

**Board of Selectmen's Meeting  
April 1, 2013 – 6:00 PM  
Sanford Hall  
155 Village Street**

**Present: Andrew Espinosa, Chair; Glenn Trindade, Vice-Chair; John Foresto, Clerk; Dennis Crowley, Richard D'Innocenzo, and Suzanne Kennedy, Town Administrator.**

Also Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; Tom Holder, Director, Department of Public Services; David D'Amico, Deputy Director, Department of Public Services; Marc Terry, Mirick O'Connell; Sue Ellis, Human Resources Director; Carol Pratt, Town Accountant; Deb Trindade, School Committee; Will Naser, Principal Assessor; Jeff O'Neill, Chair, Finance Committee.

\*\*\*\*\*

At 6:04 PM Chairman Espinosa called the meeting to order and led the Pledge of Allegiance.

**At 6:05 PM Selectman Trindade moved that the Board enter into executive session under Exemption 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect of the bargaining or litigating position of the public body and the chair so declares [Police Union]; and 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 on the negotiating position of the public body [Oakland Street property] with the intent to return to open session; Selectman Foresto seconded. Chairman Espinosa did so declare. Roll Call Vote: 5-0-0 – Crowley, aye; D'Innocenzo, aye; Espinosa, aye; Foresto, aye; Trindade, aye.**

\*\*\*\*\*

At 6:45 PM Chairman Espinosa reconvened the public session.

**Public Comments:** None.

**Approval – Contract for War Memorial, Robert Moore Monument Co., \$18,995:**

*The Board reviewed a contract between the Town of Medway and the Robert Moore Monument Company.*

Two members of the Memorial Committee were present. Mr. Holder reported that the Department of Public Services will install the foundation according to the manufacturer's specifications. Brief discussion followed.

**Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Robert Moore Monument Company in an amount not to exceed \$18,995; Selectman D'Innocenzo seconded. Selectman Crowley expressed concern that the insurance liability coverage seemed high. VOTE: 5-0-0.**

**Clarification of "true-up" General Fund Report:**

*The Board reviewed updated budget pages.*

Ms. Carol Pratt, Town Accountant, stated this report reflects changes from the meeting. Discussion followed on various changes. Ms. Pratt clarified that any outside funding for a project, i.e., bond financing, is not figured into the balance sheets until the funds actually come in. If the funds do not come in, there is nothing to fall to free cash.

**Appointment – Board of Assessors, John McKiernan:**

*The Board reviewed an Email, dated March 22, 2013, from Will Naser, Principal Assessor.*

Present: Will Naser, Principal Assessor; and John McKiernan.

Mr. Naser explained that there is an abatement situation where one member of the board is recusing himself to avoid a conflict of interest. This action creates a lack of quorum to deal with abatements. Mr. McKiernan is a retired assessor who will deal with the abatements and once those are handled, he will likely resign.

**Selectman Trindade moved that the Board appoint John McKiernan to the Board of Assessors to fill a vacancy on the Board; Selectman Foresto seconded. No further discussion. VOTE: 5-0-0.**

**Authorization to Expend Grant Funds – Mass. DEP Sustainable Watershed Management Initiative Grant, \$99,197:**

*The Board reviewed the following information: (1) Grant expenditure authorization form; (2) DEP's Notice of Award; and (3) Grant application correspondence.*

Mr. Tom Holder explained that the Town of Medway draws its water from the Charles River watershed and basin. A number of tasks in this initiative will complement things the Town is already doing. It will examine how the Town handles and manages its wastewater and stormwater programs through a series of workshops. The grant was to be awarded on January 15, but it did not come out until March 15. Even so, the funds must be expended by June 15. The funds will be deposited into an enterprise fund. Kleinfelder will be handling this via a Letter of Understanding. Brief discussion followed.

Ms. Kennedy stated the workshop at the 495 Partnership last week was easy to follow as it utilized a lesser degree of technical information. She asked Mr. Holder to consult Kleinfelder to see if they would come in and make a presentation to the Board, Finance Committee, and other groups.

**Selectman Trindade moved that the Board authorize the expenditure of the Mass. DEP Sustainable Watershed Management Initiative Grant in the amount of \$99,197; Selectman D'Innocenzo seconded. No further discussion. VOTE: 5-0-0.**

**Authorization of Chairman to Execute Contract with M. O'Connor Contracting, Inc. for Thayer Construction Project, \$2,370,000:**

*The Board reviewed a contract. It is noted that the Scope of Services will be available at a later date.*

**Selectman Foresto moved that the Board authorize the Chairman to execute a contract with M. O'Connor Contracting, Inc. for the Thayer construction project in an amount not to exceed \$2,370,000; Selectman Trindade seconded. Selectman Crowley asked Selectman Foresto to get the construction schedule when it becomes available. He also asked about completion dates. Ms. Kennedy stated there is a provision in**

the abbreviated contract referencing a \$1,000 per day assessment for missed deadlines. No further discussion. VOTE: 5-0-0.

**Approval – Statement of Interest for School Building Project (to be submitted to the Mass. School Building Authority):**

*The Board reviewed the following information: (1) Statement of Interest; (2) District goal for McGovern School; and (3) MSBA required vote.*

Ms. Kennedy pointed out that the last pages will document the proposal much better as the original copy was difficult to read due to excessive photocopying.

Ms. Deb Trindade, School Committee, stated this is predominantly for windows at the McGovern School. Selectman Crowley noted that no dollar amounts were mentioned and he would also like to see a presentation. He suggested that a 10-minute presentation would be helpful and could be on the agenda for the joint meeting on April 3. It was noted that this has to be voted by April 10.

**Selectman Foresto moved that the Board table this matter until the joint meeting on April 3; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.**

**Approval – Medway Community Farm 5K, May 18, 2013:**

*The Board reviewed the following information: (1) Request from Medway Community Farm to hold 5K; and (2) Recommendation from the Police Chief.*

**Selectman Trindade moved that the Board approve the Medway Community Farm 5K scheduled for May 18, 2013 with the condition that two detail officers are hired by the organization to assure the safety of the runners and movement of traffic during the race; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Approval of Warrants:**

The Board reviewed Warrant 13-40, dated 4/3/2013.

Selectman Foresto, Clerk, read aloud Warrant 13-40, dated 4/3/2013, presented for approval:

Town Bills	\$1,887,769.97
TOTAL	\$1,887,769.97

**Selectman Trindade moved that the Board approve the Warrant as read; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Public Hearing – 7:15 PM – Street Acceptances – The Meadows Subdivision (Goldenrod Drive and Cardinal Circle) and Claybrook II Subdivision (Wildebroad Road, First Colony Drive, portion of Summit Road, portion of Olde Surrey Lane):**

The Board reviewed the following information: (1) Notice of Public Hearing; and (2) Street acceptance certification and maps.

Chairman Espinosa recused himself from this matter as he lives in one of the subdivisions. At this time he turned the gavel over to Selectman Trindade, Vice-Chair.

**Selectman Foresto moved that the Board open a public hearing relative to street acceptances for the Meadows and Claybrook II subdivisions; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-1 -  
- Espinosa abstain.**

Ms. Kennedy deferred to the Planning and Economic Development Director to answer questions. Ms. Susy Affleck-Childs stated that the Board of Selectmen is up to date on what has occurred up to now in this process, noting that the public hearing is required to move forward with street acceptance. She referred to the letter from the State on certification. Ms. Affleck-Childs continued, stating that property owners in each subdivision were notified by first class mail and the public hearing notice was published in the newspaper. A representative from the Claybrook II neighborhood was present.

For the benefit of viewers, Vice-Chair Trindade explained the street acceptance process. The Town has been attempting to complete one subdivision or group of streets each year. Until a street is accepted, the Town cannot make repairs or maintain it, even though those residents are paying property taxes just like other residents.

At this time, Vice-Chair Trindade asked for public comment. There was none.

Vice-Chair Trindade now asked if there were any comments or questions from the Board. Selectman Crowley asked if the Town had to complete any construction in order to accomplish this. There were two levels of costs – legal and engineering costs. There are funds that have been secured from the performance bond tethered to the Claybrook II subdivision. On Meadows, those performance funds have not been sought as the developer is no longer in business.

The Claybrook II neighborhood representative, residing at 1 Summit Road, stated all neighborhood residents are in favor of the street acceptance.

**At 7:29 PM Selectman Foresto moved that the Board close the public hearing on Meadows and Claybrook II subdivision street acceptances; Selectman Crowley second. No discussion. VOTE: 4-0-1 --  
Espinosa abstain.**

**Selectman Foresto moved that the Board of Selectmen approach Town Counsel to draft the street acceptance motion; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-1 -- Espinosa abstain.**

At this time, Vice-Chair Trindade returned the gavel to Chairman Espinosa.

**Discussion with Planning and Economic Development Board – FY2014 Budget re: Street Acceptances:**  
*The Board reviewed a memorandum, dated March 28, 2013, from the Planning and Economic Development Coordinator.*

Ms. Susy Affleck-Childs explained that she was here to ask Board of Selectmen to set some priorities for FY2014. She briefly reviewed the updated matrix of streets, noting there is \$62,000 in bond funds collecting interest at TD Bank for Azalea Drive. Other streets under consideration are Cedar Farms, Fern Path Road and a portion of Howe. She clarified that bond funds are for only construction costs, and therefore requested some funds to aid in paying the engineering and legal expenses. It costs approximately \$7,000 per street to prepare all the information necessary to secure the bond funds.

Selectman Foresto asked if those funds were included in the departmental budget for FY14. The funds were not included. Ms. Kennedy stated her recommendation addresses this. She asked Ms. Affleck-Childs if she had consulted with the Department of Public Services and others about the nature of work that is needed to bring these streets up to standard. Discussion followed. It was noted that many of the documents for these subdivisions are not available so there is little or no reference data.

An estimate of \$21,000 for legal and engineering costs was determined. Ms. Affleck-Childs stated she could not assure the Board that it will be adequate, but it is her best estimate based on what was used for the acceptances this year. Costs for Claybrook II have come to \$17,300 with \$3,000 left. Nothing special is necessary for Meadows as that has been incorporated into the legal budget. Whatever remains from Claybrook can be repurposed toward another street acceptance project. Selectman Crowley suggested it could be put into an article for Annual Town Meeting. Ms. Kennedy pointed out the warrant will be opened and closed later this evening.

Ms. Kennedy asked what would happen if the funds are not adequate. Ms. Affleck-Childs replied that she would come back to the Board to request additional funding.

Selectman Crowley asked if the closed-out streets can be added back to the list as it would be nice to see what streets have been tended to.

Ms. Affleck-Childs stated she would work on the standard warrant article language and return to the meeting later this evening.

**FY2014 Budget Discussion:**

At this time, the Board continued its review and discussion of the FY14 Budget. Ms. Kennedy noted that she was finally able to get some information from the business manager at Norfolk County Agricultural, which increased their allotment from \$14,000 to \$18,000.

There was brief discussion on parks. Selectman D’Innocenzo briefly reviewed that there was some money (\$62,600) left from last year. The article was specifically for park and field improvements, Idylbrook Field irrigation and drainage as well as updates to Choate Park. Mr. Holder distributed a list of suggested Parks improvements, explaining which ones need additional money and which ones have had adjusted prices. Brief discussion followed on the bathroom for Cassidy Field. Mr. Holder added that they will be meeting with the School Department on April 2, and these items and costs could change.

Selectman Trindade asked what the field maintenance technician would do during the winter when he would not be able to work on fields. Mr. Holder responded that the fields are designed during the winter. There would be work with the athletic groups, and work on the budget as well as full engagement in winter plowing with the department. Mr. Fred Sibley will be retiring in the near future, and this person would be in a position to take over his duties in tandem with the field maintenance work. It is not clear whether an additional person would be necessary or if the combined duties could be spread out among existing staff. Selectman Foresto asked if this person would actually be out there on the field doing the work. Mr. Holder stated that he anticipates this person will have the licenses to actually perform the work, noting that he may not be able to hire for 3-4 months.

Brief discussion followed on basic field maintenance and cost of lighting. It was noted that the field tractor in question is a small farm tractor able to pull pieces of equipment. Responding to Selectman

Trindade's question on why DPS is not applying pesticides and insecticides, Mr. D'Amico stated the staff does not currently employ anyone with the appropriate licenses to do so.

Chairman Espinosa commended them on putting together this list as it clarifies intents going forward.

The wish list included funding for such items as legal work for street acceptances, police officer training, operating funds for the Thayer house, vehicles for the School Department, a field maintenance technician, field tractor, an aerator, the rebuilding of one field, sewer line at Cassidy field, soil sampling, and a right-of-way maintenance person who would be assisted by parks staff. It was noted that the hiring of both positions will likely begin as of September 1 so the amounts could be reduced.

Mr. Jeff O'Neill, Chair, Finance Committee, expressed concern that there are recurring costs in insurance and other things for the people that will be hired. Thus far, there are four additional staff recommended for the Fire Department and two for the Department of Public Services.

Discussion followed, noting that police training and outsourced field maintenance could be funded through monetary articles. Free cash expenditures could be added to the CIPC list as a single list. There are three distinct articles for some of the CIPC items, as their purposes are different. It was noted that a new organization might be necessary to be responsible for the Thayer House operating account. Brief discussion followed on revenue and accounting procedures for the Thayer House.

At this time, Chairman Espinosa informed the Board he would likely vote against the general fund allocations, just to be consistent with his approach.

**Re-opening and Closing of Annual Town Meeting Warrant:**

**Selectman Trindade moved that the Board reopen the Annual Town Meeting Warrant; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board add a new warrant article for police training in the amount of \$20,000; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the amount of \$25,000 be included in the article for high school field maintenance; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board amend the CIPC article to add the following: school vehicle \$25,000, Town vehicle \$25,000, and rebuild athletic field \$8,500; Selectman D'Innocenzo seconded. No further discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board add an article for the purchase of a field tractor using Capital Reserve Fund in the amount of \$30,000; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board add an article for an aerator for \$12,000 out of the Capital Reserve Fund; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board add an article for the installation of a sewer line extension into Cassidy Field in the amount of \$70,000 from the Capital Reserve Fund; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

Selectman Trindade moved that the Board add the following amounts to the operating budget:

- \$21,000 – legal work for street acceptances
- \$4,000 Norfolk Aggie – general operating funds
- \$20,000 Thayer project – additional operating funds
- \$70,000 Parks Department
- \$8,000 Parks Department for field maintenance
- \$68,000 Right-of-way maintenance person in Department of Public Services
- \$25,000 field maintenance

Selectman Crowley seconded the motion. No discussion. VOTE: 4-1-0 – Espinosa oppose.

Selectman Trindade moved that the Board close the Annual Town Meeting Warrant; Selectman Crowley seconded. No discussion. VOTE: 5-0-0.

**Opening and Closing of Special Town Meeting Warrant:**

Selectman Trindade moved that the Board open the Special Town Meeting Warrant; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board add Article 7 to the Special Town Meeting Warrant in order to transfer the sum of \$35,000 from Solid Waste Enterprise Account Retained Earnings to the FY13 Solid Waste Enterprise Expense Account; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board close the Special Town Meeting Warrant; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

**Re-Opening and Closing of Annual Town Meeting Warrant:**

Selectman Trindade moved that the Board reopen the Annual Town Meeting Warrant; Selectman Crowley seconded. No discussion. VOTE: 5-0-0.

Regarding Article 14 – Appropriation: Medway 300 – The Board discussed increasing this amount to \$15,000, noting that this amount is already in the operating budget. **Selectman Trindade moved that the Board amend Article 14 to reflect the change to \$15,000; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

At this time, Ms. Kennedy asked that the Board remove Article 15 -- Parks/Recreation/Open Space Master Plan Implementation. **Selectman Trindade moved that Article 15 – Appropriation: Parks/Recreation/Open Space Master Plan Implementation be deleted from the Annual Town Meeting Warrant; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Resolving TBD designations for Annual Town Meeting Warrant:**

Selectman Trindade moved that the Board support Article 2 – FY14 Operating Budget; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

At this time, the Board considered Article 7 – FY14 Ambulance Enterprise Fund – to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$563,115 to operate the Ambulance Enterprise Account and to raise and appropriate or transfer the sum of \$101,905 for a total

of \$665,020. **Selectman Trindade moved that the Board support Article 7 – FY14 Ambulance Enterprise Fund as read; Selectman Crowley seconded. No discussion. VOTE: 5-0-0.**

Article 19 – Community Preservation Committee will stay as TBD until the numbers come in.

Article 23 – Sewer Easement – This article involves an easement over a portion of property at the Senior Center to the owner of abutting land for the purpose of connecting to the Town sewer system. A Map and Parcel number are now included. **Selectman Foresto moved that the Board support Article 23 as outlined; Chairman Espinosa seconded. No discussion. VOTE: 5-0-0.**

Article 28 – Amend Map Revision: Commercial IV – will stay TBD.

**Selectman Trindade moved that the Board close the Annual Town Meeting Warrant; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting:**

The Board briefly discussed the Clean Sweep program and the Route 109 Design Project.

The NEU Capstone Recommendation is on the Board’s agenda for April 16 at which time students and advisor will make a formal presentation on suggested changes for the intersection of Village and Franklin Streets.

Brentwood Project – The Department of Public Services is still waiting for the FEMA report on dividing the project into sections. They will reach out to property owners one more time. The project has been designed, but needs to be advertised and awarded.

**Town Administrator’s Report:**

Ms. Kennedy reported that the Finance Committee decided to distribute the Town Meeting booklet electronically this year, and residents will be notified via postcard if they want a hard copy.

Ms. Kennedy asked if the Board was interested in supporting the Town of Brookline’s interest in withdrawing from Norfolk County by taking similar action. After brief discussion, **Selectman Crowley moved to take no action regarding Brookline’s secession efforts; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.**

**Selectmen’s Reports:**

Selectman D’Innocenzo reported that there will be a meeting with the schools about the athletic fields tomorrow.

Selectman Foresto reported that he and Ms. Kennedy with interested parties regarding solar development and also net metering via contract with Broadway. Brief discussion followed.

Selectman Crowley congratulated the Medway High School hockey team who made it to the semi-finals but lost in overtime. He extended congratulations to all students and coaches for a great year.

Selectman Crowley asked Ms. Kennedy about the status of an electronic Town Meeting booklet and whether hard copies would be available. Ms. Kennedy responded that several hundred hard copies will be ordered for those who want them and to have them available at Town Meeting.



Chairman Espinosa reported he received a letter from the chairman of the Hopkinton Board of Selectmen who wanted to meet with him about the proposed Milford casino to create a coalition between Hopkinton, Holliston and Medway. As he cannot attend the meeting, Selectman Foresto will go in his place. A meeting time and place are being determined.

**Approval of Minutes:**

Review of the draft minutes from March 2, 2013 was postponed.

**At 9:23 PM Selectman Trindade moved to adjourn; Selectman D’Innocenzo seconded. No discussion.  
VOTE: 5-0-0.**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary