

**Board of Selectmen's Meeting
December 2, 2013, 6:30 PM
Sanford Hall
155 Village Street**

Present: Glenn Trindade, Chair; Dennis Crowley, Vice-Chair; Selectman Richard D'Innocenzo, Selectman Maryjane White and Suzanne Kennedy, Town Administrator.

Absent: Selectman John Foresto.

Also Present: Tom Holder, Director, Department of Public Services; Susy Affleck-Childs, Planning and Economic Development Coordinator; Patty Barry, Conservation Agent; Jeffrey Lynch, Fire Chief.

At 6:42 PM Chairman Trindade called the meeting to order and led the Pledge of Allegiance.

At 6:43 PM Chairman Trindade moved that the Board enter executive session under Exemption 6: to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body [Mayer property – R Oakland Street], with the intent to return to public session; Selectman D'Innocenzo seconded. The chair so declared. No discussion. Roll Call Vote: 4-0-0 – Crowley, aye; D'Innocenzo, aye; Trindade, aye; White, aye.

At 6:47 PM Chairman Trindade reconvened public session.

Public Comments: None.

Authorization of Chairman to Execute Contract for Redevelopment Authority Director – Robert Hubbard:
The Board reviewed a contract between the Town of Medway and Robert Hubbard.

Chairman Trindade reviewed the recent activity relative to the Redevelopment Authority, noting that things have stalled on this issue due to the Economic Development Specialist not renewing her contract with the Town. Mr. Hubbard is retiring from his last position and is now interested in working with the Town as a consultant.

Mr. Hubbard stated he worked for the City of Gardner as the director of Community Development and Planning. During that time, he was instrumental in cleaning up contaminated property, development of two commercial parks, loan programs, and related matters. Prior to that, he worked in international development in Africa, Solomon Islands, and other locations. While working for the Town of Ayer, he worked on the redevelopment of Fort Devens.

Selectman Crowley expressed concern about funding the Redevelopment Authority, and whether funds had been appropriated through Town Meeting action. Ms. Kennedy explained that an article in 2012

established the fund from which Redevelopment Authority expenses would be paid. Ms. Kennedy indicated that, while there was no funding in the budget specific to this position, there was a sufficient unexpended balance in the 2012 Town Meeting article for Economic Development that could cover this expense. Mr. Crowley asked what the costs to move forward would be. Chairman Trindade assured the Board that Mr. Hubbard would be putting that kind of information together.

Selectman D’Innocenzo moved that the Board authorize the Chairman to execute a contract with Robert Hubbard to provide services as a Redevelopment Authority Director for an amount not to exceed \$12,025; Selectman White seconded. No discussion. VOTE: 4-0-0.

Approval – Conveyance of 6 Independence Ln from Granite Estates, Inc. to the Town of Medway

The Board reviewed the following information: (1) Memo from Susy Affleck-Childs, dated; (2) Copy of Quitclaim Deed (7/11/13); and (3) Memo from Conservation Agent Patty Barry re: Conservation Commission’s acceptance of the deed and Copy of Deed Acceptance by Conservation Commission (11/26/13) to be presented at meeting.

On a separate matter, the Board reviewed a letter from Conservation Agent Patty Barry regarding the reorganization of the Conservation Commission to set the membership at 5 in an effort to better make quorum requirements, following consultation with the commission. After brief discussion, it was decided to place the matter on another agenda so that Selectman Foresto could participate in the discussion.

On this matter, the Conservation Commission voted in favor of accepting the deed for this property. Ms. Affleck-Childs stated it is an undevelopable piece of land with a vernal pool and a nice piece of land from a conservation perspective. Further, Ms. Affleck-Childs reported that the arrangement had been agreed upon in principle when the Ishmael Coffee subdivision had been granted. Chairman Trindade wondered why the Town should “take” it. Ms. Affleck-Childs responded that, with a vernal pool on the property, there is an element of stewardship involved.

Ms. Barry stated she will go out in the spring to check the status of the vernal pool. There have been studies to confirm the presence of wetland species. The Conservation Commission was very interested in keeping the vernal pool viable, agreeing that it needs to be protected and that it had a value for educational purposes.

Ms. Affleck-Childs briefly reviewed the process of recording the deed. Selectman Crowley questioned which entity – Board of Selectmen or Conservation Commission – would have control over the land; Ms. Affleck-Childs stated that control would fall to the Commission.

Selectman D’Innocenzo moved that the Board accept the deed to 6 Independence Lane – Parcel D at Ishmael Coffee Estates; Selectman White seconded. No discussion. VOTE: 4-0-0.

Responding to a question from Selectman Crowley, Ms. Affleck-Childs stated that the new permitting system is up and running. Mr. John Emidy, Building Inspector, sent letters to contractors today to inform them. There will be a training session for them in the new future.

Regarding Mayland Woods, Ms. Affleck-Childs reported she has been in communication with the developer who has decided to go ahead and finish up the work. The paving work will have to wait until

the spring. This subdivision will likely not be ready to bring to Town Meeting for street acceptance in the spring. Streets being considered for acceptance in the Mayland Woods subdivision include portions of Howe Street, Fern Path, Field Road and Bramble Road. The other subdivision is Green Acres/Willow Green and we are working on the Azalea Drive portion of that subdivision.

Public Hearing – Automated Trash/Recycling Program:

Ms. Kennedy announced that there have been four televised programs on this matter, as well as presentations in various meetings.

At 7:00 PM Selectman Foresto moved that the Board open the public hearing on the proposed automated trash/recycling program; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.

Present: Tom Holder, Director, Department of Public Services; Cathy Merza, Massachusetts Department of Environmental Protection; numerous residents.

Chairman Trindade explained that the proposed program would make it easier to recycle by not requiring residents to sort their recycled items. In communities where this has gone into practice, the rate of recycling has increased. He explained that the Board wanted input from residents before entering into an agreement for the program.

Mr. Tom Holder stated he is proposing trash collection weekly, utilizing the 64-gallon cart. Recycling would be picked up every other week in the larger 96-gallon container utilizing the single-stream collection where all recyclable items are placed in one container. The cost of the carts will be included in the three year contract from the vendor. A grant of \$58,000 from the Department of Environmental Protection will help offset the cost of the carts. The trucks that service the single-stream collection have cleaner emissions than the regular trash collection trucks, which is better for the environment. Community aesthetics would also be improved. He noted that the current contract ends on June 30, 2013. He would like to implement the program beginning July 1, 2014.

Responding to a question from Selectman White, Mr. Holder stated residents would still have to use the yellow bags. He continued by stating four major points:

- 1) The program promotes recycling by requiring that solid waste be placed in a yellow purchased bag; the more one recycles, the less trash is generated. If the yellow bags are discontinued, the amount of trash will likely increase.
- 2) The Department of Public Services relies on the revenue from the sale of those bags. Otherwise, that revenue would have to come from somewhere else.
- 3) Right now residents are able to control their costs by reducing their trash (needing to purchase fewer bags).
- 4) The Town can gain grant eligibility leverage for many available programs. Mr. Holder clarified that not every community with a curbside program started as a Pay-As-You-Throw program. Ms. Merza added that some communities went directly from regular trash pickup to carts.

Mr. Holder stated the Town will achieve savings in operating costs. An annual fee of \$250 was established a few years ago and has never increased though the costs to operate have gone up. He recommended that a decision regarding the savings be delayed until the program has been in effect for a year, allowing time to see how the program is running. He reminded the Board that during the first three years savings would be offset by the cost of the carts, but projected that savings over a ten year period could reach \$450,000.

Regarding the discount for senior citizens, Mr. Holder responded that it was transferred to the lifeline program where a discount was developed based on need, including water and sewer. Mr. Holder indicated that those already in the savings program would be “grandfathered”, while any new applicant would be subject to review by the Assessor’s Office for utility/real estate tax relief. Selectman White expressed concern that people currently in the program may not qualify under a new program. She stated she is in favor of the program for the increase in recycling. However, if residents still have to purchase the yellow bags and the senior discount goes away, she does not see the need for change under those circumstances.

Responding to a question from Selectman D’Innocenzo, Mr. Holder stated single-stream recycling would be picked up every other week on the regular trash collection day. All yellow bags would be placed inside the trash collection bin.

Selectman Crowley expressed concern for those homes that generate very little trash each week, noting that he recently drove down a street with 22 homes, all of whom had only one bag of trash out. He asked where residents might store their carts and why there is a need for a large cart when a single bag is easier to handle. He stated that the hauling of the cart might be a burden on elderly people, especially those with long driveways. He asked if it is possible to do the recycling container without doing the trash program. Mr. Holder responded that it is possible to split the program, which means two types of vehicles in town, the conventional trash truck and the automated recycling truck. Unfortunately, this means the cost savings would disappear. Responding to Selectman Crowley’s question on the grant funds, Ms. Merza stated the grant money would likely be intact as it would still be used to purchase carts. She remarked that Medway does a good job of recycling. Selectman Crowley added that as it stands now, if a resident wants to dispose of a large item, it can just be put out. The new program will require a phone call and a specific “appointment” to arrange for the pick-up.

Concern was expressed for containers going “wild” and rolling into the street, possibly getting damaged in the process. Residents were concerned that animals will get into the carts because few people will be able to store them inside their garages or shed. It was difficult for some to understand why residents would still have to use the yellow bags.

Chairman Trindade asked about industry trends. Mr. Holder responded that the big impetus of the program is that there is one driver on the truck, which is easier and less expensive for the companies. Ms. Merza added that the “bag” communities are leaders, pointing out that there were a lot of injuries when drivers picked up trash because contents of bags are unknown. She acknowledged that PAYT is an effective means to reduce trash tonnage but that automated pick-up is where the collection process is headed. It is unknown how the two programs can be tethered together to maintain the same level of return or service for everyone.

Chairman Trindade explained that Medway’s rubbish goes to a “trash to energy” facility where it is burned. Medway does not have a landfill. Residents will either pay for bags or an increased fee for trash collection. It is likely that, in a couple of years, all trash collection companies will be advocating for automated programs. He stated that friends of his, one residing in Los Angeles and the other in Denver, have reported their communities have been doing this for years. Discussion followed. Mr. Holder stated a multi-year cost analysis has been prepared.

Ms. Kennedy suggested that residents would be able to embrace the single-stream program as fewer bags would need to be purchased, expanding on the idea that single-stream makes recycling easier and there is a resulting decrease in trash. Ms. Merza added that in Swansea, recycling has gone up

substantially and the trash collection has been reduced. Promotion and education are important. For the older resident, it is possible that they may not put their cart out every week which would also reduce the number of bags they would need to purchase.

At this time, the Board opened the discussion to public comment. A number of residents were in attendance. They raised the following concerns (available responses included):

Cost of barrels (carts). *The cost of the carts is included in the program costs from the vendor. The Town currently has the ability to secure a grant of \$58,000 to help defray those costs. After three years, all the carts will belong to the Town. If the Town does not enter into the single-stream collection program, the grant money will go away – it is specifically for the purchase of recycling and solid waste bins.*

Any increase in cost to residents? *There will be no increase in cost of trash collection fees.*

How does this program compare to similar programs in other communities (cost, services, etc.) *It is difficult to compare communities because the extent of services covered by the costs will vary from town to town. Mr. Holder reported that the \$250/yr charge has not been increased in 8 years and that the projected savings would help keep this at \$250.*

If this is to promote recycling, why are the yellow bags still required? *Continued participation in the Pay-As-You-Throw Program makes the Town eligible for many grant programs that would not otherwise be available.*

Large items may be dumped along the road to avoid the pick-up fee. *Under the new program, a resident only has to make a phone call to arrange for the pick-up for which a fee is applied; however, this service does not currently exist. It is hoped that the convenience of the service will outweigh the associated fee.*

Is there a cost to the resident if their cart is stolen? *The carts have identification tags that allow the carts to be returned to the correct residence if it rolls down a hill or otherwise is moved elsewhere. If the cart is stolen, a police report may need to be filed, and the resident may be responsible for obtaining another.*

Will this have an impact on the recycling center? *This program will have no impact on the recycling centers – the set-up and the operating hours will remain the same.*

Are smaller carts available for senior citizens or disabled persons? *Smaller 35-gallon carts are available by special request. Mr. Holder stated his interest was to make sure people start with the right size cart instead of starting small and then swapping it out for a larger one. It is also important to have a good idea of how many of each size needs to be ordered from the vendor.*

Does the lid have to be completely closed in order for the collection? *The truck does not come at the cart from the top so the lid does not have to be completely down.*

How is the revenue used? *Residents were encouraged to attend budget development meetings to learn about how various kinds of accounts are used and the restrictions imposed by the Department of Revenue on particular kinds of accounts. Enterprise accounts are designed to be self-supporting, not to*

make money. The revenue is to cover the costs of the services. It is also possible to use extra funds in the account to repair the transfer station or make other improvements.

Could competitive bids be secured on the current program before moving forward to a new program?

Can a resident have more than one recycling bin?

Can residents opt out of the program?

No room to store carts in garages or out of sight from the street.

Absence of safety latch on cart to keep animals out or to prevent illegal items from being placed inside by others.

Chairman Trindade pointed out that the Pay-As-You-Throw program allowed residents to be in control of their trash. He reminded everyone that one day there will be an expense to cap the old landfill currently estimated at \$4-5 million. The retained earnings will be available to help pay for that as retained earnings in an enterprise fund cannot be used for another program. There was discussion on how enterprise accounts work.

Selectman White theorized that her questions could be answered when the DPS budget is up for review. Each employee's time spent on solid waste, recycling, transfer station, etc. is charged to that fund. Mr. Holder charts the expenses associated with the funds annually. He reiterated that a resident will be able to call to schedule the disposal of a large item, where that feature does not currently exist.

Mr. Charlie Meyers asked if the \$58,000 is only available to use to purchase recycling carts. Mr. Holder responded that, if the Town does not move forward with this program, the money goes away. Brief discussion followed on associated costs. Mr. Meyers continued, asking how the program will benefit the Town. Many people do not have the space to store the carts and would have to leave them outdoors. He added that he would like to see competitive bids on the current program versus going to the proposed program.

A resident theorized that the trash company has a huge incentive to cut their costs, while the benefit to the Town may not be as significant. The resident added that he does not have a problem with separating his trash and recyclables. His street has a lot of families with more bags of trash. He stated he would need two recycling bins for all the recycling that his family does. He asked if the program could be set up so that people do not have to call for large items but earmark a particular day for those instead.

A North Street resident wanted an overview of comingling and what happens to the items after the truck makes the collection. Ms. Merza responded that the single-stream facilities are new to Massachusetts in the past 5-6 years. It is an efficient operation -- it can be picked up all at once, compacted, and then goes to the facility. When it gets to the facility, some hand sorting does occur, and certain things are pulled out. Magnets, blowers, and other types of sorting equipment are used. There are markets for the recyclable items in the state, elsewhere in the United States and overseas. Most will go overseas to be made into new products. Residents were encouraged to look at videos online from recycling facilities. Ms. Merza stated that many recycling facilities also provide tours of the facilities. She said Medway's recycling materials go to a facility in Avon.

Responding to a question from a resident, Mr. Holder stated there will be no changes to the transfer station, citing a desire to further improve customer service.

A resident asked if it was possible to opt out of the program, and commented that the cart will be too cumbersome to lift into a truck for those who choose transport it to the transfer station themselves.

Mr. Myers suggested the reduction in recycling collection (every other week) is a reduction in service to the residents. Mr. Holder stated the Town would be sharing the collection truck with another community so Medway will use it one week, they use it the other. He added that, with a collection every week, the containers would be only half full while a bi-weekly collection will service full containers.

It was noted that the trucks have cameras that will record cart information for bags that are not the required yellow ones, and the resident will get a warning in the mail.

It was requested that any financial comparisons or other program information be placed on the Town website for residents to view.

There being no further public input on this matter, Chairman Trindade closed the public hearing at 8:33 PM.

The Board asked Mr. Holder to pursue a bid on utilizing the yellow bags for curbside pickup along with the recycling carts.

Approval of Minutes

The Board reviewed draft minutes from September 3, 2013 and September 16, 2013.

Review of the minutes was postponed until the next meeting.

2014 License Renewals

The Board reviewed a Master Listing of Establishments for 2014 Renewals by Board of Selectmen (partial).

Fire Chief Jeffrey Lynch reported that one of the establishments (Medway Lotus) has a fire alarm system that is underperforming. He has a verbal agreement with the owner of the restaurant that it will be corrected, but a written contract for the repair does not exist. He suggested that the Board impose a condition specifying that, if the system is not installed by January 31, 2014, the licenses will not be renewed.

Chairman Trindade explained the license renewal process for residents, noting that it is a disservice to the residents of Medway to renew a license for a restaurant that does not have a fire alarm system to protect its patrons.

Chairman Trindade moved that the renewal of All Alcohol, Common Victualler, Automatic Amusement and Live Entertainment licenses for Ye Chan, Inc., d/b/a Medway Lotus is contingent upon the installation of a fire alarm system that meets the requirements of state law and the Medway Fire Chief by January 31, 2014; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Ms. Karen Kisty, Operations Manager, clarified that there are some blanks on the list where the Town Administrator's office is awaiting the return of paperwork. If appropriate documentation has not been received, the license will simply be held until all paperwork is in order.

Selectman D'Innocenzo moved that the Board of Selectmen approve the partial list of 2014 license renewals (except for Medway Lotus) as presented in the document prepared by the Town Administrator's office with the stipulation that the column is updated as the process moves forward, and, further, contingent upon receipt of any outstanding documentation and payments; Selectman White seconded. No further discussion. VOTE: 4-0-0.

Approval – Medway Community Farm Lease Renewal for One-Year Term – 50 Winthrop St and 40-46 Adams Rd:

The Board reviewed a lease amendment to extend term through December 31, 2014.

There was concern with language in the contract about the Town's right to intervene in exigent circumstances. Selectman Crowley noted that it is not the Town's intent to take over the farm. A representative from the Community Farm was unable to attend tonight's meeting; this matter will be placed on the agenda for December 16.

Approval of Warrants

The Board reviewed Warrant 14-23, dated December 5, 2013, submitted for approval.

Selectman D'Innocenzo, Clerk, read aloud Warrant 14-23, dated December 5, 2013, as follows:

Town Payroll	\$ 247,515.67
School Payroll	<u>\$ 971,298.55</u>
TOTAL	\$1,218,814.22

Selectman Crowley moved that the Board approve Warrant 14-23 as read; Selectman White seconded. No discussion. VOTE: 4-0-0.

Action Items

No updates on Action Items.

Town Administrator's Report

Ms. Kennedy reported she had a discussion with the energy consultant regarding the net metering contract, noting she hopes to have it executed by the Board of Selectmen in January. Selectman Crowley asked for a brief presentation on the program when it comes to the Board for approval.

Selectmen's Reports

Selectman White stated that the Christmas parade on Saturday night was wonderful. Fire trucks from all around the area and fireworks created an impressive site. It was noted that the parade is entirely a private enterprise with no funds provided by the Town.

Selectman D'Innocenzo had no report.

Chairman Trindade theorized that the entrance/exit from the industrial park is problematic. He stated that he spent over an hour watching traffic, noting that a left turn is impossible, and traffic is running down West Street as an alternate route. He wondered if there could be a traffic light that is programmed to be active during peak traffic times. Selectman Crowley reported that the Town has requested the MPO consider a review of the balance of Route 109, but, this may not be possible until the 2020s. A request was made to have Dave D'Amico and Susy Affleck-Childs put together an application to the MPO, and Selectman Crowley would review it before submittal.

Chairman Trindade reminded residents about the hearings relative to the proposed gas station at the intersection of Routes 109 and 126. He suggested a Board of Selectmen workshop on zoning regulations would help to increase understanding on how these things came about. He offered to touch base with Ms. Affleck-Childs if the Board was not interested in such a workshop.

Chairman Trindade suggested the meeting packet should be posted online to give residents more information on the agenda items and might motivate them to come to meetings. Selectman Crowley expressed concern that there was not sufficient staff to respond to the questions that could come in. People with a long list of questions should be encouraged to forward their questions prior to the meeting. Ms. Kennedy reported that a particular person was offered the opportunity to come in to meet with DPS, but they claimed not to have the time to meet. Ms. Kennedy stated she referred the individual to Medway Cable Access with a list of the dates the hearings were held. Discussion followed on public hearing protocol and procedure. It was suggested that Ms. Kennedy check with other towns on their procedures and the matter would be discussed at a future meeting.

Chairman Trindade announced that Medway Youth Basketball starts this Saturday, and registrations are still being accepted for the intramural program. Interested residents were encouraged to access the www.medwaybasketball.com website for more information.

Selectman Crowley reminded the board that committee chairs should be forwarding membership tracking for their committees. Chairman Trindade added that more committees should be televising their meetings.

**At 9:14 PM Chairman Trindade moved to adjourn; Selectman White seconded. No discussion.
VOTE: 4-0-0.**

Respectfully submitted,
Jeanette Galliard
Night Board Secretary