

**Town of Medway
Board of Selectmen's Meeting
January 7, 2013 – 6:30 PM
Sanford Hall
155 Village Street**

Present: Chairman Andrew Espinosa, Vice-Chair Glenn Trindade, Selectman Dennis Crowley, Selectman John Foresto, and Suzanne Kennedy, Town Administrator. Selectman Richard D'Innocenzo was absent.

Also Present: Tom Holder, Director, Department of Public Services; Maryjane White, Town Clerk; Marc Terry, Mirick O'Connell; Sue Ellis, Human Resources Director; Jeffery Lynch, Fire Chief; Carol Pratt, Town Accountant.

At 6:35 PM Chairman Espinosa called the meeting to order and led the Pledge of Allegiance.

At 6:36 PM Selectman Foresto moved that the Board enter Executive Session under Exemption 2 for the purpose of conducting 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] and Exemption 3 to discussion strategy with respect to collective bargaining or litigation if any open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares [police contract] with the intent to return to public session following Executive Session; Selectman Trindade seconded. No discussion. Roll Call Vote: Crowley, aye; Espinosa, aye; Foresto, aye; Trindade, aye.

At 7:23 PM Chairman Espinosa reconvened public session.

Public Comments: None

Appointments – Election Location Task Force:

The Board reviewed a suggested list of potential task force members suggested by the Town Clerk.

Ms. Maryjane White, Town Clerk, explained that she will chair this task force. The work will need to be done fairly quickly so she can get the notice into the census letters, letting voters know of any changes in their polling places. She noted that the effort may take only one or two meetings.

Brief discussion followed. Selectman Trindade volunteered to serve on the task force. Due to the fact that the group will be a task force and not a committee, the Board did not need to recommend participants nor vote on the group itself. The Board suggested Ms. White proceed as she sees fit. The suggested participants are as follows:

- David Verdolino – Schools (recommended by Dr. Evans)
- Richard Parrella – Resident
- Nancy Vinton -- Election Worker -- Clerk of Precinct 3

Glenn Trindade, Board of Selectmen
Maryjane White, Town Clerk and Chair

Presentation -- Fiscal Year 2012 Audit, Melanson Heath & Company:

The Board reviewed an Audit Report for the Fiscal Year ended June 30, 2012.

It was agreed to divide the presentation into parts, with the basic presentation lasting only 15 minutes. If the Board has extensive questions after reviewing the report, a discussion can be placed on a future agenda. Ms. Carol Pratt, Town Accountant, distributed hard copies of the report.

Ms. Kennedy stated FY12 was a very good year for Medway, emphasizing that once again there is no management letter. This means no significant improvements or corrections are suggested.

Mr. Frank Byron, President, Melanson Heath & Company Financial Services introduced himself. He stated that the audit briefly reviews the numbers, determining that the Town's assets are protected with no material weaknesses present, and suggesting small areas of housekeeping issues in statement reconciliation. Overall, the records are in very good shape. It was noted that, compared to other communities, there are only 5% who do not get a management letter.

Ms. Jennifer Reddington, audit supervisor, has worked on the audits for a couple of years. She stated their job is to determine that records are kept in accordance with GAAP (Generally Accepted Accounting Principles) with no exceptions. "No exceptions" is the best rating one can get for an independent audit. Brief discussion followed on various funds and business activity funds. She noted that page 18 of the report features a breakout of each of the enterprise funds individually.

Mr. Byron briefly reviewed various pages within the report. Medway is not alone in being low in unfunded liabilities (post-employment benefits). He noted that Medway is in its strongest financial position in the past ten years and complimented the Town on collection of delinquent property taxes. The suggested guideline is to maintain two months of operating expenses as cash, which Medway has. Revenues were higher than the expenses, which is a very good thing.

Selectman Trindade asked if other communities build infrastructure projects into their budgets. Mr. Byron responded that most do, but added that many are not as disciplined in reserving their free cash and use it for operating expenses.

The Board requested a copy of the informal letter sent to the Town by Melanson and Heath.

Discussion – Contract for EMS Services:

Ms. Kennedy stated the Town was issued a provisional license last week due to inadequate staff cover both the 7AM to 7 PM and 7PM to 7AM shifts. Several meetings have been held on how to eliminate the provisional status, noting that the existing contract was not adequate as an operational contract, but is sufficient for billing. "Inadequate" means the Town cannot guarantee coverage, which is what OEMS, the regulatory agency, requires. There has been no change in the standards, just in the way they were applied to Medway. This particular inspector is more stringent in enforcing the existing standards.

The notion of becoming a primary provider is that there will be a designated rig assigned to Medway, which currently does not exist. The chief has suggested that several EMT personnel agree to be on-call during that 7PM to 7 AM time period. The on-call staff will be provided by full time EMT staff. This is an

attempt to meet the state standard while various other solutions are being determined and examined. Also under consideration is the possible reorganization of the Fire and EMS Departments. The revenue from any calls should help to cover the costs. Brief discussion followed. Concern was expressed for the financial implications of this kind of change as well as the impact to general staffing in the Fire Department with EMS coverage.

Selectman Crowley asked if this change can be handled by the staff. Chief Lynch responded that the staff has stepped up but the staffing is still inadequate. We have applications to hire more on-call personnel. The inspector will return shortly to review what we have designed, and he will either agree or take further action, which could be a fine or loss of the license. If the license is lost, the calls would then go to a private ambulance service. Ms. Kennedy stated the figures are being prepared. Chairman Espinosa asked about the financial impact of the short-term solution, and asked for a presentation at the next meeting. He indicated consideration should also be given for what we will do in the long run, which will be integrated into the budget cycle.

Ms. Kennedy stated her job is to work with the staff on the short term strategic initiative. This is an operational issue that jumped out before the strategic implementation could occur. The Town has forged a good relationship with the inspector, and he knows we are working hard at a solution.

Responding to a question from Selectman Trindade, Ms. Kennedy stated the Town has received billing reports for July and November. This reflects that the numbers are running slightly ahead with current staff, noting that the on-call staff does not get paid unless they are called to a scene. The possibility of building compensation into the budget for staff members that are on-call but not called to a scene was raised.

Mr. Michael Levy, who identified himself an on-call firefighter, stated that, historically, there has been a \$1 per hour stipend for hourly coverage. This stipend was discontinued a couple of years ago. Reflected in scheduling, the cost is offset by the fact that the department is now staffed to handle more calls. Brief discussion followed.

Selectman Trindade commended firefighters who fought a fire on the Saturday before New Year's during the snowstorm, encountering frozen hydrants, then having to run over half a mile of hose to get water.

Approval – Massachusetts Water Pollution Abatement Trust (MWPAT) Septic Repair Interim Loan:

The Board reviewed a Memorandum from Finance Director/Treasurer Melanie Phillips.

Ms. Kennedy reminded the Board of the Annual Town Meeting vote, noting that this is now the authorization to borrow the money. The Town will borrow the money at zero percent cost, and the Board of Health will set the interest rate for residents who will be benefiting from the use of the funds.

Selectman Trindade moved that the Board of Selectmen authorize the Treasurer to petition the Massachusetts Department of Revenue for permission to borrow \$200,000 as an Interim Loan Note for septic repair; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.

Authorization of Chair to Execute Contract with Gale Associates for a Parks, Open Space and Athletic Field Master Plan -- \$34,090:

The Board reviewed the following information: (1) Memorandum, dated January 2, 2013, from Tom Holder, DPS Director; and (2) Contract, dated December 11, 2013.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Gale Associates for the purpose of drafting a Parks, Open Space and Athletic Field Master Plan in an amount not to exceed \$34,090; Selectman Foresto seconded. Selectman Trindade provided brief explanation for viewers. No discussion. VOTE: 4-0-0.

Authorization of Chair to Sign Thayer Property Site Plan Application for Submission to Planning and Economic Development Board:

The Board reviewed a Site Plan application, dated January 7, 2013.

Selectman Trindade moved that the Board authorize the Chairman to sign the site plan application for the Thayer property located at 2B Oak Street, Medway MA; Selectman Foresto seconded. Selectman Foresto explained the purpose of the application and associated costs. No further discussion. VOTE: 3-0-0 (Selectman Crowley was out of the room at the time of the vote.)

Approval -- Class II License, Auto Exchange:

The Board reviewed a Memorandum, dated January, 3, 2013, from Karen Kisty, Operations Manager.

Selectman Trindade moved that the Board approve the renewal of the Class II Auto Dealer's License for Auto Exchange, 57 Main Street, for 2013; Selectman Foresto seconded. No discussion. VOTE: 3-0-0 (Selectman Crowley out of the room at the time of the vote.)

Approval – Transfer of Subway Common Victualler License to Veerjala, Inc.:

The Board reviewed the following information: (1) Memorandum, dated January 4, 2013, from Karen Kisty, Operations Manager; and (2) Application for Common Victualler License, dated 12-20-12.

Selectman Crowley asked about the operating hours, noting that Subway had morning hours and wondered whether the new restaurant would also be open at 7 AM. Ms. Allison Potter stated she would look into it and report back to Selectman Crowley.

Selectman Foresto moved that the Board approve the transfer of Medway Subway's Common Victualler license to Veerjala, Inc.; Selectman Trindade seconded. No discussion. VOTE: 4-0-0.

Vote to Open the 2013 Annual Town Meeting Warrant and to Close Warrant on February 4, 2013:

The Board reviewed the following information: (1) FY14 Budget; and (2) 2013 Annual Town Meeting Calendar.

Selectman Trindade moved that the Board open the 2013 Annual Town Meeting warrant and to close it on February 4, 2013; Selectman Foresto seconded. It was noted that the date of the Annual Town Meeting is May 13. No discussion. VOTE: 4-0-0.

First Reading – BYOB Common Victualler Policy:

The Board reviewed the following information: (1) Memorandum, dated November 28, 2012, from Allison Potter, Assistant to the Town Administrator; and (2) Proposed Policy, dated 12/3/12.

Ms. Allison Potter briefly explained the process of developing the BYOB policy, which is tied to an establishment's Common Victualler license. It was noted that there was no dollar cost specified in the policy, awaiting input from the Board. Brief discussion followed on costs for the license as compared to other area communities. Ms. Kennedy recommended a fee of \$200, which is evident in several other communities.

Selectman Trindade moved that the Board \$200 fee for a BYOB Common Victualler license; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved that the Board adopt the BYOB Common Victualler Policy as presented; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.

Fourth Reading – Land Gifting Guidelines:

The Board reviewed the following information: (1) Memorandum, dated January 4, 2013; and (2) Revised guidelines (with Planning and Economic Development Board and Community Preservation Committee suggested revisions incorporated).

Ms. Allison Potter reminded the Board that it asked her to incorporate the recommendations from the other boards, which has been done in the draft copy they are reviewing this evening.

Selectman Trindade moved that the Board adopt the Land Gifting Guidelines as presented; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.

Action Items from Previous Meeting:

#3 -- Selectman Trindade requested previous reports on meetings on DPS facility before setting a date for a meeting.

#4 -- Selectman Foresto announced that Medway Clean Sweep meetings will be held Monday, January 14 at both 4 PM and 7 PM. He encouraged volunteers to attend one of the meetings.

#6 -- Charles River Pollution Control District Budget – this matter is slated for February 22.

Selectman Crowley asked for an update on the number of accidents at the intersection of Village Street and Franklin Street. Ms. Kennedy responded there will be a study of the whole length of Village Street with focus on that intersection. Additionally, Chief Tingley and Lt. Boultenhouse offered some suggestions for traffic safety improvements in the interim. Selectman Crowley asked that details of the study be forwarded to the Board and the matter added to the Action Items list with a response time of March/April. Brief discussion followed on use of portable cameras at select intersections in town.

Approval of Warrants:

Selectman Foresto, Clerk, read aloud Warrant 13-28, dated 1/10/2013, as follows:

| | | |
|--------|--------------|-------------------|
| 13-28 | Town Bills | \$ 834,517.45 |
| 13-28S | School Bills | <u>300,136.16</u> |
| | TOTAL | \$1,134,653.61 |

Selectman Trindade moved that the Board approve Warrant 13-28 as read; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.

Town Administrator's Report:

Ms. Kennedy stated she attended a meeting with Ms. Susan Nicholl, Executive Director of MetroWest Visitor's Bureau in an effort to secure some funding for the Veterans' Memorial that will be on display during the Medway 300 celebration. She added that there may also be some funding available from the Veterans' Administration, noting that those funds would be earmarked specifically for promotion of tourism that will have a regional impact.

Governor Patrick signed legislation submitted through local delegates for the street acceptance process in Medway. Ms. Kennedy stated that Mr. Mark Cerel, Town Meeting Moderator, originally brought this legislation to their attention. She noted that the Town will still have to hold public hearings and bring the proposed acceptances to Town Meeting, but the process will no longer involve "takings".

Lastly, Ms. Kennedy reported that Ms. Susy Affleck-Childs has been working with the MAPC to get some no-cost zoning consulting services to look at Oak Grove. The MAPC will be conducting a study to determine appropriate zoning options for this area.

Selectmen's Reports:

Selectman Trindade reported that two residents mentioned to him that a new street (Goldenrod) leading into Applegate Farms does not have stop signs. They cited safety issues, mostly due to speed and lack of caution at intersections. It was suggested to discuss the matter with the Police Chief.

Selectman Foresto had no report.

Selectman Crowley asked if the Middle School Building Committee presentation would be on the agenda for January 22. Ms. Kennedy indicated it would be, and stated that a copy of the presentation would be sent to the Board prior to the meeting.

Chairman Espinosa asked about a meeting with the Planning Department and the Planning and Economic Development Committee. Ms. Kennedy indicated the joint meeting to discuss zoning is scheduled for January 15. A formal presentation by Ms. Claire O'Neill, Economic Development Specialist, will be on January 22. Brief discussion followed.

The matter of the Capital Improvement Planning Committee presentation on capital items would be added to the Action Items list to track when that presentation will be made to the Board.

Approval of Minutes:

The Board reviewed draft minutes from its meeting held on November 13, 2012.

Selectman Trindade moved that the Board approve the minutes of November 13, 2012, as drafted; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

At 8:57 PM Selectman Trindade moved to adjourn; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Respectfully submitted,
Jeanette Galliardt, Night Board Secretary