

**Board of Selectmen's Meeting
January 22, 2013, 6:30 PM
Sanford Hall
155 Village Street**

Present: Chairman Andrew Espinosa, Vice-Chair Glenn Trindade, Clerk John Foresto; Selectman Dennis Crowley, Selectman Richard D'Innocenzo (6:36 PM), and Suzanne Kennedy, Town Administrator.

Also Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; John Emidy, Building Commissioner; Jeffrey Lynch, Fire Chief; Allen Tingley, Police Chief; Melanie Phillips, Finance Director; Tom Anderson and Peter Sigrist, Capital Improvement Planning Committee; John Givner, Veterans' Agent; Jeff O'Neill, Chairman, Finance Committee.

At 6:30 PM Chairman Espinosa called the meeting to order and led the Pledge of Allegiance.

At 6:32 Selectman Trindade moved that the Board enter executive session under Exemption 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel [Non-union negotiations], with the intent to return to open session; Selectman Foresto seconded. No discussion. Roll Call Vote: 5-0-0 – Crowley, aye; Espinosa, aye; Foresto, aye; Trindade, aye.

At 6:37 PM Chairman Espinosa reconvened public session.

Public Comments: None.

Report – Applegate Development Public Safety Matters:

The Board reviewed the following information: (1) Memorandum to developer Ralph Costello from S. Affleck-Childs, dated January 17, 2013; (2) Applegate subdivision map; and (3) Email thread between Assistant to Town Administrator, Planning and Economic Development Coordinator, and Police Chief dated January 9, 2013 through January 14, 2013.

Ms. Susy Affleck-Childs, Planning and Economic Development Coordinator, briefly updated the Board on the installation of stop signs within the subdivision. The Board thanked Chief Tingley for the swift response to their request that traffic calming measures be considered. Brief discussion followed.

Regarding the drainage situation, Ms. Affleck-Childs indicated that a mutual agreement has been reached, which will require a plan modification and a public hearing.

Ms. Kennedy asked if Ms. Affleck-Childs had received a response from Town Counsel with regard to the recent legislation and its possible application to the street acceptance process for the Town of Medway. Ms. Affleck-Childs responded that the new statute can be applied to current endeavors. Changes

streamline the process, as the conveyance portion is no longer necessary. At this time, Selectman Trindade explained the process for viewers at home.

Selectman Trindade asked if it would now be possible to add another street for consideration at 2013 Annual Town Meeting in May. Ms. Affleck-Childs stated she did not think she wants to add another one just yet, suggesting that the Board of Selectmen should have a joint meeting with the Planning and Economic Development Board (PEDB) to determine the next street to consider. The PEDB will come to a February Selectmen's meeting with recommendations.

Chief Tingley reported that Lt. William Boultenhouse is handling the work at the intersection of Village Street and Franklin Street.

Ms. Affleck-Childs announced that there will be a presentation on Oak Grove at the Medway Senior Center on February 5.

Authorization of Chairman to Execute Contract for Asbestos Remediation at 5 West Street – Economic Enviro Techs, Inc. -- \$7,900:

The Board reviewed the following information: (1) Memorandum from Building Commissioner John Emidy, dated January 16, 2013; and (2) Contract with Economic Enviro Techs, Inc.

Mr. John Emidy, Building Commissioner, stated the asbestos removal will start soon and take only a few days to complete. The contractor has one month's time to complete the job. Brief discussion followed on the general condition of the dwelling and where the asbestos has been found.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Economic Enviro Techs, Inc. for the purpose of asbestos removal at 5 West Street in an amount not to exceed \$7,900; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Authorization of Chairman to Execute Contract for 5 West Street Demolition – Jay-Mor Enterprises, Inc. -- \$11,890:

The Board reviewed the following information: (1) Memorandum from Building Commissioner John Emidy, dated January 16, 2013; and (2) Contract with Jay-Mor Enterprises.

Mr. John Emidy, Building Commissioner, reported that the budgeted amount for this demolition was \$15,000. Brief discussion followed. In response to the request to arrange for removal of various items left on the property, Mr. Emidy agreed to contact the Town of Bellingham for the materials located over the town line.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Jay-Mor Enterprises, Inc. for the demolition of the dwelling at 5 West Street in an amount not to exceed \$11,890; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Joint Appointment to Board of Health – Jordan Warnick:

The Board reviewed the following information: (1) Resume for Jordan Warnick; and (2) Excerpt from Town Charter, Section 3-1-6.

Mr. Jordan Warnick, 3 Pine Ridge Drive, stated he grew up in Boston, left the area, and later returned after the birth of his first grandchild. He briefly reviewed his experience and qualifications, noting that he recently retired from the University of Maryland -- School of Medicine as an Associate Dean.

Brief discussion followed as to whether a quorum of Board of Health members needed to be present for the appointment. It was suggested that the Board approve the appointment, and, if necessary, it can be repeated at a joint appointment with the Board of Health.

Selectman Trindade moved that the Board of Selectmen appoint Jordan Warnick to serve the balance of Kathleen McCarthy's term of the Board of Health set to expire on the date of the Annual Election in 2013; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Ms. Kennedy stated she will check the statute to see if a quorum of both Boards must be present for the appointment. Only the Chairman of the Board of Health was present at this time.

Discussion – FY2014 Budget Allocation:

The Board reviewed a Projected Fiscal Year 2014 budget allocation, updated 1/15/13.

Ms. Carol Pratt, Town Accountant, pointed out that the chart shows both December 3, 2012 and January 15, 2013 totals. The January update was predicated on the receipt of the school ESCO agreement. The new total also corrects a prior error.

Selectman Trindade moved that the Board approve the revised FY2014 Budget Allocation as presented in the update of 1/15/13; Selectman Foresto seconded. Selectman Crowley asked what the error was; Ms. Pratt responded that she had included one figure twice. No further discussion. VOTE: 5-0-0.

Approval – Request for Transfer from Reserve Fund – Veterans Services -- \$19,750:

The Board reviewed a Request for Transfer from the Reserve Fund submitted by John Givner, Veterans Agent.

Mr. John Givner, Veterans Agent, stated the caseload as such has not changed materially but what had changed was the type/level of assistance necessary. He distributed a handout comparing various services and benefits within the current caseload. The numbers have gone up, mostly in the type of benefits. It is noted that additional funding should be considered for the annual budget so these types of transfer requests can be avoided.

Mr. Givner explained that Massachusetts is the only state that has a Veterans Agent to represent each community, either individually or by district. He briefly reviewed the handout, noting it is difficult to predict what the future caseload might be as several recipients are elderly. Mr. Givner then offered a brief historical perspective of the Veterans benefits program; Selectman Crowley pointed out that this particular discussion was supposed to be about the transfer of funds, not the overall program.

Selectman Trindade moved that the Board approve the Request for Transfer from Reserve Funds for Veterans' Services in the amount of \$19,750; Selectman Foresto seconded. A friendly amendment was suggested to specify the transfer would be from the Finance Committee Reserve Fund; Selectman Foresto seconded the amendment. No further discussion. VOTE: 5-0-0.

Presentation – District Attorney Michael Morrissey – Hero Program:

Norfolk County District Attorney Michael Morrissey reported he has spent time with the police department and was pleased to announce that, while the average is about seven murders in ten years,

there have been no murders in Norfolk County during this time period. He noted that people are killed on highways or roads, however, and high speed and alcohol are usually factors in these fatal accidents.

The New England Patriots are one of the leaders in the Designated Driver campaign, distributing wristbands and a free soda at Patriots games. The Hero campaign was created after a Navy ensign was killed by a drunk driver. The family has been successful in the New Jersey area encouraging people to be designated drivers. It is designed for establishments that serve alcohol to voluntarily reach out to their patrons to identify a designated driver in a group and to offer coffee and/or soft drinks to those so designated. The program does not cost any money but can save lives. Participating establishments can put a sticker on their window notifying patrons of the program. Ultimately, the goal is to get people home safely.

Police departments are doing programs with the schools, various education programs and with veterans organizations. This is one of them. Its intent is not to push the position of not drinking, but to make educated, safe decisions. Usually an officer is assigned to the bars and restaurants, while another is assigned to the schools. All efforts have the goal of improving the quality of life in the county. Materials will be forwarded to Police Chief Tingley.

Chairman Espinosa asked DA Morrissey for his position on medical marijuana law. Mr. Morrissey responded that he is not particularly in favor of it at least not at this juncture. He cited the law as having a lack of appropriate controls. He noted one example being if a person has marijuana on their person and hands it off, that action is considered distribution. Brief discussion followed.

Presentation – Middle School Construction Project Status:

This matter was postponed to another meeting.

Presentation – FY2014 Capital Plan – Capital Improvement Planning Committee:

Present: Peter Sigrist, Chair; Tom Anderson.

Mr. Peter Sigrist, Chair, Capital Improvement Planning Committee, distributed a report reflecting proposed projects for 2014 for a total of \$32,824.336, as well as a listing of projects that are to be funded from free cash or from an Enterprise Account. He briefly reviewed page 1, noting the financing capacity at the bottom of the page. It was noted that the free cash figure was provided by the Town Accountant. The committee uses this figure as a guideline to determine what can be used for capital projects.

Referring to page 2 of the handout, Mr. Tom Anderson indicated the committee has been doing this for five years, and as the departments become more familiar with the process, more information is coming in. Mr. Sigrist added that more people are looking forward several years out and making their requests accordingly. It was noted that the proposed projects are in priority order.

Selectman Crowley said the Board would like to have more in-depth discussion about some of the requests. Selectman Trindade suggested questions could be sent to Ms. Kennedy so that the committee could answer them at a meeting. Chairman Espinosa stated he would like to know more about how the decisions are made. To that end, Mr. Sigrist stated each committee member has a group they work with closely; for example, he connects with Information Technology while Mr. Anderson connects with the Schools. If necessary, they might visit the facility to actually see what the impact of the request is, getting as much information as possible. Brief discussion followed. It was noted that the committee

takes into account the age of the item to be replaced, i.e., vehicles, fire equipment, etc. Mr. Anderson added that CIPC also updates its 5-year plan so there is an accumulation of information and the ability to look ahead.

Selectman Foresto asked if any projects on this list have paybacks, for instance, the energy program has reduced energy costs by 30%. Mr. Sigrist acknowledged those paybacks would be very small. Aiming a question at Ms. Kennedy, he also wondered if an aggressive road/sidewalk program would drive up operational costs and if the Town had the staff to handle it.

Selectman Crowley asked about the next level of priority, wondering what got bumped. Ms. Kennedy stated she has that information and will email it out.

Responding to a question from Selectman Crowley about the Middle School traffic study, Mr. Holder indicated the study would cost around \$10,000, noting that he does not have solid estimates yet. If the estimates come in, they would prefer to bond that project instead of paying with free cash. It might not come in in time for town meeting. The \$400,000 covers the cost of the paving but not any part of a traffic study. Selectman Trindade indicated that they should take care to ask the right questions when discussing the needs with the consultants so that the response moves the situation toward a solution. Mr. Holder responded that the question was "what do we need to do to ease the traffic".

It was decided that a workshop format is preferable to a meeting; Ms. Kennedy will organize it as a joint effort for the Board and the CIPC.

Discussion – EMS Services:

The Board reviewed a document entitled "Short-Term Interim Solution for 7PM to 7AM Shift Coverage for Provisional License".

Present: Fire Chief Jeffrey Lynch; Melanie Phillips, Finance Director.

Chief Lynch briefly stated that a provisional license for EMS services is in place, but that it involves a short-term solution. He stated the Town is required by statute to have a vehicle available 24/7. Neither that vehicle nor its staff has to be headquartered in Medway. Pursuant to the statute, the agreement would stipulate a first back-up vehicle and staff, as well as second back-up vehicle and staff. Chairman Espinosa asked if that is what the department does now, but without the benefit of a contract. It was noted that clarification from Mr. Mergandahl came late Friday, and that different vendors are utilized for each back-up. Medway staff would be the first level of response. An answer/**A plan of action** is due to the Office of Emergency Response/**Management Services** tomorrow, but the Town does not have the appropriate contract yet. The department will present a service zone plan, **protocol updates** and response policy, as well as an implementation date for these items.

Referring to the Short-Term Solution document, Ms. Kennedy asked that the Board consider Options 2 and 4. Scenario 2 **marries career officers with on-calls and** increases the stipends for the on-call personnel. This is a way to ensure the department has sufficient coverage. Scenario 4 adds EMTs who would also be firefighters. The Town does not want to sacrifice quality fire service in favor of emergency response.

Selectman Crowley stated the matter needs to be separated into two issues, one short-term and one long-term. He clarified that the long-term issue can wait until Chief Lynch has time to talk to staff and

work with the state. The Town is operating within the guidelines now, according to upper echelons, even if the local inspector is skeptical. The chief should have some leverage to work with when he meets with the inspector. Ms. Kennedy reiterated that a contract is the item necessary to meet the regulation.

Chief Lynch indicated he spoke with the state inspector this afternoon, noting there is a misinterpretation of the regulation to have trucks and staff available 24/7. Chief Lynch agreed with Selectman Crowley that it is a service issue, noting that he wants to be able to deliver service within a few minutes instead of 11-12 minutes from another service. If the hours were covered by Medway personnel on a schedule, full-time or on-call, a contract might not be necessary/**would still be used as back-up plan**. Currently there is a schedule but not enough staff. It is an unknown whether on-call personnel will respond to calls when there is little or no stipend for doing so. A contract would represent a service level agreement. Chairman Espinosa summarized that Medway needs and wants the contract arrangement. This is the short-term solution.

Ms. Melanie Phillips, Finance Director, stated that four scenarios were prepared for consideration and directed the Board's attention to the chart. She briefly reviewed the chart and explained each scenario.

- Scenario 1 -- Outsourcing means losing the firefighting piece, and there is no revenue.
- Scenario 2 – On-call and career staff would be covering shifts, but the stipend incentive should motivate people into taking the shifts, assuming a 2-hour minimum. This option gives some fire coverage, and there is revenue from the calls. The estimated revenue was drafted from historical data as well as an average collection per call of \$674.
- Scenario 3 – Four months of salary for two full-time staff, plus incentives for on-call. They are doing 100% for two months, and then reduce down to 50%. There would be revenues to help cover the costs and fire coverage would be provided.
- Scenario 4 – This scenario features four full-time staff for four months, and the career people handle shifts until the new hires are up to speed.

The calculations assumed an hourly rate average and inclusion of health insurance costs. The stipends are for the on-call personnel. If shifts are filled with full-time staff, there would be no on-call. Stipends are temporary/**would be reduced as additional staff is hired**. Tonight's decision can have long-term budgetary impact. Ms. Kennedy noted that the ultimate goal is that every staff person will be an EMT as well as a firefighter.

Selectman Trindade wanted to know the annual monetary impact. Ms. Phillips responded that it would be roughly \$120,000 for two firefighters, including holiday pay and health insurance costs. The annual revenue is about \$80,000. Another \$120,000 comes from the EMS account. Brief discussion followed including Medicare reimbursement and ambulance cost (already in budget).

Chairman Espinosa asked what the benefits are with Scenario #3A-BEST. Chief Lynch responded that hiring two more staff right now would solve half his problem, theorizing he could get them on in a month. With the stipend incentive, he believes he would get the agreement of all staff members, at least in the short term. Chairman Espinosa expressed concern that making this short-term decision commits the Town to something of a long-term commitment.

Discussion followed on financing options, i.e., Finance Committee Reserve Account, Operational Reserve, Town Meeting appropriation/vote or Special Town Meeting appropriation/vote. It was suggested a Special Town Meeting would cost around \$2,000.

Selectman Crowley asked Chief Lynch what he would do. Chief Lynch responded that there is no way the department can run with on-call staff. They all have full time jobs and families. He believes it needs to be staffed around the clock. **What is needed is a minimum of 4 new full-time firefighter/EMTs but he realizes this is not a palatable option at the moment.** With the addition of two more staff, he believes he can get the schedule fleshed out with existing on-call staff. He added that he is very appreciative of the on-call staff and the work they do for the department.

Discussion followed on amount that can come from the Finance Committee Reserve Fund, time necessary for the hiring process, and a short-term solution. Chief Lynch stated that he believes the inspector will give him a week to work something out, but probably not two weeks. Ms. Kennedy noted that the inspector has signed off on communities that operate exactly the same way Medway does, so it is unclear why he is holding Medway to some other barometer. The plan can be communicated tomorrow.

Selectman Trindade suggested hiring two additional staff at this time. Chairman Espinosa expressed concern about how to get funding, possibly getting part of it from the Finance Committee, the ability to put a Special Town Meeting together and replenish the Finance Committee Reserve Fund when money is freed up. Ms. Kennedy will meet with the Town Clerk to secure a meeting date, as well as notify the Town Meeting Moderator.

Mr. Jeff O'Neill, Chairman, Finance Committee, reported that the Finance Committee can schedule a special meeting on a date prior to their regular meeting on February 13.

Selectman Trindade moved that the Board of Selectmen authorize the Town Administrator to work with the Fire Chief to go forward with a financial and staffing plan to eliminate the EMS staffing issues in an amount not to exceed \$80,000, \$40,000 of which is to come from the Finance Committee Reserve Fund and \$40,000 to be a Warrant article at Special Town Meeting. It was noted that a second warrant article will be created to replenish the funding taken from the Finance Committee Reserve Fund. Selectman Foresto seconded the motion. No further discussion. VOTE: 5-0-0.

Action Items:

No updates or issues were presented at this time.

Approval of Warrants:

The Board reviewed Warrant 13-30, dated 1/24/2013, presented for approval.

Selectman Foresto, Clerk, read aloud Warrant 13-30, as follows:

13-30	Town Bills	\$ 741,132.01
13-30S	School Bills	<u>\$ 276,008.24</u>
	TOTAL	\$1,017,140.25

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 will be working with the staff to do an experiment with LED street lights in conjunction with Green Community funding. It is taking a long time to get through the **bureaucracy of the** utility company. She said she had hoped to be part of an Arlington project which never got off the ground. Today, the Town received word from Columbia Gas. It will take four to five months for the lights to arrive, once ordered. The lights will be installed on Holliston Street starting at Village Street going north. This effort should realize a substantial savings over several years (with an 8 year pay back) and provide an opportunity to introduce the concept to the residents.

At this time, Chairman Espinosa announced that the Board of Selectmen has reached a new agreement for Suzanne Kennedy to remain as Medway's Town Administrator until June 30, 2014. Ms. Kennedy responded that she appreciates the Board's consideration and support.

Ms. Kennedy reported that she, Selectman Foresto, Mr. David Verdolino and Ms. Susy Affleck-Childs recently met with a consultant to explore net metering. By doing so, the Town could save \$5 million over 20 years. She suggested that, if it is feasible, the Town should act quickly as the state limits the amount of net metering that can occur. Ms. Kennedy noted that she and Selectman Foresto would like to propose a joint meeting with the Energy Committee and the Board of Selectmen to act quickly. Selectman Foresto concurred, noting that if they do not act soon, the opportunity may disappear. These consultants already have an agreement to connect with the energy providers. It is a contractual arrangement with no capital investment.

Selectman Trindade moved that the Board authorize the Town Administrator to proceed with this project; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectmen Reports:

Selectman Foresto stated he attended a meeting of the Medway Public Library Trustees a couple weeks ago. He reported that it was an interesting meeting and that the Board should expect the Trustees to request a full-time Director again this budget season.

Regarding Medway Clean Sweep, Selectman Foresto stated that the Girl Scouts, Boy Scouts, and other service organizations are participating, as well as the Medway Community Farm and several churches. He asked how Board members plan to participate. He asked Selectman D'Innocenzo to connect with sports teams to see if there is any interest in participating. Selectman Foresto announced that Waste Management will provide the yellow bags for roadside pickup. Overall, it was great to see the enthusiasm and people volunteering; further, he looks forward to establishing some recurring events after the conclusion of the Medway 300 celebration.

Selectman Trindade encouraged everyone to take a drive by at what Medway Youth Baseball has done at the fields, stating the group has installed team dugouts at both fields. He noted that there are no bathroom facilities and wondered if the Town could help out with extending a sewer connection. Brief discussion followed, noting that if the Town can install the required 200-foot sewer line, Medway Youth Baseball will construct the building. Selectman Trindade volunteered to meet with the Department of Public Services and baseball representatives, as well as spearhead the fundraising effort to augment the efforts of the all-volunteer crew.

Selectman D'Innocenzo stated he will be meeting with the Open Space Committee on January 30, and will have more to report after that.

Chairman Espinosa stated he and Selectman Crowley attended the School Budget Advisory Committee meeting. There will be another meeting on January 30 to discuss additional budget items. Ms. Kennedy stated the Board may receive a copy of the proposed budget tomorrow.

**At 8:52 PM Selectman Trindade moved to adjourn; Selectman Foresto seconded. No discussion.
VOTE: 5-0-0.**

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary