

Board of Selectmen  
Sanford Hall  
155 Village Street

September 17, 2012 – 6:00 PM

**Present: Chairman Andrew Espinosa, Selectman Dennis Crowley, Selectman Richard D’Innocenzo, Selectman John Foresto, Selectman Glenn Trindade and Town Administrator Suzanne Kennedy.**

Also Present: Barbara Saint Andre, Town Counsel; Tom Holder, Director, Department of Public Services; David D’Amico, Deputy Director, Department of Public Services; Susy Affleck-Childs, Planning and Economic Development Coordinator; Carol Pratt, Town Accountant;

\*\*\*\*\*

At 6:02 PM Chairman Espinosa called the meeting to order and led the Pledge of Allegiance.

**Executive Session:**

**At 6:02 PM Chairman Espinosa moved that the Board go into Executive Session for the following reasons: (1) Exemption 3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, and (2) Exemption 6: to consider the purchase, exchange, lease or value of real property if the chair declares than an open meeting may have a detrimental effect of the negotiating position of the public body, specifically Brentwood, Route 109 and Wickett property matters, with the intent to return to public session immediately following executive session; Selectman Trindade seconded. No discussion. Roll Call Vote: 5-0-0 – Crowley, aye; D’Innocenzo, aye; Espinosa, aye; Foresto, aye; Trindade, aye.**

\*\*\*\*\*

At 7:01 PM Chairman Espinosa reconvened public session. Selectman Crowley rejoined the public session.

**Public Comments:** None

**Approval – Increase Senior Tax Work-Off Capacity:**

*The Board reviewed the following information: (1) Memorandum from Missy Dziczek, Director, Council on Aging, dated August 20, 2012; and (2) Email thread (August 15-16, 2012) between Missy Dziczek and Will Naser, Principal Assessor.*

Ms. Missy Dziczek, Director, Council on Aging, explained that she has not approached the Board on this matter for a couple of years. The program allows residents over 60 years of age to work off up to \$1,000 of their local taxes by working 125 hours annually for a Town department. FY2014 taxes are currently being “worked off”. The program allows 75 people to participate, and she would like to increase that allotment up to 85 people. Ms. Dziczek added that the Assessor’s office has approved the request. She noted that she hated to turn down people interested in the program, and asked the Board if it would increase the number of participants.

**Selectman Trindade moved that the Board approve increasing the number of Senior Tax Work-Off participants from 75 to 85 for tax year FY2014; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Approval – Executive Office of Elder Affairs FY2013 Formula Grant, \$14,021:**

*The Board reviewed the following information: (1) Notice of Grant Award dated August 20, 2012; and (2) FY2013 Formula Grant/Allocation – Statement of Authorization and supporting documentation.*

Ms. Missy Dzciczek reported that the state allows \$7 per senior to spend on certain criteria. Based on the last census the Town has more seniors this year, 2,003 people over 60. She noted that, considering the number of residents over the age of 55, those numbers will be increasing quickly. The Council on Aging has \$14,000 allotted, which will be used to fund a part-time outreach worker, a volunteer coordinator, and possibly a new computer or two. Responding to a question from Chairman Espinosa about long term projections, she theorized that people will always need Council on Aging services and the Senior Center.

**Selectman Trindade moved that the Board approve the FY2013 Formula Grant from the Executive Office of Elder Affairs in the award amount of \$14,021 and authorize the Chair to execute the associated Statement of Authorization; Selectman Foresto seconded. Selectman Foresto advised Ms. Dzciczek to purchase the computers through the IT department to take advantage of any discounts. VOTE: 5-0-0.**

**Update – Street Acceptances:**

*There were no documents submitted for this matter.*

Ms. Susy Affleck-Childs, Planning and Economic Development Coordinator, reminded the Board that the Town was attempting to target two subdivisions each year, and last January Claybrook II and Meadows were selected. She reported that she has received inquiries about roads in other areas during the past few months.

Chairman Espinosa asked how they determine the priority. Ms. Affleck-Childs responded that there is a lengthy list of long-standing subdivisions with unaccepted streets dating back to the mid-90s. Every year they chip away at a few that are manageable. There is a master list, but because some have some big problems, they try to work “on the low hanging fruit” first. In some cases, such as Meadows, the developer did not maintain ownership of the road it cannot be conveyed to the Town. In Claybrook II, the developer did retain ownership, but there are other problems.

Referring to the Claybrook II subdivision, Ms. Affleck-Childs reported that the title research has just been finished, and the as-built plans have been completed. The bond funds have been secured. The Department of Public Services has put together an inspection punch list for \$46,000 worth of work. Until the Town owns the road, however, no work can be done on the street.

Selectman Crowley asked how long the process would take. Ms. Affleck-Childs responded that they expect to present the street acceptances to the 2013 Annual Town Meeting next spring. For Meadows, the title research was completed mid-August, and a neighborhood meeting will occur on Wednesday, September 26. Town Counsel will be there to explain the next steps. They are hoping for a “friendly taking” because the developer did not divide the parcels properly. The build-out is done, and no

remedial work is necessary. Bond funds can only be used to work on the road, but not for legal costs. At this time, \$36,000 remains. It was suggested that a new punch list be determined for this road to see if anything is left to be done before the bond money is returned to the developer. Any work would have to be done before the road can be accepted. The punch list has to be forwarded to the developer, and if he declines, then the work could be done by the Town at the developer's expense.

At this time, Chairman Espinosa recused himself from the discussion as he lives in the Meadows development.

Ms. Kennedy asked if any road work has to be done before Town Meeting approval. Ms. Affleck-Childs responded that, if the developer does it, the work has to be complete before any vote.

Ms. Kennedy reminded the Board that, during every annual budget period, it is hoped that one or two subdivisions can be completed.

Regarding Azalea Drive, the Town is still working on the numbers. Ms. Affleck-Childs has responded to the resident who made the inquiry, specifically that Azalea Drive would be part of the discussion in January 2014. The Conservation Commission will be involved and will be researching original Order of Conditions. It was noted that the inquiry pertained only to the eastern half of the neighborhood.

Selectman Crowley asked Ms. Affleck-Childs to please notify the resident of the meeting when the Planning Board will discuss this.

**Authorization of Chairman to Execute Contract for Central Fire Station Roof Replacement – One Way Painting and Roofing -- \$49,265:**

*The Board reviewed a contract and associated documents.*

Mr. Tom Holder, Director, Department of Public Services, was present to answer any questions from the Board. Brief discussion followed on comparison to other bids for similar projects, prevailing wages, etc. It was noted that Mass. General Laws direct whether or not prevailing wage is considered, typically due to the type of construction.

**Selectman Trindade moved that the Board authorize the Chair to execute a contract with One Way Painting and Roofing in an amount not to exceed \$49,265 for the replacement of the Central Fire Station roof; Selectman Foresto seconded. No discussion. VOTE: 4-1-0 -- Crowley opposed due to the significant impact of prevailing wage on the cost of the contract.**

It was noted that the contract indicated that the work will be done by November, 2012.

**Presentation – Auditor's Report/Other Post-Employment Benefits, the Segal Group:**

*The Board reviewed a Report entitled "Actuarial Valuation and Review of Postemployment Benefits as of June 30, 2011", prepared by The Segal Group, Inc.*

Present: Carol Pratt, Town Accountant; Daniel J. Rhodes, Segal Group

Mr. Rhodes briefly reviewed the Auditor's Report prepared for the Town of Medway, its primary focus being on the unfunded liability section to fund the medical benefits for employees after they retire from employment with the Town. Other Post-Employment Benefit (OPEB) accounting is fairly new, within the

last five years or so. As a form of deferred compensation, communities are being advised that expenses be accumulated before employees retire. Ideally, from the moment they begin employment, if possible, and recognizing the liabilities as the employee works. Mr. Rhodes compared this program as being similar to a pension program.

Mr. Rhodes proceeded through main sections of the report, including areas discussing discount vs. non-discounted percentage rates, deposits, effect on bond ratings, accounting principles and standards. In conclusion he emphasized that the program is designed to be a long-term view of assets. It should be set up like a mortgage, for example, divided into 30 years, and invested as a retirement system. Each employee added to employee rolls will impact the numbers.

Selectman Trindade wondered how other states handle this situation. Mr. Rhodes responded that, in a lot of states, the provision for benefits is not codified in law, like it is in Massachusetts. Brief discussion followed. Mr. Rhodes noted that he represents 75 communities. Medway is very similar to what other communities are doing, just getting started with their programs.

Selectman Trindade suggested this be a topic for a future Legislative Breakfast where state representatives could participate in the discussion, with the idea that, hopefully, the state could become involved in helping to fund it in some way.

Chairman Espinosa requested that this report be placed on the Town's website for residents to review.

**Authorization of Chairman to Execute Contract for Economic Development Specialist, Claire O'Neill:**

*The Board reviewed the following information: (1) Contract; (2) Request for Proposal (RFP), dated July 27, 2012; and (3) RFP, dated August 10, 2012, submittal by Claire O'Neill.*

Ms. Kennedy reported that she and Ms. Susy Affleck-Childs have been collaborating on this effort for several months. A search committee was established, and several candidates were interviewed. Ms. Kennedy suggested Ms. O'Neill attend the October 1 meeting. Chairman Espinosa provided a background for residents, noting that the Board of Selectmen set aside funding for the Economic Development Committee to focus on developing the commercial and industrial base in Medway, which necessitated additional staff.

Ms. Affleck-Childs stated that Ms. O'Neill has an impressive background with good contacts. Selectman Trindade added that Ms. O'Neill is someone who was looking for part time work around her children's schedule, and she comes with great credentials.

**Selectman Trindade moved that the Board authorize the Chair to execute a contract with Claire O'Neill to provide services as Economic Development Specialist for 19 hours per week for the period October 1, 2012 through June 30, 2012 as outlined in the proposal submittal; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Discussion – Town Seal:**

Present: Matt Buckley, Julie Fallon, other members of the Design Review Committee.

[Design Review Committee inquired as to whether or not the Board of Selectmen would agree to its looking at revamping.....] Chairman Espinosa explained that the Board of Selectmen asked the Design Review Committee to take a look at revamping the Town Seal to possibly update its appearance and

coordinate with the Medway 300 celebration. He emphasized that feedback from the public is always welcomed before any decisions are made.

Utilizing a PowerPoint presentation, Mr. Matt Buckley reviewed various badges and logos used by the Department of Public Services and the Fire Department that incorporated the Town Seal in some way, yet some changes were made for those badges. He noted that if the seal becomes too small, it is difficult to make out the words or design.

Mr. Buckley continued, noting that originally symbols were chosen that would represent the Town. He indicated there was uncertainty surrounding how many seals there have been. The committee found evidence of at least two, the original one being very simple, and the second developed for the bicentennial. Selectman Trindade offered that original seals merely said that a town was incorporated, and later in the 19<sup>th</sup> century towns started adding their history or specific designs to their seals.

Chairman Espinosa suggested that, without an official town seal, it is likely the seal may become construed into a variety of different things over time and there will be nothing consistent. He added that it is important that we at least establish what the seal is, in order to give it the history it deserves.

Mr. Buckley utilized a statement from the Master Plan to describe the committee's mission, and then moved to early suggested artistic revisions, progressive changes in artwork, examination of the symbols and what they mean, design choices and emerging themes. He asked what other aspects might be considered. Concluding with a slide outlining the goals of the committee, he stated he appreciated all the work and passion people put into this endeavor, and wants to be sure that the concept of considering a refreshed Town Seal is not dismissed as a viable goal.

Ms. Maryjane White, Town Clerk, expressed appreciation for the efforts of the Design Review Committee. She offered some history on the Town Seal. In 1913 the Town commissioned a committee to look at the seal; the committee was comprised of the Town Historian, a Selectman, and an author (Mason) who wrote many books on Medway. She emphasized that a seal is not something that is updated; it represents the Town's history. She noted the seal is on every piece of letterhead that goes out, even on the last page of the high school class yearbook. It would be a shame to change the seal and lose the piece of history on which Medway was founded.

Colonel Michael Matondi stated that changes are temporary, but traditions are forever. The designs tonight are beautiful – Medway's design may not be the prettiest, but it is designed on what was endured to become a community. It represents what it meant to a population concerned with values. He might vote for a new version of the old seal, but expressed concern that the integrity of the old seal's design is protected. He declared he would personally make a sincere effort to see that the seal remain the same, adding that the more he sees of seals from other communities, the more he loves the one Medway has.

Ms. Mary O'Leary stated she came to Medway 50 years ago when the hat factories were still in operation. A wedding gift was a hat from one of her students, making hats part of her personal history. She noted that the church cannot be left out as New England is known for its churches. She said she is proud of the Town's history, and the history of the seal was taught in third grade. If the seal were "tweaked", or things included in time capsules to preserve history, those things would be of today's generations and not the history.

Mr. Mark Wolcott, President of the Medway Historical Society, stated he does want to dismiss the efforts of the Design Review Committee, but also does not want to dismiss the Town Seal. Part of his role is to preserve the past. He stated he came across a letter in the archives, dated June 1913, and read aloud, "It is an attractive seal. Your seal is surely a tremendous improvement over the traditional town seal. Signed, William Sumner Appleton." The letter had been sent to the New England Preservation of Antiquities, so the seal was not created just for the bicentennial. He added that he did not think the process was rushed, that it was carefully considered at the time. The Town seal was approved on the next warrant, and from then on, it has been on all the warrants.

Chairman Espinosa remarked how happy he was that so many people came out to work on this, and the interest that the community has expressed. Selectman Crowley asked if anyone was in favor of change, outside of the Design Review Committee.

Mr. Dan Hooper stated he was in favor of the exploration, at least to research the history and possibly to improve the execution of the design as it is used as a seal. It was not intended to be used as a 3-foot design (such as a banner), but on documents. He suggested that this is an excellent exercise to pursue in conjunction with the Medway 300 celebration, possibly going before Town Meeting in 2013.

Mr. Robert Pomponio thanked the committee for taking the time to think about updating the seal. He noted that even though he is Chairman of the Medway Historical Commission, he was at the meeting as a citizen. There is a lot of history behind the seal. He stated that what he would like to see as part of this process the seal updated it to a more graphically friendly version. He asked if they could improve on what we already have before scrapping it all.

Ms. O'Leary pointed out that senior citizens do not want it changed, but acknowledged that its appearance could be sharpened to appear clearer.

Colonel Matondi stated a family coat-of-arms does not get changed because it is that family's history. We should not take the seal away from people who wanted it intense with community spirit.

Selectman Trindade noted that, at the very least, there should be consistency, especially in the badges on uniforms of Town personnel.

Chairman Espinosa stated that the Design Review Committee is a good group to manage that process. This would include hiring a qualified professional, looking at designs, and considering options.

Selectman Crowley asked if there was a middle ground, somewhere between keeping the seal as is, and bringing more artwork to it. Keep the three components but modify them, and define the trees better so that they look like trees.

Ms. Karyl Spiller-Walsh, Design Review Committee, explained that what they want to do is fix what is broken, and in doing that, make the history better, yet maintain a rural quality. She suggested that, as a first step, the committee could bring some representations of what those three symbols could look like to the Board of Selectmen for review. Chairman Espinosa summarized that the seal can get a facelift or new options can be explored. He asked if the Design Review Committee could retain the images, but sharpen them so we can see them better.

Mr. Richard Parrella wondered how the Board of Selectmen can ask a group to be unbiased in its work going forward, when the group has a preconceived notion of what it wants. Mr. Buckley responded that is not the group's intent. The Design Review Committee understands that it is not their job to decide what the Town will do. It will work on the graphics. It is not the committee's intent to raise anyone's ire, and considered this more of a graphic exercise.

Mr. Hooper noted that history cannot change. Using an analogy from the New England Patriots freshening their logo, Pats vs. Patriots, he suggested that there is something to be said about looking forward; the history will remain because it cannot change. Individual memories also cannot change. The committee will merely change the graphic representation going forward.

Ms. White emphasized that the seal represents our Town as the time of incorporation. We are not trying to sell the town.

Selectman Crowley reiterated there must be a middle ground. There is no need to create a split in the town. All committee meetings are open to the public, and he encouraged interested residents to attend the meetings to share their ideas.

Ms. O'Leary asked if the change is minimal, such as 10%, does the changed seal still have to go to Town Meeting. Ms. Kennedy responded that any change to the Town seal has to be voted at Town Meeting. Brief discussion followed.

Selectman Espinosa thanked everyone for coming and participating in the discussion. He noted that it is important for us to have the seal, changed or unchanged, part of the Medway 300 celebration. **[Selectman Espinosa stated that the Town needed an "official" adopted Town Seal.]**

**Appointment – James Wieler, Community Preservation Committee Citizen-At-Large:**

*The Board reviewed the following information: (1) Email, dated May 17, 2012, from James Wieler; and (2) Copy of Article 25: Amended General Bylaws re: Community Preservation Committee Composition.*

**Selectman Trindade moved that the Board approve the appointment of James Wieler as Citizen-at-Large Member of the Community Preservation Committee for a two-year period expiring June 30, 2014; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting:**

There were no updates relative to the Action Items.

**Approval of Warrants:**

*The Board reviewed Warrants 13-12 and 13-12A, submitted for approval.*

Selectman Foresto, Clerk, read aloud Warrants 13-12 and 13-12A, as follows:

13-12	Town Bills	\$ 982,891.91
13-12A	Town Bills	198,331.00
	TOTAL	\$1,181,222.91

**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 reported that she held an internal meeting with the Clean Team in conjunction with Medway 300 clean sweep project for picking up litter in the neighborhoods. Kathy McSweeney has been active with the schools on numerous cleanup projects and Ms. Kennedy has invited her to join the group. The group will meet again next Friday.

Funding has been received to create historic markers for 13 sites around Medway. Installation of the markers will be handled this fall and this coming and this coming spring. DPS will do a walk-through with Mr. Pomponio to jointly discuss the installations.

Ms. Kennedy reported the Green Communities Grant is just about complete. She is hoping to purchase a series of LED lights for the Police Department. The bulbs are made in China and it takes weeks to get delivery. She added that she is seeking authorization from the Department of Revenue to repurpose funds to install LED lights outdoors on an experimental basis to check functionality, noting that this may not happen until spring.

**Selectmen's Reports:**

Selectman Crowley asked to add two things to the Action Items list, specifically, the overlay account and an update on the bottle cap lots. He noted he had a brief meeting with Town Counsel, and would like to propose a joint meeting with the Planning and Economic Development Board as he believes the discussion is sufficient to warrant an executive session on October 1.

Selectman Crowley extended congratulations to Chairman Espinosa and Mr. Chris Richley. He indicated that over \$1,700 was raised for a very worthy cause.

Referring to the Route 109 paving, Selectman Crowley stated he would like to have a letter stating the change will be at no cost to the Town. He clarified that he does not want a delay claim from the contractor because the Town opted to wait until the spring to do the paving. Chairman Espinosa agreed.

Selectman Trindade wondered about the status of Highland Street, as it is not finished. He noted that the work was done by a subcontractor, not the same one who did Route 109, and the repair job is clearly substandard in its application. He deemed it unsafe for snow plows and other drivers. It was to be repaired as part of the West Street paving, and wondered what the status is. Brief discussion followed. Selectman Crowley asked for a list of the paving that is yet to be done, and if there is any savings if the Town does it rather than the contractor.

Selectman Foresto and Selectman D'Innocenzo had no reports.

**Report from School Committee Liaison:**

Noticing Ms. Deb Trindade in the audience, Chairman Espinosa called on her for an impromptu report on School Committee activities. She noted that the committee is shuffling meeting space due to the Middle School Repair Project, and confirmed that Thursday's meeting is at the library. She stated the committee would like to be included in any legislative breakfasts that are being planned, and noted that Saturdays work better than Fridays for them.



**At 9:29 PM Selectman Trindade moved to adjourn; Selectman Crowley seconded. No discussion.  
VOTE: 5-0-0.**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary