



Town of Medway  
**FINANCE COMMITTEE**

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**Meeting Minutes: December 14, 2011**  
**Town Hall – Sanford Hall**

**Present:** Vice Chairman Jeff O’Neill; Clerk Chris Lagan; Members: Christine Devine, Kevin Dickie, Frank Rossi and Jim Sheehan.

**Absent:** Chairman Martin Dietrich, Neil Kennedy, and Tony Pacholec.

**Also Present:** Suzanne Kennedy, Town Administrator; Barbara Saint Andre, Town Counsel; Melanie Phillips, Finance Director; Susy Affleck-Childs, Planning and Economic Development Coordinator; John Foresto, Chairman, Board of Selectmen; Glenn Trindade, Board of Selectmen; Will Naser, Principal Assessor; Marjorie Perkins, Interim Director, Medway Public Library; and Pete Manning, Board of Assessors.

Town-Wide Facilities Management Committee – Robert Parrella, Chairman; Members: Jeff DeVolder, Bob Ferrari, and Pete Manning.

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With a quorum present, Vice Chairman O’Neill called the meeting to order at 7:00 pm.

**Emergency Fund Transfer -- Library HVAC units:**

*The Committee was in receipt of an Emergency Transfer Request, dated October 25, 2011, from the Medway Public Library.*

Ms. Marjorie Perkins, Interim Library Director, briefly reported that two HVAC units stopped working completely due to holes in the units, and funds were approved for repair. However, due to a clerical error, the funds were not encumbered and did not go into the library account, eventually falling to free cash at the end of FY11. The units have been repaired and are in working order. This request is to right the clerical error and put the funds back into the library budget. Brief discussion followed.

**Mr. Chris Lagan moved that the Committee approve the Emergency Transfer Request from the Medway Public Library in the amount of \$17,640; Ms. Christine Devine seconded. No further discussion. Vote: 6-0-0.**

**Emergency Fund Transfer -- Oak Grove:**

*The Committee reviewed the following information: (1) Emergency Transfer Request for \$21,000, dated November 2, 2011, from the Planning and Economic Development Department, (2) associated email, and (3) Proposal from Tetra Tech, consultants, defining scope of work.*

*Present: Suzanne Kennedy, Town Administrator; Will Naser, Principal Assessor; Susy Affleck-Childs, Planning and Economic Development Coordinator; Andy Rodenhiser, Chairman, Planning Board; and Barbara Saint Andre, Town Counsel.*

Town Administrator Suzanne Kennedy briefly reviewed the Oak Grove title work, a project thirty years in the making, and stating it is not the function of the Assessor's office to do title work. She expressed optimism that in finally determining ownership of these properties, they can be appropriately taxed and the Town can move toward development of the area. Completion of this work will open the door for various grants. The current grant program is in limbo; the project is stalled due to the title work funds being depleted, hence, the request before the Committee.

Ms. Susy Affleck-Childs, Planning and Economic Development Coordinator, stated she worked with consultant last fall, producing an outline for a mixed-use combination consisting of an office development, small hotel, and small housing development (apartments). A feasibility analysis will help to determine whether there is a need for the hotel in the beginning. All the "fractured" little lots need to be cleared for title purposes so that the entire area can move forward toward development. The work is approximately two-thirds completed.

In August 2010, the first \$15,000 was accessed to pay for title work costs. Responding to a question from Mr. Rossi, Ms. Barbara Saint Andre, Town Counsel, responded that the funds spent thus far were used by a Boston firm that specializes in real estate and title issues. They gave us an estimate of what they believe will be necessary to finish off the titles. At this point they believe they have a fairly good idea of what the issues could be and feel this estimate should be pretty close.

Mr. Will Naser, Principal Assessor, stated the Assessor's Office is a beneficiary of all this work. Now that some of the properties have been identified on maps, taxes can be levied. Utilizing a map, he indicated that the areas (521 lots) shaded in blue have been cleared of title issues. There were over 1,000 lots in question. The acreage on some lots is unclear, due to the mapping from 1925. Mr. Andy Rodenhiser, Chairman, Planning Board, theorized that some of the original lots may have been purchased in quantity in order to create a larger parcel, and this is where some of the questions come into play. It looks like there had been some "streets" from the way the lots are arranged, although they exist on paper only. Mr. Naser added that over 90% of the lots are being taxed, but ownership verification needs to happen.

Mr. Rodenhiser pointed out that prior to Mr. Naser coming to work for the Town of Medway, this area of town was ignored for over 40 years. Previous boards just passed it along.

Vice Chairman O'Neill expressed concern that this is a much larger project than anyone initially thought, and whether this next amount would be sufficient. Ms. Affleck-Childs responded that there was not enough information available to be able to budget funds for this work in the 2012 budget as the project was just beginning. Ms. Kennedy stated that even the title examiner had no idea how much work would be involved.

Mr. Kevin Dickie wondered how many other towns have gone through this, and if the firm should have had some indication of the prospective difficulties that could arise. Ms. Saint Andre stated she has known attorney Michael Marsh for years as an expert witness and has no question of his credentials. This is a unique situation and project. At the Registry of Deeds, some of the lots in question do not have recorded dimensions. Some lots have disappeared from lists, with no new information since 1925. In some cases, owners have died and no one has claimed the land. Some heirs may not even know their ancestor owned property in this area.

Mr. Rodenhiser stated the Planning Board has a commitment with MassDevelopment, there are people who are to be paid, and we cannot move forward. We had no idea how complicated this would become.

Mr. Chris Lagan stated this matter was on the agenda for a previous meeting, and it's in the minutes "that any future funds would come from the Planning Board's budget or Town Meeting appropriation." This request for additional funds is neither unanticipated nor is it an emergency.

Ms. Kennedy clarified that the original money was a start, a way to measure how much we were getting into. Unfortunately, it was too late to get it on the warrant for Annual Town Meeting as it did not meet the requirements of Town Meeting timeline. Additionally, in this instance, we feel there is a misnomer in the title "emergency transfer", a process typically utilized for "unanticipated or emergency expense." In this case, there is urgency in securing the funds so that people can get paid for their work.

Vice Chairman O'Neill asked why this matter wasn't included in the warrant for the Fall Town Meeting. Ms. Kennedy replied that the Planning Board had not yet received the consultant's report.

Ms. Christine Devine summarized that the map shows the easy ones that have been completed, and the hard ones are yet to come. Ms. Kennedy responded that once the study is done, we will have a better idea of how the whole thing looks. If it reveals that owners are deceased, further research in identifying and reaching the heirs may take years.

Ms. Affleck-Childs clarified that half of the white ones are Town-owned parcels. Mr. Jim Sheehan asked if these parcels can actually come together for development. Mr. Rodenhiser stated the appropriate real estate term is "blighted land" which cannot be used for any real purpose. Some of the owners may not want to participate in any kind of development, but we will not know that until they are identified and contacted. Additionally, there is a large piece of land currently under a 40B option. Ms. Affleck-Childs suggested it is possible to work development around the non-participating lots.

Mr. Lagan reminded the committee and assembly that one resident is very upset about this project. Mr. John Foresto stated that this resident, Ms. Cindy Trainor, is an abutter to this area. Due to her relationship with another neighbor who owns three of these lots, she had advance notice of this effort. Ms. Kennedy suggested that it could be assumed that Ms. Trainor is very vocal because she does not want the project to move forward.

Bringing the discussion back to the matter of the Emergency Funds Transfer, Ms. Saint Andre stated this amount is enough to have Mr. Marsh look at the remaining titles. Once he is done doing basic titles, it is possible that some may need additional follow-up. Ms. Saint Andre felt confident Mr. Marsh could get the titles done for the \$15,000 being requested.

Mr. O'Neill asked, from a taxation standpoint, how much is out there. Mr. Naser responded that it is all undeveloped land right now, and presently \$3,000-\$5,000 in taxes is coming in. This is really a verification process, and builds on a lot of work that was done by previous Boards of Assessors. Without a title expert, it was impossible to put appropriate taxation into place.

Mr. Rodenhiser stated now we know that the integrity of the information is accurate, and we don't want anyone to think something is wrong. We want to represent good data. We do not want to jeopardize a significant relationship with MassDevelopment which has been very good to us, and will lend money to us to do some work toward development. Discussion followed. It was noted that the grant agreement was entered into in September 2010, followed by the contract with consultant who began last fall.

Mr. Lagan Chris stated he appreciates Mr. Rodenhiser's comments and position, but suggested the Planning Board perhaps should not have entered into any agreement without knowing how much it would cost. He noted that the surplus balance in the Planning budget was transferred out at the end of the fiscal year. He reiterated the concern about the process expressed by some residents. Ms. Kennedy stated the Town did not do anything improper.

Mr. Rodenhiser disagreed with Mr. Lagan, reiterating the Planning Board could not have known how much the costs would be. There was no way. Even at the time the extra money was transferred out, we did not know.

Mr. O'Neill asked what is lost if the transfer is not approved. Mr. Rodenhiser stated we could lose the relationship with MassDevelopment, and we lose momentum on the work. Mr. O'Neill stated that, due to the present economy, no one is developing anything so that potential will remain.

Mr. Rodenhiser reminded the committee that it is his job as Chairman of the Economic Committee to keep working on this. Mr. O'Neill reiterated that there must have been a way to know that more money would be necessary. Ms. Kennedy wondered how that information could have been foreseen until the actual work was started. Mr. O'Neill suggested that a placeholder article could have been included a Town Meeting warrant for a specific amount, and then come to the Finance Committee for the remaining balance, for example.

Responding to a question from the committee, Mr. Rodenhiser stated no one on the Planning Board has a financial interest in this project. His personal interest is that it is the right thing to do. He stated all abutters and property owners were invited to all meetings. One parcel owner, Mr. Williams, is trying to sell his properties. If he should pass away in the interim, we will have to deal with his heirs, who may not be the least bit interested.

Ms. Devine suggested the question the Finance Committee is struggling with is this: Do we gain or lose anything by moving forward? Concern was expressed that it could cost more in the long run by prolonging the project. Ms. Saint Andre theorized that, if the project is put aside for several months, the consultants will have to reacquaint themselves with the issues, increasing the overall costs. Mr. Marsh is ready to begin again in January. He is pretty familiar with the project, estimating only a couple months more, depending on what he runs into.

Mr. Sheehan asked if a report would be available in time for Annual Town Meeting in May, with the next step identified. We just want to get back on track with the Town Meeting calendar.

Ms. Saint Andre stated she was pretty confident that Mr. Marsh can finish the titles with the \$15,000. He may report that there are certain parcels that need additional extensive research, which he will bring to the Town's attention, and funds can be appropriated.

Selectman Foresto reminded the committee that this is not a warrant article, and there are never warrant articles for \$15,000, when such an amount should be part of the budget.

Mr. Lagan stated there have been things passed on budgets, placeholder articles in place, and this wasn't done here. Are we going to be having the same discussion for whatever remains in six months?

Mr. Rodenhiser stated if the Planning Board had known more money would be needed, the extra money would not have been transferred out. He added that some of the statements made by Ms. Trainor were erroneous or incorrect. No one is prepared to go into a Town Meeting to battle with someone who is determined to create a cloud of doubt, especially when all the information was still unknown.

Mr. O'Neill asked if the consultant firm will provide a definitive estimate so we can know what the final cost will be. Ms. Kennedy responded by stating that they believe a sufficient number of parcels would be identified by the end of the title work that would create a large parcel that can move forward with development.

**Mr. Frank Rossi moved the committee approve the Emergency Transfer Request submitted by the Planning and Economic Development Department in the amount of \$21,000; Ms. Christine Devine seconded. No further discussion. Vote: 2-4-0 – oppose: Dickie, Lagan, O'Neill, and Sheehan. Motion failed.**

**Presentation – Town Wide Facilities Management Committee:**

Mr. Robert Parrella briefly reviewed the makeup of the committee, noting extensive backgrounds and education in related fields. Responding to a question regarding hiring a consultant to create a Master Plan, he stated the committee talked to numerous communities who all indicated they would not do that. Instead the communities all felt local people have a better idea of what their community needs.

With regard to facilities management, this is not custodial or repair work. Some services can be regionalized, but others cannot. If a facilities director is hired, the first thing that individual would do is take a detailed tour of every facility in town to determine the condition of any and all equipment, as well as general use or disuse. Even athletic fields have to be considered as part of maintenance.

Mr. Parrella acknowledged that everyone working for the Town of Medway is doing a great job, and that no one has the credentials that a first-rate facilities director should have. He noted there is a perception of distrust between the Town side and the Schools side, for whatever reason, and a facilities board would be comprised of representatives from both sides. In time, the trust will be developed, and confidence in the process will increase.

Responding to a question from Mr. Lagan, Mr. Parrella stated communities successful in facilities management are directed by their Town Charters which generally state that all facilities management falls under the jurisdiction of the Town Manager. When they hire people, they already have a culture in place, and they know that person will fit into that culture. According to industry reports, infrastructures have deteriorated across the country because funds have been redirected for other uses, and now there are big problems.

The Town of Lexington has a committee chaired by two people jointly, but there is no overall authority. According to Town Counsel, there should be one.

The Town of Medfield has people siding with town administrator, people who have been there for over 30 years, with no formal structure. When retirements occur, there will be problems because there is no

formal structure in place. In Hopkinton, they have the luxury of the Boston Marathon and the money it brings in. Mr. Parrella stated he talked to the new facilities director/town engineer, originally a Medway resident, who indicated things are not as rosy as it may seem. The library, for example, was run by a group whose directive comes from the colonial days, who did not pay attention to maintenance and things began falling apart. The library was then turned it over to the Town who now has to take care of it.

Ms. Devine asked if the same thing would happen with a facilities director. Mr. Parrella responded the director would report to the Facilities Board. Each year the director would put together a report of projects needed, and then report at the end of the year on what was accomplished. Things that do not get done one year should get definite attention the next.

Mr. Jeff DeVolder suggested that if three of the five board members were in favor of something, it could be decided. Then Town Counsel was consulted, who indicated the Medway Town Charter did not support a board, instead the authority is the Town Administrator.

Mr. Pete Manning stated the School Department would need to sign over the responsibility for the buildings occupied by educational groups. Governance has to be the authority, as it centralizes oversight of the projects and weighing priority of those projects.

Mr. Bob Ferrari stated he has experience in building as well as education, and this Facilities Board would be comprised of the School Superintendent, Town Administrator, Chairman of the Capital Improvements Planning Committee, Parks and Recreation, and a member from the School Committee. When everyone brings their information to the table, the group will begin to prioritize yearly what needs to be done. Everyone has a vested interest in how efficiently the group approaches projects, and the completion of those projects. Transparency of issues is paramount. Preventative maintenance is problematic in our buildings.

Mr. Parrella acknowledged that our schools are being well maintained as far as being swept, floors polished, and so forth, but that is not preventative maintenance. Educators want to focus on education, and leave the maintenance issues to those who have time to deal with it. In one community, police officers were being sent to pick up supplies at BJ's, clearly an ineffective use of staff and resources.

Responding to a question from Mr. O'Neill, Mr. Parrella stated \$550,000 would be pulled from the maintenance line items in departmental budgets, which is now spent on repairs and maintenance. At this time there is no way of knowing whether that is enough to do what needs to be done on an annual basis. That's why a consultant might be helpful in determining a list of tasks. He estimated that person's salary to be in the range of \$80,000 - \$100,000.

Directing his question to Mr. DeVolder from the School Committee, Mr. O'Neill asked if maintenance was being scheduled on things at the schools. Mr. DeVolder responded there is a maintenance director plus two people, their combined salaries are higher than that budgeted amount. Repair and fix is their main focus. He would like to have a consultant come in and get us up to speed on what is needed, determine the things that are necessary and cost-effective, compare it to what is being done, and figure out what comes next.

Mr. Ferrari stated there are colleges that offer degree programs in facilities management. We are all volunteers but at some point we will have to pay for the expertise that we need.

Ms. Devine stated she attended meeting with the School Committee, where success in facilities management was discussed. Mr. Parrella stated the Town of Franklin has it under the Town

Administrator and Department of Public Works which works well. Things did not work well in the beginning for the communities of Needham, Lexington and Danvers.

Mr. Ferrari expressed belief that a good faith effort from both sides is critical. School Department has legitimate concerns, but it has to start somewhere. He estimated three to five years as a period to see results, but we have to do something that has a modest payoff in the short term.

Mr. Rossi summarized by stating the Facilities Director determines what needs to be done, then approached the Facilities Board, and because the Town Administrator is one of the members, the Town Administrator can overrule any vote due to the authority bestowed on her by the Charter.

Mr. Parrella stated that, at all times, the director should utilize current personnel and resources, but if it a specific task that requires specific expertise, then it could go out to bid.

Mr. Rossi asked what the next step should be. Mr. Parrella stated the Facilities Management Study Committee recommends a Facilities Board. It is up to the Board of Selectmen to accept, reject or tweak it in some way. We are available for questions. He asked that the Finance Committee not consider the amount of work we have done, but to just consider that this would go a long way toward building relationships between the schools and the Town. He noted that all the energy work with TRANE should have come under the supervision of a Facilities Director. Lastly, Mr. Parrella stated he also does not believe ad hoc committees, such as the Energy Committee, are as effective as regular personnel.

#### **Financial Reports:**

Mr. Chris Lagan, Clerk, briefly reviewed the finances of the committee. He will send out a full report via email.

**Mr. Kevin Dickie moved the committee approve payment of an invoice from Community Newspapers in the amount of \$65.88; Mr. Sheehan seconded. No discussion. Vote: 6-0-0.**

#### **Liaison Reports:**

*Community Preservation Committee* – Mr. Frank Rossi distributed lists of open space parcels within the community. The list was obtained from Ms. Tina Wright, Open Space Committee. He offered to obtain additional information if necessary. This committee has not met for 6-7 weeks.

*Capital Improvements Planning Committee (CIPC)* – Mr. Kevin Dickie stated he will attend the meeting tomorrow night. He added there is nothing new to report from the Police and Fire Chiefs as he will not get together with them until after the holidays.

Mr. Jim Sheehan stated he plans to meet with the *Town-Wide Facilities Management Committee* after the holidays.

There was brief discussion on street acceptances and how that process is facilitated.

#### **Approval of Meeting Minutes:**

*The committee reviewed draft minutes of meetings held on October 12, 2011, October 26, 2011, November 2, 2011, and November 14, 2011.*

**After discussion, Mr. Lagan moved to accept the meeting minutes as follows: October 12, 2011 (as amended); October 26, 2011 (as amended); November 2, 2011 (as drafted), and November 14, 2011 (as drafted); Ms. Devine seconded. No further discussion. Vote: 6-0-0.**

**Next meeting:**

The next regular meeting will be Wednesday, January 11, 2012 at 7:00 PM, in Sanford Hall in Town Hall.

**At 8:55 PM Mr. Dickie moved to adjourn; Mr. Rossi seconded. No discussion. Vote: 6-0-0.**

Respectfully submitted,

Jeanette Galliardt  
Night Board Secretary