

**Board of Selectmen's Meeting  
Monday, May 5, 2014 – 6:30 PM  
Sanford Hall  
155 Village Street**

**Present: Selectman Glenn Trindade, Chair; Selectman Dennis Crowley, Vice-Chair; Selectman Richard D’Innocenzo (6:37 PM), Clerk’ Selectman John Foresto; and Selectman Maryjane White.**

Also Present: Suzanne Kennedy, Town Administrator; Barbara Saint André, Town Counsel; David D’Amico, Deputy Director, Department of Public Services; Robert Hubbard, Economic Development Specialist.

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At 6:32 PM Chairman Trindade called the meeting to order and led the Pledge of Allegiance.

**At 6:33 PM Chairman Trindade moved that the Board enter executive session under Exemption 3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares [Azalea Drive] with the intent to return to public session; Selectman Foresto seconded. The chair did so declare. No discussion. Roll Call Drive: 4-0-0 – Crowley, aye; Foresto, aye; Trindade, aye; White, aye.**

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At 6:44PM Chairman Trindade reconvened public session.

**Public Comments:** None.

**Presentation - ICMA Finance Performance Indicators:**

This presentation was postponed until a future meeting.

**Town Counsel Reappointment Request – Petrini & Associates, P.C.:**

*The Board reviewed correspondence from Town Counsel requesting reappointment.*

Ms. Barbara Saint André, Town Counsel, briefly reviewed the firm’s interaction with the Town since 2007. She indicated they have enjoyed working with Ms. Kennedy and other town officials, noting the firm has provided the Town with a retainer account for basic Town Counsel services. The savings to the Town in that regard has been over \$148,000 because individual fees have been paid through the retainer. Other specific services involving litigation have produced additional costs which have been kept under control.

Ms. Saint André respectfully asked the Board for another three-year appointment for Petrini and Associates as Town Counsel. Ms. Kennedy stated she appreciates all the work provided, quick response to questions, and could not say enough about how well it has worked out. The Board echoed these sentiments.

**Chairman Trindade moved that the Board reappoint Petrini & Associates as Town Counsel for the Town of Medway for a three-year term; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Approval – Sewer Easement – 70 Oakland Street:**

*The Board reviewed an Easement Deed relative to 70 Oakland Street.*

Ms. Barbara Saint André, Town Counsel, explained this action is for the Town to grant a sewer easement so that an abutter to the Senior Center can tie into Town Sewer. Brief discussion followed. The Board asked that the abutter return the land to its former condition, i.e., loam and seed the disturbed area after the work is done.

Mr. D’Amico suggested that the deed be recorded at the Norfolk County Registry of Deeds before the building permit is issued, and a copy of the recording be submitted with the permit application. The Board concurred.

**Selectman Foresto moved that the Board approve the sewer easement for 70 Oakland Street as presented and that proof of recording be provided before the issuance of a permit for the work; Selectman Crowley seconded. No discussion. VOTE: 5-0-0.**

**Authorization of Chairman to Execute Contract with L. J. Boudreau Associates for Real Estate Appraisal Services - \$14,900:**

*The Board reviewed the following information: (1) Contract; and (2) Original proposal.*

Present: Robert Hubbard, Economic Development Specialist.

Mr. Hubbard stated that a limited use appraisal establishes a value for the land assembling. A full appraisal will likely be required at a later date if the Town moves forward with developing the property. As for permitting issues, consideration needs to be given to availability of water and sewer. Without those, few types of projects would work there, one of which would be a solar project.

Selectman Crowley asked for a checklist of what kinds of tasks are necessary. Ms. Kennedy stated that one has been prepared by the Planning and Economic Development Board, and she will send it to the Board.

**Selectman Foresto moved that the Board authorize the Chairman to execute a contract with L. J. Boudreau Associates for real estate appraisal services related to the Oak Grove Title Work Plan in an amount not to exceed \$14,900 pending the approval of the Town Accountant with respect to available funds; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Authorization of the Chairman to Execute Contract for Catch Basin Cleaning – Truax Corporation -- \$80,000:**

*The Board reviewed the following information: (1) Memo, dated May 5, 2014, regarding contract; and (2) Contract.*

Mr. David D’Amico stated this process is performed on an annual basis. This company came in with the lowest bid, and they have worked with the Town before. Mr. D’Amico stated this particular company uses a “clam shell” piece of equipment that removes the bulk of the debris at a much lower cost than other companies with larger equipment.

Selectman Foresto moved that the Board authorize the Chairman to execute a contract with Truax Corporation for catch basin cleaning services in an amount not to exceed \$80,000; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

**Authorization of the Chairman to Execute Contract for Household Hazardous Waste Collection Services (May 17, 2014) – Clean Harbors Environmental Services, Inc. - \$10,000:**

*The Board reviewed the following information: (1) Memo, dated May 5, 2014, regarding contract; and (2) Contract.*

Mr. David D’Amico stated this is the annual collection of hazardous waste items. He noted that approximately 130 households participated in the collection.

Selectman Foresto moved that the Board authorize the Chairman to execute a contract with Clean Harbors Environmental Services, Inc. for household hazardous waste collection services in an amount not to exceed \$10,000; D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

**Authorization of the Chairman to Execute Contract for Tree Maintenance Service – Stumpy’s Tree Service, Inc. - \$20,000:**

*The Board reviewed the following information: (1) Memo, dated May 5, 2014, regarding contract; and (2) Contract.*

Mr. David D’Amico stated the Department of Public Services has used this company in the past. This particular contract is on a “per tree” basis when there are specific trees that need to be taken down.

Selectman Foresto moved that the Board authorize the Chairman to execute a contract with Stumpy’s Tree Service for tree removal services in an amount not to exceed \$20,000; Selectman White seconded. No discussion. VOTE: 5-0-0.

**Authorization to Expend Grant Funds – MassDEP Recycling Cart Grant - \$60,667:**

*The Board reviewed the following information: (1) Grant Expenditure Authorization Form; (2) Notice of grant award, and (3) Grant agreement.*

Selectman Foresto moved that the Board authorize the expenditure of the MassDEP recycling cart grant in the amount of \$60,667; Selectman White seconded. No discussion. VOTE: 5-0-0.

**Acknowledgement – Letter from Medway Shopping Center Regarding Proposed Traffic Signal – Route 109 Redevelopment:**

*The Board reviewed a letter, dated April 9, 2014, from Bethany Bartlett, Sherin Lodgen.*

Ms. Kennedy briefly reviewed the letter which asked the Board to sign off that additional plans will be made available before moving forward. Selectman Crowley explained how the traffic flow through the mall is a major concern to the Route 109 Design Committee and more information was requested.

**Approval – Petition for Change of License – Richard’s Casino Bar & Grill, Inc. from d/b/a Zio Paolo’s Trattoria to d/b/a Derek’s Steak & Seafood:**

*The Board reviewed required ABCC (Alcoholic Beverages Control Commission) application forms.*

Present: Paul Winshman, business owner.

Mr. Winshman explained that this is just a name change, and Derek is his son who will be working on the renewed restaurant project. He briefly described the change as a Southern inspired menu with all recipes from the gulf coast, specifically, the Louisiana to Pensacola area. The ethnicity of the food is unique and not found anywhere in the area. The new menu will likely take over within a couple of weeks after Mother's Day.

Ms. Allison Potter, Assistant to the Town Administrator, stated there were no issues from the perspective of Police Chief Tingley.

**Selectman Foresto moved that the Board approve the d/b/a name change of the restaurant to Derek's Steak and Seafood as requested; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Approval – Common Victualler License Request – The Muffin House Café, Inc., 116 Main Street:**  
*The Board reviewed application documents.*

Present: Mary Crowley, President, The Muffin House Café, Inc.

It is noted that as Ms. Crowley is his wife, Selectman Crowley has an interest in this business and therefore recused himself from discussion and vote.

Ms. Mary Crowley stated that this is a long-time business that was sold to a new owner with a new concept. The new menu will feature muffins, breakfast pastries, fresh bread, and sandwiches with non-processed meat. Gluten-free items will be available.

**Selectman Foresto moved that the Board approve a Common Victualler license for The Muffin House Café, Inc. to be located at 116 Main Street, Suite 1, which is the location of the former Coffee Sensations, pending the receipt of any outstanding required documentation to complete the application and all associated departmental approvals; Selectman D'Innocenzo seconded. No discussion. VOTE: 4-0-1 – Crowley abstained from discussion and vote.**

**Approval – Braking Aids Ride – September 12, 2014:**  
*The Board reviewed the following information: (1) Request, dated March 19, 2014; and (2) Police Chief's recommendation, dated April 24, 2014.*

Ms. Allison Potter reported that Police Chief Tingley had no issues but did recommend the assignment of a detail officer.

**Chairman Trindade moved that the Board approve the Braking Aids Ride through Medway on September 12, 2014 provided that the organization arrange for a detail officer to be at the intersection of Hill and Holliston Streets as recommended by the Police Chief; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Discussion – Amendment to Board of Selectmen's Alcohol License Policy – Special, One-Day Licenses Section:**

*The Board reviewed a revised draft of the one-day license section of the Board's Alcohol License Policy with deletions shown as strikethroughs and new language shown in **bold**.*

Present: Allison Potter, Assistant to Town Administrator; Police Chief Allen Tingley.

Ms. Potter explained that the Board had indicated an interest in revising this section of the policy to feature a waiver of a requirement for a certified server. The ABCC does not require one for a one-day license. As the policy stands now, the applicant would have to come to the Board for a waiver if they did not have a certified server.

Ms. Potter noted that the Board's decision may rest on whether there is a cash bar at any event. Chairman Crowley reminded the Board that its position was that a cash bar at an event implies that the bar is designed to make a profit and thus a certified server would be appropriate.

Selectman Foresto moved that the Board approve the revised policy with respect to the verbiage on the requirement for a certified server as presented; Selectman White seconded. No further discussion. VOTE: 5-0-0.

**Approval of Warrants:**

*The Board reviewed Warrant 14-45S presented for approval.*

Selectman D'Innocenzo, Clerk, read aloud Warrant 14-45S, dated 5/8/14, as follows:

School Bills	\$	81,015.01
Town Payroll	\$	254,925.98
School Payroll	\$	<u>766,371.78</u>
TOTAL		\$1,102,312.77

**Selectman Foresto moved that the Board approve Warrant 14-45S as read; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Town Administrator's Report:**

Representative Jeff Roy notified Ms. Kennedy of a \$22,000 earmark in connection with a hydraulic study of Choate Park. Ms. Kennedy noted that this action has not been passed by neither the State Senate nor the governor.

Ms. Kennedy presented an update to components of the LEAP (Local Energy Action Plan) designed to increase communication and education.

Regarding the Redevelopment Authority, Mr. Parella is the suggested gubernatorial appointee. There was a brief review of budget funding for Mr. Hubbard's salary, noting that, once the original line item amount is depleted, there will need to be a funds transfer.

Brief discussion followed on whether the Board wanted to have the ICMA presentation on May 19. It was decided to have that presentation at 6:30 AM on May 13 in order to accommodate member schedules.

**Selectmen's Reports:**

Selectman White, Selectman D'Innocenzo and Chairman Trindade presented no report.

Selectman Foresto stated he would like to discuss an upcoming appointment to the Charles River Pollution District at the next full meeting.

Selectman Crowley briefly reported that there are ten (10) requests for renting the Thayer House, identifying three of the requests as Town functions, and the rest as Medway businesses or residents.

Regarding water and sewer rates, Selectman Crowley stated he would like to schedule some time for Mr. Holder and other DPS staff to come in for a discussion. Ms. Kennedy reported that the Water and Sewer Commission has asked for a joint meeting. On a related topic, Selectman Crowley asked if the Finance Director could update the Board on the associated debt service.

Lastly, Selectman Crowley asked for a report from the Town Administrator Search Committee. Selectman White stated that the committee will meet before Town Meeting. She noted that background checks are being conducted right now, and then the short list will be determined.

**At 7:33 PM Chairman Trindade moved to adjourn; Selectman White seconded. No discussion.  
VOTE: 5-0-0.**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary