

**MEDWAY BOARD OF SELECTMEN**  
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*Dennis Crowley, Chairman  
John Foresto, Vice Chairman  
Richard D'Innocenzo, Clerk  
Glenn Trindade, Member  
Mary Jane White, Member*

**Board of Selectmen's Meeting Minutes**

**July 7, 2014, 7:30 AM**

**Sanford Hall**

**Town Hall, 155 Village Street**

**Present: Chairman Dennis Crowley; Selectmen John Foresto, Richard D'Innocenzo and Glenn Trindade; and Town Administrator Suzanne Kennedy.**

Also attending: Melanie Phillips, Finance Director; Thomas Holder, Director - Department of Public Services

At 7:30 AM, Chairman Crowley called the meeting to order and led the Pledge of Allegiance.

**Public Comments:** None

**Authorization of Chairman to Execute Contract for Construction of Athletic Fields – RAD Corporation - \$3,804,000**

**Dr. D'Innocenzo moved that the Board authorize the Chairman to execute the contract with RAD Corporation for the construction of athletic fields in the amount of \$3,804,000, seconded by Mr. Trindade; after the following discussion, it was unanimously voted (4-0-0).**

Chairman Crowley asked for a breakdown of the project. Selectman D'Innocenzo explained that the contract encompassed upgrades to the track and field and resurfacing of the Hanlon Field, as well as construction of two proposed athletic fields. Selectman Foresto asked for confirmation that contract covered all 3 projects as set forth in Town Meeting warrants – yes. Chairman Crowley then inquired as to the associated warranty which was explained by both Selectman D'Innocenzo and DPS Director Holder as a warranty for 8 years with an additional insurance policy which would assume warranty coverage were the contractor to go out of business. Mr. Holder added that Gale Associates would be conducting a 6 month, 12 month and 18 month review of field conditions which should pick up on any potential issues early on. Chairman Crowley countered that the RAD contract's insurance provision specified a 1 year period only; Mr. Holder explained this was typical for all construction contracts. Town Administrator Kennedy asked in whose possession the copy of the additional insurance policy be held to which Selectman D'Innocenzo responded that said copy had been included in the bid submittal.

Mr. Holder assured the Board that Town Counsel had reviewed the contract.

Mr. Holder reported that the intent was for RAD Corporation to commence preparations on this date upon notification that contract had been executed. Selectman Trindade then noted that the contract called for "Field Turf" which had been reviewed by the Evaluation of Parks, Fields, and Recreation Areas Committee at a recent visit to Gillette Stadium; however, RAD has proposed an alternate brand which, although the consultant Gale Associates deemed met the Town's technical specifications, didn't look or feel comparable. Mr. Holder reported that the Attorney General's Office rendered an opinion that the proposed substitute material could be rejected for "look and feel". Further, Mr. Holder indicated he would notify the contractor in writing that the Town, having been clear that "Field Turf" was its preferred material, it would not accept the proposed substitution. He reminded the Board that there would be a minimum of 21 days between order placement and delivery about which everyone needed to be mindful in consideration of target project completion by Labor Day. He confirmed that the alternate proposed was not a sub-par material and that Rob Pearl, Athletic Director for the Schools, had indicated he would be satisfied with the equivalent turf material.

After much discussion involving strategy surrounding who would have leverage were the Board to hold off signing the contract as planned at this meeting; confirmation of the Attorney General's opinion; whether or not RAD Corporation might have based its bid on the proposed equivalent rather than "Field Turf" and what, if any, additional cost may be incurred for "Field Turf"; confirmation that both the 8 year warranty and the supplemental warrant policy held for each option; Mr. Holder provided the Board with samples of both of the turf materials in question. He reiterated his opinion that the Town would have no leverage over the contractor without a signed contract and that scheduling was a real concern given the time constraints to have everything completed in 149 days, as required.

Town Administrator Kennedy asked whether or not RAD Corporation was aware of this potential issue; Mr. Holder replied that they certainly know that "Field Turf" was the specified material. He raised the related issue that, were the Town to begin negotiating with RAD with respect to the product, as well as any potential price difference, the others who had bid would likely file a bid protest. Discussion followed as to the contingency contained in the budget (\$140,000) versus the potential price difference for "Field Turf" which could run \$40,000 per field.

Mr. Holder was advised to review the situation with Town Counsel, discuss matter with Gale Associates, and then contact RAD.

### **Approval – Interfund Borrowing For Athletic Fields Project - \$2,300,000**

**Mr. Foresto moved that the Board approve the interfund borrowing for the athletic fields in the amount of \$2,300,000, seconded by Mr. Trindade; after the following discussion, it was unanimously voted (4-0-0).**

Ms. Phillips explained that the Town is permitted to borrow the greater of the total of the Stabilization Fund, Free Cash or 1% of the budget. Chairman Crowley asked if this was a short-term borrowing; Ms. Phillips stated that it was not, but was instead the Town borrowing from itself.

### **Discussion – Groundbreaking for Athletic Fields**

Selectman Trindade reported that he had requested this item be added to the agenda to ensure that a proper groundbreaking ceremony be held to kick-off this project. It was discussed that invitations to attend would be extended to the press; representatives from the Evaluation of Parks, Fields and Recreation Area Committee; Parks Commission; School Committee; Community Preservation Committee; and legislative delegation.

### **Authorization of Chairman to Execute Contract for Public Health Nursing Services with Salmon Home Care, LLC - \$14,150**

Ms. Kennedy explained that this was an annual contract which provided for flu clinic administration as well as public health intervention and educational programs. She confirmed for Chairman Crowley that funding was provided for in the approved budget and that no grant funding had been received in the past when these services had previously been provided by the Milford VNA.

**Mr. Foresto moved, seconded by Mr. Trindade, to authorize the Chairman to execute a contract amendment with Salmon Home Care, LLC for continued public health nursing services in the amount of \$14,150; it was unanimously voted (4-0-0).**

### **Thayer House Caretaker**

Ms. Kennedy reported that she would not be moving forward with the hire of the current caretaker candidate but would, instead, be advising Human Resources to re-advertise to fill the position. Both Labor Counsel and the incoming Town Administrator had been consulted on the matter, and a signed agreement with the current candidate already provided for his vacating of the property.

**At 8:20 AM, Mr. Trindade made a motion to adjourn; second by Mr. D’Innocenzo; unanimously voted (4-0-0).**