – Siri Krishna Khalsa:

The Board reviewed a letter of interest, dated January 11, 2012, from Siri Krishna Khalsa, 12 Candlewood Drive.

Ms. Siri Krishna Khalsa introduced herself to the Board, stating she has lived in Medway for sixteen years. A yoga instructor, she was interested in doing volunteer work and visited the Medway Senior

Center. She joked that her long time friend, Missy Dziczek, Director, Council on Aging, drafted her into service.

Selectman Trindade moved that the Board appoint Ms. Khalsa to the Council on Aging to fill a vacant position with a term expiring June 30, 2014; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Approval – Decorative Pole Attachment Agreement with Verizon

The Board reviewed the following information: (1) Proposed Agreement; (2) Maps showing proposed banner locations; and (3) Email, dated February 16, 2012, from Town Counsel.

Ms. Kennedy stated the Medway 300 Committee is planning on putting up banners in three areas in Town, and they met with Verizon who manages the utility poles in Medway. Approximately 37 banners will be placed, but permission must be granted by the Board of Selectmen. It was noted that Town Counsel has reviewed the proposed agreement.

Selectman Trindade moved that the Board authorize the Chairman to execute the Municipal Decorative Pole Attachment Agreement with Verizon New England for the purpose of placing banners for the Medway 300 celebration; Selectman Espinosa seconded. It was noted that the banners are temporary but the hardware may remain for future use by other groups after they obtain permission. VOTE: 4-0-0.

Approval – Medway Youth Baseball Parade – April 22:

The Board reviewed the following information: (1) Request, dated March 20, 2012, from Medway Youth Baseball; and (2) Memo, dated March 21, 2012, from Police Chief Tingley.

Selectman Trindade moved that the Board of Selectmen approve the Medway Youth Baseball Parade to be held on Sunday, April 22, 2012, at 12 PM with the condition that the organization hire two detail officers to assure the safety of parade participants and movement of traffic during the event; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Approval – Tri-State Trek – July 20-22:

The Board reviewed the following information: (1) Tri-State Trek Request, dated March 14, 2012; and (2) Police Chief's recommendation, dated March 21, 2012.

Selectman Trindade moved that the Board of Selectmen approve Tri-StateTrek's passage through Medway on Friday, July 20, 2012 between 6:30 and 9:30 AM with the condition that the organization hires one detail officer to cover the safe crossing of bicyclists at Milford and Fisher Streets; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Re-opening and Closing of Special Town Meeting Warrant:

The Board reviewed the Draft Warrant for Special Town Meeting, May 14, 2012.

Selectman Trindade moved that the Board of Selectmen open the Special Town Meeting Warrant for May 14, 2012; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

At this time, the Board reviewed each article on the Warrant and voted its recommendation for each one.

Article 1 -- Utility Revaluation: Ms. Kennedy explained that this article allows the rollover of \$24,000. The money is in the existing budget but needs to be reserved or moved forward. **Selectman Trindade moved that the Board recommend Article 1; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.**

Article 2 --Budget Transfer to Assessor Revaluation Article: **Selectman Trindade moved that the Board recommend Article 2; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.**

Article 3 --Appropriation: OPEB Trust Account: **Selectman Trindade moved that the Board recommend Article 3; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.**

Article 4 --Appropriation: Repair Storm Related Damage to Town Property: **Selectman Trindade moved that the Board recommend Article 4; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.**

Article 5 --Prior Year Bills: **Selectman Trindade moved that the Board recommend Article 5; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.**

Selectman Trindade moved that the Board of Selectmen close the Special Town Meeting Warrant; Selectmen Espinosa seconded. No discussion. VOTE: 4-0-0.

Re-opening and Closing of Annual Town Meeting Warrant:

The Board reviewed the following information: (1) Table of Contents for Annual Town Meeting Warrant; and (2) Draft Warrant for Annual Town Meeting, May 14, 2012.

Selectman Trindade moved that the Board re-open the Annual Town Meeting Warrant; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Town Administrator Kennedy informed the Board that a number of articles have changed, and that a spreadsheet would also be inserted into the Warrant. She clarified that, due to the changes and new articles, the articles will be numbered differently than in previous draft Warrants.

At this time, the Board considered each article individually and voted its recommendation.

Article 1 -- Appropriation: FY13 Operating Budget: **Selectman Trindade moved that the Board recommend Article 1; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.**

Article 2 -- Appropriation: Town Clerk Salary: Ms. Kennedy stated this article is new. The authorized increases in the Town Clerk's salary should have been voted at Fall Town Meeting, so now there needs to be an article to say that she is allowed this money as she is an elected official. It is a housekeeping issue. **Selectman Trindade moved that the Board recommend Article 2; Selectman Espinosa seconded. Ms. Kennedy confirmed that the Town Clerk is not upset by this delay. VOTE: 4-0-0.**

Article 3 -- Free Cash Appropriation: FY13 Capital Budget: There was brief discussion on the amended dollar figures for several items. Tom Holder, Director, Department of Public Services, was present for the discussion, and commented that it was interesting the CIPC made changes on DPS items without consulting DPS for an opinion. Discussion followed.

Regarding a new Open Space/Parks Recreational Use Study, Mr. Holder stated this amount was determined a couple of years ago and it is in the range of what this kind of study might cost. The study's focus would be more on the passive areas of recreation, and did not include study of youth groups, athletic fields, etc. It was noted that, if additional funds were allocated and not used, the remainder would need to be repurposed at a future Town Meeting. Discussion followed.

Concern was expressed about lack of time to make changes to the budget; it was suggested to defer to the opinion of the CIPC in this matter. Posting requirements need to be considered, and the Finance Committee needs to review the budget. It was further suggested to post a Board of Selectmen meeting for Friday morning; it could be cancelled if this matter is not resolved this evening. The Board opted to table the discussion of this article and consider the rest of the Warrant.

It is noted that the Board returned to this discussion later in the evening, with the following result:

Selectman Trindade moved to add the following four items to the CIPC list: \$160,000 for replacement of computer hardware, \$55,000 for GIS upgrades, \$58,000 for a one-ton dump truck, and \$78,000 for the replacement of McGovern School furniture, and, further, \$50,000 for the excavator for use on the athletic fields and parks; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

It was noted that if the CIPC does not agree with this decision, the Board can then have a meeting to resolve the matter.

It was suggested that the reduction of the \$349,045 from the health plan budget could be utilized within the budget. Ms. Phillips advised that the \$349,045 has to be a monetary article. She suggested totaling a group of items to a specific amount of the tax revenue, and use free cash for the difference.

Article 4 -- Free Cash Appropriation: FY13 Non Capital Item: It was noted that nothing will be spent out of this article without approval of the Town Administrator and the Board of Selectmen.

Selectman Trindade moved that the Board recommend Article 4; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Article 5 -- Free Cash Appropriation: Capital Improvement Stabilization Account: Ms. Kennedy stated this article established the account. **Selectman Trindade moved that the Board recommend Article 5; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.**

Article 6 -- Operational Reserve Transfer: Capital Improvement Stabilization Account: **Selectman Trindade moved that the Board recommend Article 6; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.**

Article 7 -- FY13 Capital Budget: Bonding Expenditure: **Selectman Trindade moved that the Board recommend Article 7; Selectman Crowley seconded. No discussion. VOTE: 3-0-0 – Selectman Espinosa was out of the room.**

Article 8 -- FY13 Capital Budget: Water Enterprise: **Selectman Trindade moved that the Board recommend Article 8; Selectman Crowley seconded. No discussion. VOTE: 3-0-0 – Selectman Espinosa was out of the room.**

Article 9 -- FY13 Capital Budget: Sewer Enterprise: Concern was expressed for impact on sewer rates and impact on the Medway Community Farm. From a financial perspective, Ms. Phillips stated the borrowing will be for 20 years, with very minimal impact financially. She clarified that decisions on the rate structure would come from the Water and Sewer Commission. Discussion followed.

Selectman Trindade moved that the Board recommend Article 9; Chairman Foresto seconded. No further discussion. VOTE: 3-1-0 -- Crowley oppose.

Article 10-- Appropriation: FY13 Water Enterprise Fund: Ms. Kennedy stated this article reflects salaries, expenses and debt as well as indirect costs which are charged back to the department.

Selectman Trindade moved that the Board recommend Article 10; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Article 11 -- Appropriation: FY13 Sewer Enterprise Fund:

Selectman Trindade moved that the Board recommend Article 11; Selectman Crowley seconded. Selectman Espinosa asked if the current rate structure supports this amount. Ms. Phillips responded the rates will have to be increased \$0.53/100 cubic feet. VOTE: 4-0-0.

Article 12 – Appropriation: FY13 Solid Waste Enterprise Fund:

Selectman Trindade moved that the Board recommend Article 12; Selectman Espinosa seconded. It was clarified that rates are not changing. VOTE: 4-0-0.

Article 13 – Appropriation: FY13 Ambulance Enterprise Fund:

Selectman Trindade moved that the Board recommend Article 13; Selectman Espinosa seconded. It was noted that there is a surplus of \$194,000. The purchase price for the ambulance will be borrowed. VOTE: 4-0-0.

Article 14 -- Appropriation: Community Preservation Committee: Ms. Kennedy reported that the Moderator does not want numbers in the article as it is too soon to know what the numbers will be. The committee is still considering projects for funding and the numbers can change. His preference is that the actual amounts be included in the motion presented at Town Meeting. The Board opted to wait until more up-to-date information was available.

Selectmen Trindade moved that the Board vote its recommendation for Article 14 as TO BE DETERMINED; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Article 15—Appropriation: Thayer Project Funds:

Selectman Trindade moved that the Board recommend Article 15; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Article 16 -- Lease: Roadway Operation and Maint. Equipment: Ms. Kennedy stated the lease will have to be approved at Town Meeting, but the lease has not been determined yet. Chapter 90 funds will be used. Mr. Holder confirmed that Chapter 90 allows for expenses for roadways plus the equipment to service roadways. It is a five-year lease-to-own agreement.

Selectman Trindade moved that the Board recommend Article 16; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.

Article 17 -- Revolving Accounts: Annual Authorization:

Selectman Trindade moved that the Board recommend Article 17; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Article 18 -- Appropriation: Medway 300th:

Selectman Trindade moved that the Board recommend Article 18; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Article 19 – Appropriation: Library – Books and Materials:

Selectman Trindade moved that the Board recommend Article 19; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Article 20 – Approve Settlement: Sewer Ext. Project Claim:

Selectman Trindade moved that the Board recommend Article 20; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Ms. Kennedy suggested the remaining balance of funds (approximately \$30,000) could be used to augment funds for repaving West Street or any legal expenses attached to that.

Article 21 – Land Acquisition: Adams/Winthrop St Properties:

Selectman Trindade moved that the Board recommend Article 21, contingent upon recent negotiations; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Article 22 – Eminent Domain: Brentwood Drainage Project: Mr. Holder stated that these easements were never accepted by the Town and now they can be taken by eminent domain. The easements are listed on their property deeds so this action should not be a surprise.

Selectman Trindade moved that the Board recommend Article 22; Selectman Espinosa seconded. Mr. Holder clarified that this is a necessary project. They will be installing a larger pipe to accommodate greater stormwater flow. The design team has gone out to review all the sites, noting that some things (i.e., sheds) may need to be moved in order to lay new pipe. VOTE: 4-0-0.

Article 23 -- Land Transfer: Lovering St:

There was brief discussion on the need for this article. Mr. Holder explained that the property in question is landlocked with no access other than a water easement. The abutter would like to create lots for his family members. If the Town sells a portion of land to the abutter, the abutter can create building lots with acceptable frontage, and the Town maintains the easement.

Selectman Trindade moved that the Board recommend Article 23; Selectman Espinosa seconded. No further discussion. VOTE: 4-0-0.

Article 24 -- Amend General By-laws: Community Preservation Committee:

Selectman Trindade moved that the Board recommend Article 24; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Article 25 – Affordable Housing Trust Composition:

Selectman Trindade moved that the Board recommend Article 25; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Article 26—Amend General By-laws: New Article to Fingerprint Certain Prospective Licensees:

Selectman Trindade moved that the Board recommend Article 26; Selectman Espinosa seconded. It was noted that Town Counsel’s opinion is that the decision to fingerprint should be at the discretion of the Police Chief. VOTE: 4-0-0.

Article 27 – Charter Amendment: Appointment of Water and Sewer Commission:

Selectman Trindade moved that the Board recommend Article 27; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Article 28 – Charter Amendment: Appointment of Board of Health:

Selectman Trindade moved that the Board recommend Article 28; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Zoning Articles 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48:

Selectman Trindade moved that the Board recommend Zoning Articles 29 through 48; Selectman Espinosa seconded. Brief discussion followed. VOTE: 4-0-0.

Article 49 -- Corporate Personhood Resolution

Selectman Trindade moved that the Board NOT RECOMMEND Article 49; Selectman Crowley seconded. It was the Board’s view that the Town Meeting Warrant was not the appropriate venue for such action. VOTE: 4-0-0.

At this time, it was announced that the remaining balance of the high school construction amount is around \$46,000, and it was suggested to appropriate that amount to the development and upgrade of Hanlon Field. Doing it at the Fall Town Meeting allows time to consult with the school. Ms. Phillips clarified that because the funds were borrowed, any action involving those funds has to come to a Town Meeting vote.

Discussion -- Health Care Expense:

Ms. Kennedy reported that the Insurance Advisory Committee was able to secure a zero-percent increase in health care insurance expenses. The consultant is on the agenda for April 17 to discuss the process, comparative analyses, etc. The proposed FY13 budget lists a line item for this expense which included an anticipated increase of \$349,045. Ms. Kennedy suggested the following options: not spend the funds and somehow return to taxpayers, or appropriate it for something else. Selectman Crowley expressed concern that giving it back (reduction in property tax) will create only a short term effect and residents will wonder why their taxes went up the following year. It was also noted that returning it in the form of reduced taxes does not affect all taxpayers across the board. Discussion followed.

Selectman Espinosa moved that the Board authorize the disbursement of \$349,045 to taxpayers in the form of reduced property taxes; Selectman Crowley seconded. No further discussion. VOTE: 1-3-0 – Crowley, Foresto and Trindade, oppose.

Action Items from Previous Meeting:

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

Approval of Warrants

Selectman Crowley, Clerk, read aloud Warrant 12-40, dated 4/05/12, presented for approval:

12-40	Town Bills	\$2,509,387.42
	Total	\$2,509,387.42

Selectman Trindade moved that the Board approve Warrant 12-40 in the amount of \$2,509,387.42, as submitted; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Town Administrator’s Report:

Ms. Kennedy expressed condolences of families of John Garvey and William Choate following a tragic accident, and heartfelt thanks to the public safety staff and the Department of Public Services to save these people. She noted that Police Chief Tingley indicated it was one of the worst accidents in a long time. Counseling services will be offered to staff.

Additionally, Ms. Kennedy announced the passing of Martha Wingate, who had worked for the Town for 27 years, some of it for the Police Department. Ms. Wingate passed away on Sunday following a long illness.

Ms. Kennedy announced that a new Health Agent has been hired. Ms. Stephanie Bacon, a resident of Rutland, MA, will start work on April 16.

Relative to the Town Meeting Warrant process, Ms. Kennedy reported that the Finance Committee is interested in making changes. Instead of printing many copies, it was suggested to use a communications program such as Constant Contact or other electronic means to notify residents that the Warrant will be on the website. A small number of hard copies will be made available. Residents would be notified of the change by postcard, which can be an effective way to solicit email addresses from residents. Selectman Crowley expressed concern about residents that do not have computers. A savings of \$2,000-\$3,000 does not seem to be enough to forgo the traditional printing. Brief discussion followed.

There was brief discussion of ballot questions for the Annual Town Election. It was noted there was still time to get them on the ballot.

Selectman Trindade moved that the Board of Selectmen request the Town Clerk to include the following non-binding questions on the Town Election ballot:

- (1) Do the residents of the Town of Medway want to consolidate the existing Maintenance Departments for the Town and for the Schools into one entity for the purpose of maintaining all Town buildings?*

- (2) Do the residents of the Town of Medway wish the Town to consider an electronic version of the Warrants for Annual Town Meeting, Fall Town Meeting, and any Special Town Meetings in order to secure the cost savings of doing so?*

Selectman Crowley seconded. No discussion. VOTE: 3-1-0 – Foresto, oppose.

Selectmen's Reports:

Due to the lateness of the hour, this matter was postponed until the next meeting.

Approval of Minutes:

The Board reviewed draft minutes of meetings held on November, 14, 2011; November 15, 2011 (morning); November 15, 2011 (evening); December 5, 2011; December 8, 2011; and December 19, 2011.

Due to the lateness of the hour, review of the minutes was postponed until the next meeting.

**At 10:26 PM Selectman Trindade moved to adjourn; Selectman Espinosa seconded. No discussion.
VOTE: 4-0-0.**

Respectfully submitted,

Jeanette Galliardt
Night Board Secretary