

**Board of Selectmen's Meeting
March 18, 2013, 6:30 PM
Sanford Hall
155 Village Street**

Present: Chairman Andrew Espinosa, Vice-Chair Glenn Trindade, Clerk John Foresto; Selectman Dennis Crowley, and Suzanne Kennedy, Town Administrator.

Absent: Selectman Richard D'Innocenzo.

Also Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; Melanie Phillips, Finance Director, Treasurer, Collector; Andrew Rodenhiser, Chair, Planning and Economic Development Board

An Executive Session was scheduled for 6:00 PM, but, due to the lack of a quorum, the meeting could not take place. Informal discussion took place until it was time for public session.

At 6:28 PM Chairman Espinosa called the public session to order and led the Pledge of Allegiance. A quorum of Board members was now present.

Public Comments: None.

Authorization of Chairman to Sign Letter of Support for MetroWest Health Foundation Grant Application – Regionalized Tobacco Control Program:

The Board reviewed the following information: (1) Memorandum, dated March 11, 2013, from Stephanie Bacon, Health Agent; and (2) Letter, dated March 7, 2013, to Jim White, Natick Board of Health, re: MetroWest Tobacco Control Regional Collaborative (previously approved by Medway Board of Health Chair).

Selectman Trindade moved that the Board authorize the Chairman to sign the letter of support for the MetroWest Health Foundation Grant Application relative to a regionalized Tobacco Control Program; Selectman Foresto seconded. Ms. Kennedy stated that it was her understanding that the Health Agent was unable to attend. She clarified that Natick would receive the grant on behalf of other communities who participate on a regional basis. VOTE: 4-0-0.

At this time, Mr. Michael Heavey, Chair, Board of Health, entered the meeting. Selectman Crowley asked what could stop the Town of Natick from sharing the funds. Mr. Heavey responded that there are written agreements identifying all communities that will share in the grant. Brief discussion followed, Mr. Heavey explained the Board would be voting only to demonstrate interest in the program including preliminary steps toward applying as a group.

Presentation – Proposed Legion Place Apartments, 6 Cutler Street:

The Board reviewed the following information: (1) Letter of support from Doug Havens, Community Housing Coordinator/Michael Heineman, Chair, Affordable Housing Trust; (2) Memorandum, dated February 2013, from developer Joel D'Errico; and (3) Architectural renderings and photographs of Legion Place Apartments.

Mr. Joel D'Errico briefly described an apartment building he owns in Franklin, and through the course of building it, having the pleasure of renting it to a tenant who was living in Medway. She was a veteran in her 80s. Another man wondered when he was going to build that kind of building here in Medway. Mr. D'Errico later discovered the American Legion building was for sale and made an offer on the property, followed by working with engineers and surveyors.

Continuing to describe the property, Mr. D'Errico stated there would be no drainage issues as the land is predominantly coarse beach sand. There could be parking for 62 cars, but with this proposal, that would be reduced to 32. The proposal consists of two buildings with eight one-bedroom units in each building. Because it would be an over-55 housing complex, there would be no impact on school enrollments. This would be an affordable housing complex with a covenant. There would be motion detectors mounted at the entrances, fencing, and arborvitae planted on the boundaries of the property. He concluded by stating he has met with Doug Havens, Community Housing Coordinator, a number of times.

Responding to a question from Selectman Crowley who pointed out that the covenant calls for 80% of the units to be affordable, Mr. D'Errico stated that all the units could be considered affordable as they would be based on a monthly rate of \$1,000. Additionally, he intends to tie into Town sewer. He confirmed that test pits were dug in February, and the results revealed A+ rating. He anticipates that the land will perc for the drainage system such that 98% of all rainwater is retained on site. Discussion followed on income levels, tenant screening and the existing building in Franklin. Selectman Trindade stated it is a good site for that kind of building, and there would be no investment of Town money. The proposal secured a unanimous affirmative vote of the Affordable Housing Trust and Affordable Housing Committee.

Mr. D'Errico confirmed that he will get all the appropriate permits in place before closing on the property, adding that the financing is already in place. Ms. Susy Affleck-Childs, Planning and Economic Development Coordinator, reported that it would be proposed as a 40B project which would require a Comprehensive Permit through the Zoning Board of Appeals. The Planning Board would not be involved at all. Selectman Trindade noted that the Board of Appeals rules were set up a number of years ago and they were relevant at the time. In response to Selectman Trindade's inquiry as to whether or not Mr. D'Errico had performed any outreach to neighbors, Mr. D'Errico replied that he was prepared to do so at any upcoming public hearing. Brief discussion followed.

Mr. Doug Havens, Community Housing Coordinator, stated a formal letter of support from the Board of Selectmen and Affordable Housing Trust should accompany the application. The Board asked that copies of pertinent documents be circulated ahead of time to allow adequate time for review.

Approval – General Obligation Bond Borrowing, \$6,250,000:

The Board reviewed a Bond Issue document with a settlement date of April 15, 2013. It is noted that this borrowing may be delayed to a May issue date as Finance Director continues to work with Bond Counsel and MSBA to obtain Counsel's approval for \$3.5 million as requested by the School Building Committee. DOR approval will be pending resolution of this financial issue by Bond Counsel and MSBA.

Ms. Melanie Phillips, Finance Director, Treasurer/Collector, briefly stated she is seeking approval from the Massachusetts Department of Revenue for the borrowing which will be in May. She stated that \$3.5 million will be for the Middle School repair project, while the remainder will be for the Thayer House project. She noted that this is a good time to borrow and is taking advantage of the good rates. Selectman Foresto asked if this would be the final borrowing relative to the Middle School project; Ms. Phillips responded that she could not be certain until such time as the project audit was complete.

Selectman Trindade moved that the Board of Selectmen authorize the Treasurer to petition the Massachusetts Department of Revenue for permission to bond \$6,250,000; Selectman Foresto seconded. Brief discussion followed. VOTE: 4-0-0.

Approval – Inter-Fund Borrowing, Thayer House, \$500,000:

The Board reviewed a report entitled “Advance of Funds in Lieu of Borrowing Report” from the Massachusetts Department of Revenue/Division of Local Services.

Ms. Melanie Phillips, Finance Director, stated this is borrowing from the Town’s reserves in order to pay bills between now and May relative to the Thayer project. It’s a paper transaction that allows the Town Accountant to put the bills through.

Selectman Trindade moved that the Board of Selectmen approve the *Advance of Funds in Lieu of Borrowing Report* in the amount of \$500,000 as prepared by the Treasurer; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.

Approval – Spending in Excess of Budget Allocation, Snow Removal:

The Board reviewed the following information: (1) Memorandum, dated March 14, 2013, from Town Accountant; and (2) Massachusetts General Law Chapter 44, Section 31D.

Ms. Phillips explained that the statute allows a deficit, but the Department of Revenue asks for a letter from the Board of Selectmen noting that there will be a deficit. She added that the Finance Committee will also be asked for approval of the projected \$425,000 deficit.

Selectman Trindade moved that the Board authorize incurring liability and making expenditures in excess of the available fiscal year 2013 appropriation for snow and ice removal as provided for in MGL Chapter 44, Section 31D; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.

Continued Review of Annual Town Meeting Warrant:

The Board considered a Draft Annual Town Meeting Warrant, dated March 12, 2013.

There was brief discussion of Articles 16 and 17, both related to the Executive Session discussions earlier in the evening.

It was noted that the Board still needs to make recommendations for Article 23, 24, and 25 relative to street acceptances. Chairman Espinosa will abstain on any vote involving Article 23 as he resides on one of the streets being considered.

Selectman Trindade moved that the Board approve the addition of Article 23 and, further, that the Board recommend support of Article 23; Selectman Foresto seconded. Ms. Susy Affleck-Childs

reported that the Planning Board voted to certify the street acceptance plans, and that the public hearing is scheduled for April 1. No further discussion. VOTE: 3-0-0 – Espinosa abstain.

Selectman Trindade moved that the Board approve the addition of Article 24 and, further, that the Board recommend support of Article 24; Selectman Foresto seconded. Ms. Affleck-Childs reported that this Article will also be addressed at the April 1 public hearing. She added that these are the two neighborhoods that were selected as target neighborhoods for this fiscal year. No further discussion. VOTE: 4-0-0.

Ms. Kennedy suggested a review of other neighborhoods in order to choose the neighborhoods for FY2014.

Selectman Crowley moved that the Board approve Article 25; Selectman Trindade seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved that the Board keep Article 26 on the Annual Town Meeting Warrant, but designate its recommendation as TBD (To Be Determined); Selectman Crowley seconded. It was noted that these residents will be notified of the public hearing which is scheduled for April 16. VOTE: 4-0-0.

At this time, the Board began its initial review of Articles 27 – 30. Ms. Affleck-Childs briefly summarized these articles and was available for questions.

Article 27 reflects a series of changes in the parking component of the Zoning Bylaw, and these changes are now formatted in a chart. The other major change is to modify how the parking standard is applied. Previous practice was based on gross feet of floor area. The article proposes a more responsible yet business-friendly approach to use a net floor area calculation based on the more active parts of the business, not including storage areas, lunch rooms, or other accessory areas. There is an updated definition of the floor area used. This article is being viewed as a way to encourage investments in existing business areas. She noted the provisions and flexible parking options.

Selectman Trindade moved that the Board approve Article 27 and, further, that the Board recommend support of Article 27; Selectman Foresto seconded. No further discussion. VOTE: 4-0-0.

Article 28 represents changes to the sign bylaw. This change would allow end units of commercial buildings to have an additional sign that can be viewed from another direction. The Design Review Committee is comfortable with it, but has not yet taken a vote of support.

Selectman Trindade moved that the Board approve Article 28 and, further, that the Board recommend support of Article 28; Selectman Foresto seconded. No further discussion. VOTE: 4-0-0.

Article 29 represents the creation of a new residential zoning district called Village Residential. It would be located in an older and denser area of town where parcels are much smaller. The modification of the frontage requirement [reduced] could lead to discussion of multi-family units, previously not allowed. Two-family structures would be by right, which now requires a Special Permit. Buildings with 3-5 units would require a Special Permit granted by the Planning Board. Ultimately this provides a more diverse set of options for the Town. Selectman Crowley expressed concern about stretching the capacity of infrastructure in this area of town and the potential impact if there was an increase in the number of units. He stated he is hesitant to pass something without knowing more about it. Chairman Espinosa

reminded the Board that current zoning requires Special Permits for 2+ unit dwellings thereby allowing more Town control. Ms. Affleck-Childs noted that a study has not been done. Mr. Andrew Rodenhiser, Chair, Planning and Economic Development Board, stated there is presently no provision for subdividing large older homes into apartments. Such practice is being done already and it is not necessarily illegal. Ms. Affleck-Childs suggested that this article needs more time.

Selectman Foresto moved that Article 29 be withdrawn from the Annual Town Meeting Warrant; Selectman Trindade seconded. No further discussion. VOTE: 4-0-0.

Article 30 proposes a temporary moratorium on the establishment of marijuana dispensing centers in Medway through June 30, 2014. This would allow time to think it through to consider acceptable locations. The Attorney General upheld a moratorium in Burlington and threw out a prohibition of centers from Wakefield.

Selectman Foresto moved that the Board approve Article 30 as submitted; Selectman Trindade seconded. No discussion. VOTE: 4-0-0.

Brief discussion followed on CIPC recommendations for free cash listing. Ms. Kennedy will contact the CIPC about their revised recommendations, if there are any.

Discussion – FY2014 Budgets (Various Departments):

The Board reviewed updated budget sheets. Ms. Kennedy briefly noted which figures indicated changes either by decreased or increased amounts. Discussion followed on local receipts (last year and this year), and the breakdown for this year so far.

Three Board members still want to tour the fire station. A tour has been scheduled for 5:30 PM on Friday; Selectman Trindade, Selectman D’Innocenzo, and Chairman Espinosa will attend.

Ms. Kennedy pointed out a request for \$5,000 for the Open Space Committee to provide signage for their parcels. Brief discussion followed on whether to include it as a budget item or use free cash. Every committee has to justify any request for funds whether it is a budget item or one-time funding. It was suggested to invite the Open Space Committee to an upcoming Board of Selectmen Budget meeting.

The Board continued its review with only minor comments. Ms. Kennedy will contact those departments who still need to submit information. Some specific comments include:

- Board of Selectmen – The entire increase represents the agreement between the Board and the Town Administrator.
- Human Resources – The increase is for the Board’s search for a new Town Administrator, increased advertising, and a provision to hire a consulting firm to help with the recruitment process.
- Unemployment – 2-3 months behind.
- Board of Health – There was a slight increase in hours as there is no longer an administrative assistant, and also a stipend for regional visiting nurse. Food inspections may be outsourced as the fees collected now might cover it and free up the Health Agent’s time.
- Veterans Services – The reimbursements are at least six months behind.
- Library – The Board would like the Library Trustees to come in for a meeting.
- Camp Sunshine – Selectman Trindade will reach out to them.

Approval – Position Statement, Casino:

The Board reviewed a draft Board of Selectmen Casino Position Statement, dated March 18, 2013.

Selectman Trindade read aloud the position statement for the benefit of viewers.

Selectman Trindade moved that the Board approve the statement as read; Selectman Foresto seconded. Selectman Crowley suggested putting it out as a news release, noting he would like to add a closing statement that is more definitive. Selectman Trindade accepted the amendment to the motion as a closing statement that read as follows: “The Board of Selectmen will continue to oppose the development of a casino in Milford and will keep the rest of Medway informed of any and all changes in status.” No further discussion. VOTE: 4-0-0.

Discussion followed on assorted communications to the State Legislature and Gaming Commission.

Action Items from Previous Meeting:

Review of Action Items was postponed until the next meeting.

Approval of Warrants:

The Board reviewed Warrant #13-38, dated 3/21/2013, in the amount of \$1,129,173.00.

Selectman Foresto, Clerk, read aloud Warrant #13-38 presented for approval:

13-38	Town Bills	\$1,129,173.00
	TOTAL	\$1,129,173.00

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

Town Administrator’s Report:

Ms. Kennedy reported she had just received notice from DEP that the Department of Public Services had been awarded a \$99,000 grant to look at additional sewer supply development constraints. This may be used to examine the Oakland Street area which may need remediation efforts.

Chief Lynch invited her to a seminar to review The Station fire in Rhode Island. Ms. Kennedy stated it was a riveting presentation by a lawyer from the committee for the plaintiffs. The owner of the facility had no funds to help victims. It was determined that the soundproofing foam by itself was not capable of causing such quick fire, but, in addition to Styrofoam, it could. The Fire Inspector for the Town of West Warwick, coupled with a relaxation of requirements with respect to building and fire code had enormous impact on the outcome. She is considering inviting them to do a presentation in this area.

Selectmen’s Reports:

Selectman Trindade had no report.

Regarding the Thayer property, Selectman Foresto reported that the Thayer Development Group got the contract back from the general contractor today, and is in the process to get it approved. Site plan approval concludes tomorrow with approval from the Planning Board. A pre-construction meeting will be held next week.

Selectman Crowley commended the High School for their outstanding musical directed by Pat Kennedy along with the adults who participated. This musical was in conjunction with the Medway 300 celebration.

Additionally, Selectman Crowley announced that the town-wide photo will be taken on April 6. Selectman Foresto stated this has been done by other towns, and Medway 300 organizers would like to include the photo in the time capsule. The photo will be taken after the lacrosse game at the high school field on April 6.

Regarding the potential sale of the American Legion building, Selectman Crowley suggested that the Board appoint a member to sit down with the American Legion to discuss this sale. While the sale will allow the American Legion Post to pay off their outstanding note, perhaps they could consider making a contribution to some of the deserving groups in Medway. If the Town donated the building, it seems wrong that the American Legion should profit financially from its sale. Chairman Espinosa will contact Doug Wahl.

Approval of Minutes:

The Board reviewed draft minutes from December 3, 2012.

Selectman Trindade moved that the Board approve the minutes of December 3, 2012 as drafted; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

At 8:35 PM Selectman Trindade moved to adjourn; Selectman Crowley seconded. No discussion. VOTE: 4-0-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary