

**Board of Selectmen's Meeting
June 18, 2012, 6:00 pm
Sanford Hall
155 Village Street**

Present: Chairman Andrew Espinosa, Selectman Dennis Crowley, Selectman Richard D'Innocenzo; Selectman John Foresto and Selectman Glenn Trindade.

Also present: Suzanne Kennedy, Town Administrator; Barbara Saint André, Town Counsel; Tom Holder, Director, Department of Public Services; David D'Amico, Deputy Director, Department of Public Services; Will Naser, Principal Assessor.

There being a quorum, Chairman Espinosa called the meeting to order at 6:01 PM and led in the Pledge of Allegiance.

At 6:02 PM Selectman Trindade moved that the Board enter into Executive Session under Exemption #6: to consider the purchase, exchange, lease or value of real property, specifically, the Cassidy property, the Lovering Street Land Transfer (Article 24 approved at Annual Town Meeting on May 14, 2012) and the Brentwood drainage easement, if the chair declares than an open meeting may have a detrimental effect on the negotiating position of the public body and to return to open session immediately following Executive Session; Selectman Crowley seconded. Chairman Espinosa did so declare. No discussion. Roll Call Vote: 5-0-0 – Crowley, aye; D'Innocenzo, aye; Espinosa, aye; Foresto, aye, Trindade, aye.

At 7:02 PM Chairman Espinosa reconvened the public session.

Public Comment: None.

Acknowledgement – Town Hall Renovation Work:

Town Administrator Suzanne Kennedy briefly explained the work done with respect to the renovation, noting that many of the people present tonight actually did much of the work. A committee was formed to go through over 300 photos that celebrate Medway's history and Maryjane White, Mary Lou Staples and Terri Balabanis were recognized for their work in making selections for display in Town Hall. Ms. Kennedy stated everyone coming into Town Hall has had good things to say about the photographs and the new look of Sanford Hall. Additionally, Ms. Kennedy recognized the following staff members for their contributions to the renovation: Bobby McGee, Kent Shorette (carpentry), Jonathan Powers (painting), and Fred Perry (carpentry).

On behalf of the Board, Chairman Espinosa thanked the staff and volunteers for their hard work and dedication to this project. He stated that Sanford Hall is a room everyone can be proud of.

Annual Board/Commission/Committee Appointments:

The Board reviewed the following information: (1) Spreadsheet of pending appointments; (2) Letter of interest (CIPC), dated May 4,2012, and résumé from Meghan Bernardo; (3) Letter of interest (CIPC),

dated June 12, 2012, and résumé from Michelle Reed; (4) Email letter of interest (CPC), dated May 17, 2012, from James Wieler; (5) Article 25 (Annual Town Meeting – May 14, 2012) amending General Bylaws relative to the composition of the Community Preservation Committee; and (6) Letters of Interest (Medway Pride Day Committee), dated June 6, 2012, from Jodi Kairit, Stephen Price, Caroline Fletcher, Karen Maxwell and Susan Alessandri.

Selectman Trindade moved that that Board delay the appointments to the Capital Improvement Planning Committee (CIPC) in order to allow time to approach the existing committee for guidance relative to those appointments; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board approve the following appointments; Selectman Crowley seconded. No discussion. VOTE: 5-0-0.

Douglas Downing as Rep. to the Charles River Pollution Control Dist. through 6/30/2015;
Paul Yorkis as Rep. to SWAP through 6/30/2013;
Peter Manning to the Board of Assessors through 6/30/2015;
Barbara Horowitz to the Board of Registrars through 6/30/2013;
Christine Lorenzen to the Board of Registrars through 6/30/2014;
Florence Mucci to the Board of Registrars through 6/30/2015;
Thomas Anderson to the Capital Improvement Committee through 6/30/2016
Bruce Hamblin, Jeanne Johnson and Marian Pierre-Louis to the Cemetery Commission through 6/30/2013;
David Kaeli to the Community Preservation Committee through 6/30/2015;
David Travalini to the Conservation Commission through 6/30/2015;
Mary Anderson, Veronica Clark and Cranston Rogers to the Council on Aging through 6/30/2015;
Grace Hoag and Mark Wilcox to the Historical Commission through 6/30/2015;
Jodi Kairit, Stephen Price, Caroline Fletcher, Karen Maxwell and Susan Allessandri to the Medway Pride Day Committee through 6/30/2013;
Peter Ciolek, John Larney, Michael Matondi, Richard Parrella, Robert Saleski, Allen Tingley, and Paul Trufant to the Memorial Committee through 6/30/2013;
John Foresto, Dan Hooper, Marcia Kramarz and Mark Wilcox to the Thayer Property Development Committee through 6/30/2013;
Peter Cooper to the Town-wide Energy Committee through 6/30/2016;
Charles Myers to the Town-wide Energy Committee through 6/30/2014;
Shelley Wieler to the Town-wide Energy Committee through 6/30/2014;

At this time the Board called the following members of the Medway Pride Day Committee forward to acknowledge their efforts this year: Stephen Price, Caroline Fletcher, Karen Maxwell and Susan Allessandri. Selectman Foresto praised their efforts, noting that it was a nice day for the people of Medway.

It was agreed that the Board will approve the appointment of James Wieler to the Community Preservation Committee pending approval of committee composition revision by the Massachusetts Attorney General.

Authorization of Chairman to Execute Contract for Ambulance Purchase – Greenwood Emergency Vehicles, \$198,331:

The Board reviewed a draft copy of the contract.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Greenwood Emergency Vehicles for the purchase of a new, 2012 Type 1 emergency medical rescue vehicle in an amount not to exceed \$198,331; Selectman Foresto seconded. It was noted that \$200,000 was appropriated at Annual Town Meeting. Ms. Kennedy listed additional items that were added such as cots and other supplies, plus labor. This figure represents the entire cost. Brief discussion followed. Selectman Crowley expressed concern that the article may not have indicated the fund appropriation could be used to purchase other items. Ms. Kennedy stated she was fairly certain it could be but will check for sure.

Selectman Trindade amended his motion as follows: That the Board authorize the Chairman to execute a contract with Greenwood Emergency Vehicles for the purchase of a new, 2012 Type 1 emergency medical rescue vehicle in an amount not to exceed \$198,331, *once it has been confirmed that the funds appropriated at Annual Town Meeting can be used this way*; Selectman Foresto seconded. No further discussion. VOTE: 5-0-0.

Update – Millbrook Beaver Dam Matter, Stephanie Bacon:

The Board reviewed the following information: (1) Memorandum, dated June 14, 2012, from Stephanie Bacon, Health Agent; (2) Email, dated June 14, 2012, from Karon Skinner-Catrone, Conservation Agent; (3) Town Counsel Opinion, dated December 4, 2009, regarding beaver dam issue; (4) Beaver Resolution and Mitigation Procedures; (5) DEP Guidance for Conservation Commissions relative to Beaver Activities; (6) Massachusetts General Laws Chapter 131, Section 80A; (7) Email exchange between Karon Skinner-Catrone, Conservation Agent, and Millbrook resident Chris Harrigan, March 21, 2012 to May 10, 2012; and Email, dated June 4, 2012, from David Lorenzen.

Present: Stephanie Bacon, Health Agent; Karon Skinner-Catrone, Conservation Agent; Christopher Harrigan, 5 Millbrook Road.

Also Present: Medway Board of Health Chairman Michael Heavey and Jack Mill, member.

Ms. Suzanne Kennedy, Town Administrator, briefly reviewed the correspondence received on this matter, noting that memoranda from staff indicate that this situation does not appear to be a public health issue. She added that an independent consultant indicated that during the time period of November 15 to April 15 of any given year beavers can be trapped without Board of Health approval.

Selectman Foresto asked if disposal is always the result if the solution is to trap the beavers. Ms. Karon Skinner-Catrone, Conservation Agent, responded that trapped beavers must be disposed of, not relocated, and a licensed trapper must be hired to perform this task.

Ms. Stephanie Bacon, Health Agent, read aloud her letter, noting that a site reconnaissance to the dam and the property at 5 Millbrook Road did not reveal that the beaver activity presented a threat to public health and safety, yet suggested options for possible resolution. These options include removal (breaching) of the dam, and the installation of water flow devices which will not hurt the beavers and permit the water to stay at a desired level.

Selectman Crowley asked how much damage could occur if the decision was made to wait for the regular trapping season beginning in November. He theorized that the property owners will likely have to pay for the trapping of the beaver, and that he, personally, had a problem with that. What is the Town's responsibility here? He suggested that the Board consider filing the appeal with the Department

of Fisheries and Wildlife, and discuss who should pay for it. Would the Board of Health consider assisting the residents with the appeal? Discussion followed.

Ms. Skinner-Catrone cautioned that if the pipe (water flow device) is installed, it may not solve the problem as the beavers may just go downstream and build another dam.

Mr. Michael Heavey, Chairman of the Medway Board of Health, emphasized that this is not a health issue, nor is it a threat to septic systems or anything else. If it were, the Board of Health would start the process on their end. He pointed out that dams are built to the height the beavers instinctively believe they will need for their “denning” purposes, i.e., to give birth and raise their offspring. Mr. Heavey added that the presence of dams is not always a bad thing, noting that as trees are felled or die, other kinds of vegetation and ecosystems come to life.

Selectman Trindade agreed Town staff should assist with the completion of the paperwork.

Selectman Crowley asked about the increased presence of mosquitoes due to the non-moving water. Ms. Skinner-Catrone responded that homeowners can contact Norfolk County Mosquito Control and ask that their property be sprayed or treated. Selectman Foresto pointed out that not everyone wants chemicals sprayed near their property.

It was suggested that the resident file the appeal, and be prepared to trap in the fall. Chairman Espinosa cautioned that if the Town pays the costs, it sets a dangerous precedent for numerous future complaints. Mr. Heavey offered as an example a previous beaver situation that was actually impacting a roadway, and, consequently, that incident was determined to be a threat to public safety.

Selectman Crowley moved that the Board ask the Town Administrator to contact the Massachusetts Department of Fisheries and Wildlife to ask for relief on this situation, noting that the Town does not want to wait until November to take action; Selectman Trindade seconded. No further discussion. VOTE: 5-0-0.

Selectman Crowley added that he is in favor of the Town handling the cost of rectifying this matter, and suggested the Board have a second discussion on the cost at a later date.

Ms. Kennedy asked the Conservation Agent and Health Agent about the timeline, i.e., how long does it take after the appeal is filed. Ms. Bacon clarified that typically it is the aggrieved party that files the appeal. She noted further that owners of all affected properties have to sign off on a consent form. It was agreed that Ms. Bacon and Ms. Kennedy would continue the discussion on the filing process outside of the meeting.

Ms. Tina Wright suggested that this may be the time to do some research and develop a policy. Selectman Trindade agreed, noting the Town should get involved in this particular matter while that policy is being developed.

Mr. Heavey stated he would be happy to assist with the completion of forms for the complainant. He reminded the Board and assembly that the Board of Health position is for health concerns, not environmental issues or the saving of trees or yards.

Presentation – Economic Development Committee, Plans for FY13 Consultant Services:

Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; Economic Development Committee Members: Ray Himmel, Chairman; Ann Sherry, Vice-Chairman; and Ken Bancewicz.

Mr. Ray Himmel, Chairman, Economic Development Committee, distributed copies of a handout outlining the position of Economic Development Specialist. He stated the committee chose three questions from the joint meeting in January to answer with greater detail. The selected questions were as follows:

- 1) Should the position be filled by an outside firm or consultant?
- 2) Could the position be a shared arrangement with another town?
- 3) Who would the position report to?

Ms. Ann Sherry, Vice-Chairman, stated they met with Art Roberts and Susy Sullivan, who indicated that Medway has done a lot of research, and just needs a person to put things into motion. Selectman Crowley asked if tonight's discussion was about the funding or an overview of the intent of the funding. Chairman Espinosa pointed out that the Board of Selectmen has the authority to release the entire \$59,000, which is funded from two separate line items. Selectman Foresto indicated that combining funds from two different sources was a way to fund this position.

Chairman Espinosa stated he was at the joint meeting, and his concern is that if the goals and objectives are determined relative to the money that there are measurements in place to ensure it is spent wisely. Ms. Sherry responded that it is difficult to assess success in the first year from a monetary standpoint. It would be nearly impossible to assign a dollars-and-cents return. Chairman Espinosa disagreed, stating if a person is hired to contact companies and get commitments, that those are indeed tangible objectives.

Ms. Kennedy suggested it might be wise to investigate what this position does in other communities in order to have a substantial notion of a work plan, duties and expectations.

Selectman Espinosa asked if this was an annual cost going forward. Mr. Himmel responded that it is a one-year agreement. Selectman Trindade stated he too was concerned about recurring costs. He suggested getting property owners on board with the goals and objectives to prevent stumbling blocks. Ms. Sherry stated the funds cannot be allocated to only the position as some funds will be needed for marketing materials and other associated supplies.

Ms. Kennedy reminded everyone that, when constructing the budget, it was the Board of Selectmen's objective that the total cost would be \$59,000, and that it could not all come from one source. Selectman Foresto stated the Board was trying to balance available free cash with an amount from the departmental budget. Selectman Crowley suggested reviewing minutes of the budget meetings to confirm how the decision was reached.

Chairman Espinosa commended them for following through on this.

Selectman Trindade moved that the Board of Selectmen authorize the Economic Development Committee to continue with the process as presented tonight; Selectman Foresto seconded. Ms. Kennedy stated she would like to be part of the process, working toward a successful outcome, spelled out in a contract to be reviewed and approved by the Board of Selectmen. VOTE: 5-0-0.

Presentation – Open Space Committee/Authorization to Submit PARC Grant Application, Funding for Trail Development, Irrigation Work and Site Amenities at Idylbrook:

The Board reviewed the following information: (1) Memorandum, dated June 12, 2012, from Susy Affleck-Childs, Planning and Economic Development Coordinator; (2) Email, dated April 2, 2012, from Thomas Holder, DPS Director; and (3) Public Briefing Notice.

Present: Tina Wright, Open Space Committee; Gino Carlucci, Planning Consultant, PGC Associates

Ms. Tina Wright stated the Town was able to purchase the land back in the 1990s. She stated a grant is now available for up to \$400,000, with 62% reimbursement for an approved project. After considering various projects, the committee determined that Idylbrook was a good choice. Originally, the committee was interested in applying for the grant to improve the fields and develop the trail system. However, they were later informed that the grant is for park development only. Trail development would not be considered by this particular grant. Ms. Wright noted there would be a grant opportunity in November that would allow the Town to address the trails.

Ms. Wright stated the grant application needs to be submitted by July 12. The Board of Selectmen has to approve the grant application, and the Town Administrator has to sign off on it. The Town would find out mid-October if it was approved. She stated no field time would be sacrificed were the grant to be approved, as the work would take place in the off season. She noted that the drawbacks of having no irrigation, which are field compaction (resulting in increases in injuries) and the need to have the fields lie fallow to recover. The grant application also includes a playground near the fields, though it has yet to be designed and mapped out.

Ms. Wright stated this should be a combined effort, working with DPS, the Town Planner, youth groups, the Conservation Agent, to make sure there is investment in the design and use of resources. Selectman Foresto stated there is a five-item list of what the intended projects will be. Ms. Wright theorized the work would likely not begin until the fall. Selectman Crowley stated that some funds were earmarked for this kind of project, and asked what the other money might be used for. Brief discussion followed.

Selectman Trindade moved that the Board vote to authorize Town Administrator Suzanne Kennedy to submit the PARC grant application to Massachusetts Executive Office of Energy and Environmental Affairs on behalf of the Town; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Approval – Citizens’ Petition, Corporate Personhood Resolution:

The Board reviewed Article 49 (Corporate Personhood Resolution) and associated Annual Town Meeting vote (May 14, 2012).

Present: Bob Ferrari, Chairman, Medway Democratic Committee.

Chairman Espinosa stated this matter needs Board of Selectmen authorization to send a letter along with the resolution to the court.

Selectman Trindade moved that the Board approve the Citizens’ Petition voted at the Annual Town Meeting on May 14, 2012 as submitted in the packet; Selectman Foresto seconded. Mr. Ferrari suggested the following: through the Town Administrator’s office secure a certified copy of the Town Meeting action with regard to Article 49 from the Town Clerk. This can be scanned and saved as a PDF document. A brief email message can be with the document as an attachment. He stated the

Medway Democratic Committee believes that this action incurs no costs to the Town but satisfies the notification component of the resolution, and respectfully asked that this action be taken tonight and completed by June 25. At this time Selectman Crowley moved the motion; Selectman Trindade seconded. No further discussion. VOTE: 5-0-0.

Mr. Ferrari submitted a certified copy of the Town Meeting vote.

Authorization of Chairman to Execute Contract with North-Eastern Tree Service, Inc. for Tree Maintenance Services -- \$20,000:

The Board reviewed the following information: (1) Memorandum, dated June 13, 2012, from the Director of the Department of Public Services; (2) Bid Summary sheet, dated May 19, 2012; and (3) Contract document.

Selectman Trindade moved that the Board authorize the Chairman to execute a two-year contract with North-Eastern Tree Service, Inc. for tree services, preventative maintenance and emergency service in an amount not to exceed \$20,000; Selectman D’Innocenzo seconded. Selectman Crowley asked if the second bidder might complain that the first bidder is not within 15 miles of Medway as listed in the contract. Mr. Holder clarified that, based on what each bidder can bring to the table, a discretionary decision is made if none of the companies with low bids qualify as responsible. Mr. D’Amico reported that a more local operating center is being opened somewhere in Norfolk and Mr. Fred Sibley has taken look at the site. Brief discussion followed on trees interfering with power lines, causing outages. VOTE: 5-0-0.

Authorization of Chairman to Execute Contract with TnT Energy for Library HVAC Units:

The Board reviewed the following information: (1) Memorandum, dated June 13, 2012, from Tom Holder, DPS Director; (2) Quotation form, dated April 19, 2012; and (3) Contract document.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with TnT Energy, LLC for the supply and installation of two rooftop HVAC units at the Medway Public Library in an amount not to exceed \$22,540; Selectman D’Innocenzo seconded. Clarification was provided on the HVAC units at the library – controls plus two units were replaced last year, and one unit was replaced this year, leaving two more to be done, which are listed on the capital items plans. VOTE: 5-0-0.

Approval – Contract with Kleinfelder Northeast, Inc. for Integrated Water Resources Management Plan (IWRMP) -- \$499,923:

The Board reviewed the following information: (1) Memorandum, dated May 29, 2012, from the Director of the Department of Public Services; and (2) Contract document.

Selectman Trindade moved that the Board approve and execute a contract with Kleinfelder Northeast, Inc. for an Integrated Water Resources Management Plan in an amount not to exceed \$499,923; Selectman Foresto seconded. Discussion followed on program tasks, accomplishment of those tasks, how funds will be disbursed, and the possibility that the outcome of November elections may impact the timing of the mandate. Mr. Holder stated the Town needs to do some things just to meet the requirements of Phase 2, and if the Town does not have a contract in place by June 30, it is not eligible for the funding. Selectman Crowley asked for a breakdown of costs for each phase. As the matter is time-sensitive, Mr. Holder suggested that the motion authorize the Chairman to execute the contract.

Selectman Crowley stated that did not address his concerns. **VOTE: 3-2-0.** Espinosa and Crowley opposed.

Approval -- Braking the Cycle Ride:

The Board reviewed the following information: (1) Email correspondence, dated May 31, 2012, from Jim Dreher, Logistics Coordinator for Braking the Cycle; and (2) Memorandum, dated June 5, 2012, from Police Chief Tingley.

Selectman Trindade moved that the Board approve the request made by *Braking the Cycle* to allow for the associated bicycle ride to proceed through Medway on September 28, 2012 with the proviso that one detail officer be hired by the organization to ensure both the safety of riders and movement of traffic and that the cycling organization supply their own trained safety and traffic control volunteers to assist as outlined in Chief Tingley's memo dated June 5, 2012; Selectman Foresto seconded. No discussion. **VOTE: 5-0-0.**

Designation of Capital Improvement Planning Committee members as Special Municipal Employees:

For the benefit of viewers, Ms. Kennedy provided an explanation of how a Special Municipal Employee is defined in that some people may be participating in more than one concern, and the designation allows participation in those concerns without a perceived conflict of interest.

Selectman Trindade moved that the Board designate the members of the Capital Improvement Planning Committee as Special Municipal Employees; Selectman Foresto seconded. No discussion. **VOTE: 5-0-0.**

Board of Selectmen Liaison Appointments:

Chairman Espinosa stated these have not been determined, and asked Board members to submit recommendations to him as soon as possible.

Action Items from Previous Meeting:

Given the lateness of the hour, it was agreed to review these in July.

Regarding the Board's Strategic Planning session scheduled for July 5, Selectman Crowley reported that he believes he will be away. Ms. Kennedy asked him for available dates in order to reschedule the consultant. He will verify his vacation dates.

Ms. Kennedy reported there has not been a Leadership meeting to discuss the TRANE contract.

Selectman Trindade expressed concern that there will be another investment in an industrial park that might in fact require some zoning changes. An Action Item will be to approach the Planning Board with the potential for a joint meeting. The Board asked the Town Administrator to instruct the Planning Board to begin some research.

Approval of Warrants:

Selectman Foresto, Clerk, read aloud Warrant 51, dated 6/21/12, submitted for approval:

12-51P	Gross payroll Town	\$238,163.51
12-51SP	Gross payroll School	\$907,185.32

12-51 Balloon	School-year end balloon payment	\$786,009.22
	TOTAL	\$ 1,931,358.05

Selectman Trindade moved that the Board approve the Warrant as read; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Town Administrator’s Report:

Ms. Kennedy stated plans are underway for street acceptances for both Fall Town Meeting and Annual Town Meeting next spring, specifically, for Claybrook and Meadows. She will check with the Planning and Economic Development Coordinator for specifics and report back.

Regarding the Green Community Grant, \$58,000 of unexpended funds was repurposed toward projects that will save the Town an anticipated \$24,000 in energy costs annually.

A conceptual framework was put together for the Clean Sweep project, which has been renamed as the Medway 300 Beautification Day. Selectmen Foresto and Crowley have agreed to identify some team leaders and specific neighborhoods to target. Ms. Kennedy clarified this endeavor will take place in conjunction with Earth Week next April.

Selectmen’s Reports:

Selectman Foresto asked for the Board’s input and discussion regarding the Thayer house project. He stated the committee is working on developing the contract with a payment schedule included, and trying to get it completed (signed). He asked if the Board would consider authorizing the Chairman to sign the contract after it is reviewed by Town Counsel. He expressed concern that because the Board does not meet again until July 16, the delay would be significant.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with LLB Architects for the Thayer House Renovation Project; Selectman D’Innocenzo seconded. Selectman Trindade agreed to a friendly amendment that the contract be reviewed by both the Town Counsel and Town Accountant prior to the Chairman’s signature. No further discussion. VOTE: 5-0-0.

Selectman Crowley asked Ms. Kennedy for the results of the ballot questions at the recent Town Election. Ms. Kennedy responded that the Town Clerk is on vacation, adding that she would ask the Assistant Town Clerk for the results.

Selectman Crowley also acknowledged Mr. Chan Rogers, the subject of an article in the *Milford Daily News*, and commended him for his service. Mr. Rogers is presently a commissioner on the Water and Sewer Board, which is holding a hearing tonight on proposed water rate increases of 4% for water and 4% for sewer. He commended the Water and Sewer Board for working with the Board of Selectmen in keeping the increases as small as possible.

Approval of Minutes:

The Board reviewed draft minutes of meetings held on February 6, 2012; February 21, 2012; and February 28, 2012.

Selectman Trindade moved that the Board accept the minutes of February 6, 2012, as drafted; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board accept the minutes of February 21, 2012, as amended; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board accept the minutes of February 28, 2012, as amended; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

At 9:09 PM Selectman Trindade moved to adjourn; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Respectfully submitted,

Jeanette Galliard
Night Board Secretary