

**Board of Selectmen's Meeting
May 7, 2012, 6:30 PM**

**Sanford Hall, Town Hall
155 Village Street**

Present: Chairman John Foresto, Selectman Andrew Espinosa, Selectman Dennis Crowley, Selectman Glenn Trindade (7:01 PM) and Town Administrator Suzanne Kennedy. Selectman Richard Dunne was absent.

Also Present: Tom Holder, Director, Department of Public Services; David D'Amico, Deputy Director, Department of Public Services; Melanie Phillips, Finance Director; Karen Kisty, Operations Manager; and the Water and Sewer Commission.

At 6:34 PM Chairman Foresto called the meeting order and led the group in the Pledge of Allegiance.

At 6:36 PM Chairman Foresto moved to enter into Executive Session under Exemption #3 to discuss strategy with respect to collective bargaining, specifically to hear a collective bargaining update from labor counsel, and under Exemption #6 to consider the purchase, exchange, lease or value of real property, specifically, the American Legion property, 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: 3-0-0 -- Crowley, aye; Espinosa, aye; Foresto, aye.

At 7:18 PM Chairman Foresto reconvened the public session.

Public Comment: None

Introduction – Stephanie Bacon, Health Agent:

Ms. Suzanne Kennedy, Town Administrator, introduced Ms. Stephanie Bacon, who is originally from Rutland, and most recently worked for the Town of Barre.

Ms. Bacon stated she began in civil engineering, then received the Registered Sanitarian certification to be able to do septic design, and slowly moved into the health areas. She stated she served as Health Agent in Barre for six years, finding a great deal of diversity in that kind of position, tasks ranging from inspections to emergency management. It's always interesting, in and out of the office, and she is never bored.

It was noted that Ms. Bacon began working for the Town of Medway in April. Her office hours are Monday: 12:30 PM – 5:00 PM and Tuesday – Thursday: 8:00 AM – 3:30 PM.

First Reading – Remote Participation Policy (Part of the Open Meeting Law):

The Board reviewed the following information: (1) Proposed policy on Remote Participation; (2) Guidelines for Remote Participation; and (3) Request Form.

Present: Karen Kisty, Operations Manager.

Ms. Kennedy reminded the Board it had reviewed an earlier version of this policy, and at that time, it asked for clarification on the types of transmissions. She noted this version pretty much reflects the statutes. While the statute may list additional means of transmission, Medway is limited to only telephone at this time. Discussion followed on various electronic means that could be employed over time. Chairman Foresto reminded the Board that remote participation is for limited use, not to be a substitute for attending the meeting.

Ms. Kisty, Operations Manager, stated the overarching authority is the Board of Selectmen to set the Town policy, and then the chairperson of each board of committee will decide for their own group. Chairman Foresto suggested each group be able to review the proposed policy before the Board of Selectmen adopts one.

It was agreed that the policy would be sent out to all the chairpersons for comment. The initial procedure will then be established, utilizing telephones, while continuing to look at expanded methods of communication. Selectman Trindade asked Ms. Kennedy to evaluate the existing equipment so that it meets the necessary criteria, if that task had not already been performed.

Vote – Warrant for Annual Town Election, May 22, 2012:

The Board reviewed the Warrant for the Annual Town Election for May 22, 2012.

Ms. Kennedy reminded the Board this is done for every election.

Selectman Trindade moved the Board sign the Warrant for the Annual Town Election for May 22, 2012; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Approval – Insurance Advisory Committee Recommendation on the Fiscal Year 2012 Health and Dental Insurances:

The Board reviewed an email, dated April 27, 2012, from Catherine Fitzgerald, Insurance Advisory Committee, to Sue Ellis, HR Director.

Ms. Kennedy stated this recommendation is the result of the Insurance Advisory Committee meeting with the insurance advisors. Selectman Trindade clarified for the public that the 0% increase represents a savings of over \$300,000 in the Town's FY13 budget.

Selectman Trindade moved that the Board approve the Insurance Advisory Committee's recommendation to accept the Tufts Health Plan proposal and the Altus Dental proposal for FY2013 at 0% and 1.51% increases respectively; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Authorization to Borrow (Bond Anticipated Note) -- \$4,000,000, Middle School Project:

The Board reviewed an information sheet from the Treasurer/Collector.

Present: Melanie Phillips, Finance Director.

Ms. Phillips briefly explained that the repair project is ahead of schedule, incurring costs earlier in the timeline than anticipated, and existing cash flow will not be able to keep up. Unless the Town borrows

some money, there would be a deficit at the end of the year. The Town can borrow \$4 million now to cover the anticipated deficit, and borrow more later if it becomes necessary.

Selectman Trindade moved that the Board authorize the Treasurer to petition the Massachusetts Department of Revenue for permission to borrow \$4,000,000 as a Bond Anticipation Note for the Town of Medway's Middle School Repair Project; Selectman Espinosa seconded. Selectman Trindade amended his motion, pointing out that it is not the School Department's Middle School Repair Project, but the Town of Medway's Middle School Repair Project. Brief discussion on the project followed. VOTE: 4-0-0.

Water Rates Discussion:

Present: Tom Holder, Director, Department of Public Services; William Donahue, Superintendent, Water and Sewer Department; Water and Sewer Commission: Chan Rogers, Chair; Members: Robert Wilson and Peter Gluckler.

Mr. Tom Holder stated the Water and Sewer Commission had scheduled a public hearing for tonight, but cancelled it in order to meet with the Board of Selectmen. They were anticipating a written opinion from Town Counsel regarding increases in water rates, such as a water capital charge of approximately \$100 per year. This charge may have been implemented when the wells were being built, and has been collected ever since to help pay debt service costs. Unfortunately, residents are feeling that they are paying for something that is not based on their usage. It has been removed from water rate calculations. This charge generated \$303,000 in revenue last year. An 11% increase in water rates was proposed for FY13, with a reduced capital charge. Discussion followed. Mr. Holder asked the Board to look at expenditures and figure out another way to cover them with the revenue coming in. It is expected that those residents and businesses that use more water will pay more based on their higher usage. He believes the new rates are defensible.

There was brief discussion on how other communities handle their water rates and fees. Mr. Holder indicated the capital charge is known by various names in other towns.

Selectman Crowley expressed disappointment that he had to read about the rate increases in the paper when the Board has been working hard to consider rate changes before releasing them to the public. He said Board of Selectmen is fielding questions, but have no answers, and have been left out of the loop. Discussion followed. Selectman Espinosa stated that, at the very least, the Board needs to be able to understand the changes in order to respond to questions.

Selectman Trindade reported he had had a conversation with the Town Meeting Moderator about surcharges, and would like to be certain that any changes going forward will not generate legal issues. The Town has tried to use a Best Practices Management approach when managing projects. He asked if the Town will have to account for prior years and if it is on solid legal ground.

Selectman Crowley suggested revisiting the matter at a later date. He expressed concern that there is one flat commercial rate for water usage, and now a three-tier rating system is being proposed. Mr. Holder confirmed that the three-tier system is already a year old. Selectman Crowley also expressed concern about a significant increase and the impending increases related to the Charles River Pollution Control facility improvements.

The Board welcomed the Water and Sewer Commissioners to the meeting and asked for their thoughts on these matters. Mr. Chan Rogers, Chair, stated the Commission is responsible, and they believe they have reacted very well. He noted that Medway has some of the lowest water rates in the area. He stated the Town has installed new automatic meters and replaced a water tank that is now in operation. He noted water mains are being replaced. The rates being proposed reflect the costs of these necessary projects, which were put off for far too many years. The system is now operating with efficiency.

Selectman Espinosa suggested that a strategic plan would implement changes as well as increased rates over a period of time, hopefully to spread the impact of rate increases over a longer period of time.

Chairman Foresto suggested establishing a working group to look at the numbers and understand the rates. He suggested further that the Commission submit new numbers to the Board a couple days ahead of time, and then the two groups meet to discuss. It was decided that the matter will be revisited at the next meeting, and that there would be no increases until this discussion is concluded.

Authorization of Chairman to Execute Contract with Clogbusters Underground Technology, Inc. for Sewer Jet Cleaning and Sewer Camera Inspection Services, \$10,000:

The Board reviewed the following information: (1) Memorandum, dated May 3, 2012, from the DPS Director; and (2) Proposed Contract.

Selectman Crowley asked about the wide discrepancy between the bids. Mr. Tom Holder, Director, Department of Public Services, did not offer one, but stated that this firm has worked with the Town before, and, in fact, held the previous contract. Selectman Espinosa wondered how this work fits into the Town's Master Plan.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Clogbusters Underground Technology, Inc. for sewer Jet cleaning and sewer camera inspection services in an amount not to exceed \$10,000, with year two of the contract to be subject to appropriation; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Authorization of Chairman to Execute Contract with Murray Paving and Reclamation, Inc. for Pavement Grind, Grade and Roll, Berm Mix Installation and Bituminous Concrete Repair, \$50,000:

The Board reviewed the following information: (1) Memorandum, dated May 3, 2012, from the DPS Director; and (2) Proposed Contract.

Mr. Tom Holder, Director, Department of Public Services, stated this company does a lot of different things, not big paving projects. For example, when catch basins are being repaired, the DPS crew completes the repair, then this company finishes it off. It comes in to do a lot of little projects at one time, taking one or two days to complete their work.

Selectman Trindade moved the Board authorize the Chairman to execute a contract with Murray Paving and Reclamation, Inc. for pavement grind, grade and roll, berm mix installation and bituminous concrete repair in an amount not to exceed \$50,000, with year two of the contract to be subject to appropriation; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Authorization of Chairman to Execute Contract with Weston & Sampson Engineers, Inc. for Water Main Construction Services:

The Board reviewed the following information: (1) Memorandum, dated May 3, 2012, from the DPS Director; and (2) Proposed Contract.

Present: Tom Holder, Director, Department of Public Services.

There was brief discussion on the contract, hourly rates, and potential for contract revision.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Weston & Sampson Engineers for water main construction services for an amount not to exceed \$200,000; Selectman Espinosa seconded. Discussion followed. Selectman Trindade amended his motion as follows: . . . that the Board authorize the Chairman, after discussion with the Town Administrator and a thorough review of the contract, to execute a contract with Weston & Sampson for water main construction services for an amount not to exceed \$200,000. The purpose is to make sure the Town has all of the contract terms in place before signing. Selectman Crowley asked that the rates be attached to the contract. Chairman Foresto seconded the amendments. VOTE: 4-0-0.

Update on Pond Street:

Selectman Trindade asked Mr. Holder for an update on the work being done on Pond Street. Mr. Holder responded that mailboxes will be relocated to the west side of the street, and that letters informing residents of this would be sent. The work should be completed by the first or second week of June. Chairman Foresto asked that the Board see the letter before it goes out to residents.

Approval – Amendment to Medway Community Farm Lease of Town-Owned Land:

The Board reviewed the following information: (1) Medway Community Farm Liaison Committee draft minutes; (2) Summary of farm plan for Adams Street property; (3) Maps; (4) Email, dated March 5, 2012, from Town Counsel; and (5) Proposed lease amendment.

It was noted that this matter was tabled at the March 19, 2012 meeting to await input from the Community Farm Liaison Committee. Selectman Trindade provided a brief explanation for the viewing public.

Selectman Trindade moved that the Board approve an amendment to the Lease Agreement between the Town and the Medway Community Farm, Inc. allowing for the Farm to lease additional property located at 40-46 Adams Street through December 13, 2013 under the same terms and conditions as stated in the Lease Agreement; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Approval – Christina Clarke Genco Foundation Mother’s Day Memorial Bike Ride, May 13, 2012:

The Board reviewed the following information: (1) Request, dated April 18, 2012; and (2) Memo, dated April 26, 2012, from the Police Chief, outlining his recommendations.

Selectman Trindade moved that the Board approve the Christina Clarke Genco Foundation Mother’s Day Memorial Bike Ride to be held on Sunday, May 13, 2012, with the condition that the organization hire two detail officers to assure the safety of the participants and movement of traffic during the event; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Approval – Emergency Transfer Request- Finance Committee, \$536.95:

The Board reviewed an Emergency Transfer Request, dated May 3, 2012.

Ms. Kennedy stated this amount reflects the unknown cost overrun connected with the printing of the warrant, mostly due to increased weight of the document. There are 22 zoning articles this year, which significantly increases the size of the warrant.

Chairman Foresto stated he does not like the word “Emergency” for these kinds of matters. Ms. Kennedy responded that staff is working on updating the document.

Selectman Trindade moved that the Board approve a Finance Committee emergency transfer request in the amount of \$536.95 to cover the cost of printing and mailing the Finance Committee Report to Town Meeting; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Action Items from Previous Meeting:

The Board reviewed the Action Items spreadsheet from the previous meeting.

Regarding a Strategic Planning, Ms. Kennedy stated she is planning to do it after the Town Election so that newly elected individuals can be included. Chairman Foresto stated he would prefer to do it on a couple of weekday mornings rather than a Saturday during the summer months. Ms. Kennedy will work on putting that together for sometime in late May or early June.

Route 109 Design Project, -- Selectman Espinosa stated he talked to Paul Yorkis about how to get the \$400,000 that was earmarked for this project some time ago. He expressed concern that if the funds are not released, the engineering design company will not move forward.

Approval of Warrants:

Selectman Crowley, Clerk of the Board, read about Warrant #45, dated 5/10/12, presented for payment:

12-45S	School Bills	\$ 269,177.77
12-45P	Gross Payroll Town	\$ 213,487.66
12-45SP	Gross Payroll School	\$ 715,587.29
	TOTAL	\$1,198,252.72

Selectman Trindade moved to approve Warrant 45 as presented, in the amount of \$1,198,252.72; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Town Administrator’s Report:

Ms. Kennedy reminded the Board of the press releases last year regarding the LEAP program (Local Energy Action Plan). She stated this is a program that does not offer financial support, but instead offers technical assistance to develop and implement programs. It involves a two-year planning process for both commercial and residential applications.

Regarding the Town’s recycling program, Ms. Kennedy reported that the Department of Public Services will soon be issuing a survey to commercial customers to determine their interest in participating in the Town’s recycling program.

Ms. Kennedy reported she attending a meeting of the Energy Committee a few weeks ago, and there spoke with a consultant regarding a solar farm project as an alternative to Kearsage. He was very knowledgeable and well received by the committee. If the committee was interested in pursuing a solar farm project, he suggested going out to RFP for a lower kilowatt price. She indicated the Town is presently paying \$0.13 per kilowatt and theorized that could be lowered to \$0.07 or \$0.08 per kilowatt hour. She will work with him to put the RFP together.

Selectmen's Reports:

Selectman Trindade had no report.

Selectman Espinosa expressed disappointment that information on the water main construction project is not on the front page of the new Town website, when he was assured it would be. A link to a full report should be included.

There was brief discussion on Article 49, and the need for a positive motion at Annual Town Meeting.

Regarding Annual Town Meeting, Chairman Foresto stated the Board will need to decide which Selectman will speak to which article. He agreed to work on that with Ms. Kennedy and it will be reviewed at the pre-Town Meeting Selectmen's meeting.

Selectman Crowley asked for an update on the Fire Chief search. Ms. Kennedy responded that this Saturday will be the assessment center and the Board is welcome to attend. BadgeQuest is the firm handling the assessment center. Interviews will likely follow based on assessment results.

Selectman Crowley asked if there had been a decision on overlap between the two chiefs. Ms. Kennedy responded there has not been one yet, noting it would most likely be a function of availability.

Responding to a question from Selectman Crowley about the ambulance contract, Ms. Kennedy stated there have been no further meetings since it was last reviewed. She noted she has been putting her energies into the search for the new chief, adding there is no risk of liability with the present ambulance services. She stated further she would like the new chief to be able to weigh in on the discussion.

Selectman Crowley wondered if there would be a retirement ceremony for Chief Trufant as he has served the Town for many years. Chairman Foresto stated the Fire Department will be doing something, Ms. Kennedy will have something at Town Hall, and there will also be recognition at Annual Town Meeting.

Selectman Trindade asked that advance notification be sent to those residents whose streets will be repaired so they can plan accordingly. Selectman Crowley asked that notifications on sidewalk construction or repair be included.

Approval of Minutes:

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

Selectman Trindade moved to accept the minutes of November 14, 2011, as drafted; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved to accept the minutes of November 15, 2011 (AM), as drafted; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved to accept the minutes of November 15, 2011 (PM), as drafted; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved to accept the minutes of December 5, 2011, as drafted; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved to accept the minutes of December 8, 2011, as drafted; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved to accept the minutes of December 19, 2011, as drafted; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

At 8:55 PM Selectman Trindade moved to adjourn; Selectman Espinosa seconded. No discussion. VOTE: 4-0-0.

Respectfully submitted,

Jeanette Galliardt
Night Board Secretary