

**Board of Selectmen's Meeting  
February 7, 2011, 7:00 PM  
Sanford Hall, Town Hall  
155 Village Street**

**Present: Chairman Dennis Crowley, Selectmen John Foresto, Selectman Glenn Trindade, Selectman Andrew Espinosa, Selectman Richard Dunne and Town Administrator Suzanne Kennedy.**

At 7:03 PM Chairman Crowley called the meeting to order, and the Board recited the Pledge of Allegiance.

**At 7:04 PM Selectman Trindade moved that the Board go into Executive Session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the Town's litigating position, and to return to public session upon adjournment; Selectman Dunne seconded. Roll call vote: Selectman Foresto, aye; Selectman Trindade, aye; Selectman Espinosa, aye; Selectman Dunne, aye; Chairman Crowley, aye; all ayes, 5-0.**

At 7:25 PM Chairman Crowley reconvened the public session.

**Public Comment:**

Doug Wall, representing the American Legion Post, reported to the Board that the veterans group is considering sale of its property located at 6 Cutler Street and that its bylaws state if the building goes up for sale the Town has the right of first refusal. He clarified that the building is presently not on the market. He submitted a use proposal, giving the Historical Commission control of the building, under the Town's umbrella. He suggested making it available to the community as an additional meeting room for functions. Discussion followed.

Selectman Dunne suggested that all discussions of this matter include the Historical Commission and the Community Preservation Committee, the latter because CPA funds would likely be the source of the monies used for the purchase.

Chairman Crowley stated the Board would contact Mr. Wall in the next few weeks regarding this matter.

**Action Items from Previous Meeting:**

#3 – Solid Waste Audit Report – this item has been placed on the agenda for March 21. Chairman Crowley stated he has questions on the study that was done, and asked that the consultants come to the meeting with answers to those questions.

#7 – Route 109 Project – Selectman Espinosa stated the group plans to meet on February 9. They intend to make a presentation to the Board on February 22.

#9 – Energy Grant application – Ms. Kennedy stated the grant application for "green" communities has been submitted. The highest allowable amount the Town of Medway is eligible for is \$158,000.

There were no other Action Item updates.

**Discussion – Library Board of Trustees:**

*Present: Library Board of Trustees -- Wendy Rowe, Chair; MaryAnn Cabibbo, Vice Chair; William Roberts, Secretary; and Ed Duggan. Also, Lori Brownell, Jack Robinson, and Paul Marble, residents.*

Ms. Rowe briefly updated the Selectmen on the recent efforts made toward regionalization of library services with the Franklin Public Library. Topics touched on included maintenance services, cleaning services, recertification of the Medway Library, staffing issues, expanded services, and funding. She stated the Library Board of Trustees has voted not to continue with regionalization efforts as it feels such a move does not truly benefit the residents of Medway.

Ms. Cabibbo stated that having both a Library Director and an Assistant to the Director is often problematic as they sometimes have overlapping hours, yet there are hours when neither is on site. She stated further the Trustees' belief that money would be better spent on a salary for one full-time person rather than two people at differing pay rates.

Mr. Duggan stated not having one person in charge and on site makes more sense, as there is currently no ownership of library tasks to move the library forward in its goals. He cited personalities, schedules and too many unanswered questions as contributing to the overall dysfunction. Mr. Duggan stated further his belief that, combined with state funding, a state-mandated regionalization may be the only way to accomplish it, but suggested that some things done in Franklin would never work in Medway.

Selectman Dunne asked if regionalization has been successful anywhere. Mr. Duggan responded that he knew of only one case, where a new building was built to service two communities. Selectman Dunne asked the Trustees if regionalization has really been given a chance, only a year's time or so, wondering if more time is necessary to make it work. Lengthy discussion followed.

Ms. Rowe described the regionalization effort as an "experiment" yet no one really took ownership of the effort. Selectman Dunne suggested that Acting Director Felicia Oti's efforts seemed to be stalled by a group of dissenters, citing a lack of trust and no faith in the process, and asked the Trustees if they were vested in making the regionalization happen. He encouraged them to reconsider their decision and continue with the effort.

Selectman Espinosa stated regionalization seemed like a way to combine services, given a limited budget, and yet maintain a library in town. He acknowledged that perhaps the current plan is not the best, but asked for definition of true issues. He asked about the potential for self checkout of library materials which could significantly streamline the front desk routine. He suggested restructuring the entire library system in order to blend municipal services. He noted that the library is the only entity where a Board of Trustees oversees the actual operations, the library employees report to board, which is comprised of volunteers who are not Town employees.

Ms. Rowe responded that the self checkout system could be accessed with a one-time fee of \$3,200 but the Trustees didn't want to expend funds on this item in addition to books and other materials. She

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noted there were areas where they could be more efficient, but people opposed them. Ms. Cabibbo stated the Acting Director had a lot of ideas but people liked doing things their own way.

Selectman Trindade stated the library is a community resource that services a finite population. He asked what could have been done differently to make it work. Ms. Cabibbo responded the library has to fit the community; Franklin orders different books, has a different population and demographics, and there is nothing to be gained by sharing with Franklin. Selectman Trindade suggested that the Trustees simply want their own library and asked them to take another look at regionalization. Change can be a good thing.

Selectman Foresto asked if the real issue was with a particular individual, and not the process itself. He stated that the Board of Selectmen felt combining assets with Franklin toward common goals was a way of supporting the library as an entity in town. He echoed Selectman Espinosa's comment that the structure of the library system is problematic.

Chairman Crowley expressed disappointment that the Trustees did not come to the Board with their concerns earlier, as this situation did not develop overnight. He suggested the decision-making process of the Board of Trustees might have some bearing on the difficulty with the regionalization effort. He stated the residents would express their wishes at Town Meeting.

Ms. Lori Brownell, resident and Library Assistant, stated the staff on hand makes decisions all the time as Ms. Oti is often not there. She stated that Ms. Oti meets very few patrons and has no idea what the patrons really want.

Mr. Paul Marble, resident, stated he was involved with the Finance Committee when regionalization was discussed. He stated the way the plan is written gives Medway no oversight, and suggested that be looked at. He said funds were obtained for regionalization two years ago, and that, aside from personalities and politics, more people will be necessary to make it happen, as well as help from the state.

Mr. Jack Robinson stated the Town has a Facilities Management Committee looking at facilities management, and suggested the Trustees and Selectmen get input from that committee before making a final decision. He suggested consideration of long-term goals, such as where the Town and library want to be in the future, and less consideration of what happened in the past. Mr. Robinson stated significant financial issues exist and all opportunities to share resources and staff should be explored. He encouraged the Board of Selectman to get all the information and input possible.

Town Administrator Suzanne Kennedy thanked Ms. Rowe for her effort toward this project, and meeting together with Ms. Oti and herself. Ms. Kennedy stated it is crucial that there be a meeting of the minds and perhaps compromise between the two existing approaches.

Chairman Crowley repeated his earlier statement that the residents will ultimately make the decision, and encouraged residents to speak up. He clarified there will be separate line items within the Town

budget for the library budget and funds toward regionalization. He added that budget discussions begin in a few weeks. He reiterated his disappointment the Trustees had not come forward earlier.

The Board thanked the Trustees for their time and service.

**Presentation by Capital Improvement Planning Committee:** Postponed

**Discussion regarding Water Resources Management Plan:**

*Present: Tom Holder, Director, Department of Public Services; James Palladino, Vice Chair, Capital Improvement Planning Committee; Steve Geribo and David Peterson, Kleinfelder/SEA Consultants*

*At the meeting, the Board was in receipt of the following information: (1) Integrated Water Resources Management Plan, Town of Medway, February 2011; and (2) Memorandum from Betsy Frederick, Kleinfelder/SEA Consultants, to Tom Holder, Director, DPS, Town of Medway, dated February 1, 2011, regarding NPDES Stormwater Compliance.*

Mr. Holder informed the Board of a workshop scheduled for March 1 regarding stormwater utility development and the development of funding sources. Ask if anyone from BOS is interested in attending workshop on March 1 regarding funding sources.

Mr. Holder briefly reviewed the information presented in the documents he submitted this evening. He stated the communities of Franklin, Milford and Bellingham are already working on efforts towards stormwater management. He stated Medway needs to address the issue, particularly in light of the impending permit requirement. He noted municipalities have been reluctant to embrace Phase I of this permit requirement, and Phase II will impose stricter limits.

Mr. Holder stated an engineering project will cost \$500,000. He has applied for state revolving funds, and the Town of Medway is on a list of potential recipients. Town Meeting action will be required to appropriate necessary funds as a capital budget item. Mr. Holder stated he and the Finance Director worked through a 20-year debt model, which would incur \$35,000 in associated debt service each year. He said this effort is supported by the Capital Improvement Planning Committee.

Mr. Holder stated stormwater management centers around the quality of the water that is discharged from parking lots, washing machines, businesses, roofs, etc., into the water mains, eventually making its way into the Charles River basin. Mr. Peterson added that the process focuses on how many pathogens a stretch of the river can absorb without far-reaching ramifications. Each community has a specific number assigned to it, which generally measures the phosphorous level. The intent of Phase II is to get Medway's phosphorous level under control. The first year is so costly due to the intensive mapping operation that must take place in order to develop a phosphorous control plan. Implementation of that plan can take up to three years.

Mr. Geribo stated this country has done an excellent job of cleaning up lakes and rivers. The overland flow, such as oil from cars, livestock runoff, etc., has not been controlled. The Clean Water Act defines certain criteria that must be enforced. He suggested creating an integrated plan that addresses all

sources of water, where infiltration needs to be, where wastewater can be discharged into the ground, and what areas of land need to be protected as future sources of drinking water or places of discharge.

Responding to a question from the Board, Mr. Palladino stated this plan ties into other CIPC projects, and that participation shows the state that we are trying to work with what we have. Mr. Holder stated this project might eventually be mandated whether it is budgeted or not.

Chairman Crowley suggested the matter be discussed at either a separate meeting with the Capital Improvement Planning committee or in a workshop setting.

**Approval – Fleet Maintenance Operation Evaluation Change Order:**

*The Board was in receipt of the following information: (1) Letter and Fleet Maintenance Evaluation Scope of Services from Weston & Sampson to Tom Holder, Director, Department of Public Services , dated December 10, 2010; and (2) Amendment No. One to Agreement for Engineering Services by and between Town of Medway and Weston & Sampson for Department of Public Services Fleet Maintenance Evaluation.*

Mr. Tom Holder, Director, Department of Public Services, stated that the final cost of the contract would be \$8,592, after a waiver of \$3,000 from Weston & Sampson, and utilizing \$3,000 unspent from a previous contract. Discussion followed.

**Selectman Trindade moved that the Board approve an amendment to the Weston & Sampson feasibility study contract to include a Department of Public Services fleet maintenance evaluation for an amount not to exceed \$8,592; Selectman Foresto seconded. Mr. Holder stated the evaluation encompasses a 14-step process and that the efficiencies gained would offset the cost of the study. All ayes, 5-0.**

**Emergency Expenditure – Snow and Ice Removal:**

*The Board reviewed M.G.L. Chapter 44, Section 31d: Department Appropriations – Snow and ice removal; emergency expenditures, reporting requirements.*

Mr. Tom Holder, Director, Department of Public Services stated the annual budget for snow and ice removal is \$317,000, and so far this winter, \$462,000 has been spent. Ms. Kennedy reminded the Board the Town is allowed to make up the expenditure by the end of the year, and that this action acknowledges that the Town is aware of the financial liabilities.

**Selectman Trindade moved that the Board approve incurring liability and making expenditures in excess of the available fiscal year 2011 appropriation for snow and ice removal; Selectman Espinosa seconded. No discussion. All ayes, 5-0.**

**Approval -- Finance Committee Transfers: Associated costs for Road Acceptances:**

*The Board was in receipt of the following: (1) Emergency Transfer Request, dated February 3, 2011, in the amount of \$9,700.00; and (2) Birch Hill – Street Acceptance Cost Estimate, dated February 2, 2011, in the amount of \$9,700.00.*

Town Administrator Suzanne Kennedy stated the street acceptance committee decided to focus on specific locations to achieve better success. She stated she and Selectman Espinosa met with Town Counsel regarding this concept, and noted that this particular area (Birch Hill) is considered to be mostly successful in meeting all criteria, i.e., legal fees, appraisals, etc.

Selectman Espinosa stated there are currently thirty-one (31) unaccepted streets in five or six different divisions. He stated some of these are over ten years old. He commented that the legal issues will continue, noting the Board of Selectman can do nothing but continue with the annual process. This effort is an attempt to address a specific location, one or two streets per year, in order to spread out the legal expenses.

Selectman Trindade stated some of these divisions have no bond money left. He suggested the Planning Board may not have wanted to accept some for fear it would set a precedent, and now there is an inertia toward completing requirements. Residents are paying property taxes, yet until the street is accepted, the Town does not plow the snow nor do street repairs. Discussion followed. This fund transfer will enable work to be done now and possibly make the street acceptable for Town Meeting. In the future, funding for this ongoing project will be included in the budgeting process and voted at Town Meeting.

**Selectman Trindade moved that the Board approve an emergency transfer request in the amount of \$9,700 to cover the expense of legal and appraisal fees associated with Birch Hill street acceptance; Selectman Espinosa seconded. Selectman Foresto expressed concern this figure may not be enough money for future processes of this nature. All ayes, 5-0.**

**Approval – Finance Committee Transfers: Associated costs for School Department HVAC Repairs:**

*The Board was in receipt of the following:*

- 1) *Emergency Transfer Request, dated January 21, 2011, in the amount of \$19,345.56, to cover the cost of replacing defective classroom univents*
- 2) *Award of contract to R.P. O’Connell, Inc., dated December 15, 2010, to replace 34 defective classroom unit ventilator vales, in the amount of \$19,345.56, in accordance with Medway Public Schools, Chapter 30B: Uniform Procurement Act*
- 3) *Quotation, dated December 15, 2010, from Randy Dale, R. P. O’Connell, Inc. to the Medway School Department, in the amount of \$19,345.56 [awarded]*
- 4) *Quotation #1117512 in the amount of \$24,970, dated December 9, 2010, from Trane, Inc., [not awarded]*
- 5) *Purchase Order #20110816-00 from R.P. O’Connell, Inc., in the amount of \$19,345.56*

Town Administrator Suzanne Kennedy reported the replacement of a defective classroom unit was dealt with over school vacation. Deb Trindade, School Committee Liaison, stated that a particular valve of the unit ventilator began to malfunction in 11 of 34 units, and the decision was to replace all such valves at the same time. By doing the work over vacation, the work could be done without interrupting education and avoiding overtime costs. All 34 valves were replaced.

**Selectman Foresto moved that the Board approve an emergency transfer request in the amount of \$19,345.56 to cover the cost of necessary HVAC repairs in the schools; Selectman Trindade seconded. Brief discussion. All ayes, 5-0.**

**School Committee Report from School Committee Liaison:**

*Present: Deb Trindade. School Committee Liaison, and Shelly Wieler, School Committee.*

Shelly Wieler, School Committee, stated a “needs” budget has been submitted, noting that it adheres to the Board of Selectmen’s defined budget policy. Responding to a question from the Board, she stated the committee worked on a budget that meets the requirements of what the schools believe they need to adequately educate children, then pared it back to meet revenue number from the Town. An impact statement was also prepared, as requested. Ms. Wieler expressed concern the committee may have utilized an incorrect revenue figure when preparing the budget.

Deb Trindade clarified by stating the original budget did not adhere to the Board’s budget policy, requiring the committee to focus on reductions. By the February 11 deadline, the budget will be finalized. Town Administrator Suzanne Kennedy stated she is available to meet with Ms. Trindade and Ms. Wieler regarding revised revenue figures.

Ms. Trindade also stated the committee will begin a search for a new Director of Special Education and has hired a firm to “head hunt” for the best qualified candidates. Additionally, they are trying to come to an agreement with a company that can do an assessment of the School Department’s delivery of special education services, mostly in the area known as related services, to see if any savings could be achieved. She noted the particular company under consideration has been used successfully in a number of other Massachusetts communities.

**Approval of Warrants:**

Selectman Foresto read aloud Warrant #11-32, dated 2/10/2011, submitted for approval:

|        |              |                       |
|--------|--------------|-----------------------|
| 11-32  | Town Bills   | \$ 901,387.22         |
| 11-32S | School Bills | 154,103.07            |
|        | <b>TOTAL</b> | <b>\$1,055,490.29</b> |

**Selectman Trindade moved the Board approve Warrant #11-32, dated 2/10/2011, in the amount of \$1,055,490.29; Selectman Dunne seconded. No discussion. All ayes, 5-0.**

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

**Selectman Trindade moved that the Board open the Annual Town Meeting warrant as of February 2, 2011 with the intent to close the warrant on February 22; Selectman Foresto seconded. No discussion. All ayes, 5-0.**

**Town Administrator's Report:**

Due to the late hour, Ms. Kennedy deferred her report until the meeting on February 22.

**Selectmen's Reports:**

Selectman Foresto reported there has already been a response to RFQ on the Thayer house. All responses are due by February 15.

Selectman Trindade –No report.

Selectman Espinosa- No report.

Selectman Dunne- No report.

Chairman Crowley asked Ms. Kennedy when the Board could expect to see budget reports. Ms. Kennedy stated the budget will be available by hard copy or electronically on February 11. Chairman Crowley also asked that the discussion of the American Legion building be added to Action Items.

**Approval of Minutes:**

**Selectman Trindade moved that the Board accept the regular session minutes of November 15, 2010, as drafted; Selectman Dunne seconded. No discussion. All ayes, 5-0.**

Regarding the regular session minutes of November 22, Selectman Trindade asked that any opposing votes be identified, noting this adheres to the new Open Meeting guidelines. At that meeting, Selectman Espinosa was not in favor of the motions proposed in the Tax Classification Hearing.

**Selectman Trindade moved that the Board accept the regular session minutes of November 22, 2010, as amended; Selectman Foresto seconded. No further discussion. All ayes, 5-0.**

**Selectman Trindade moved that the Board accept the regular session minutes of December 6, 2010, as drafted; Selectman Espinosa seconded. No discussion. All ayes, 5-0.**

**At 10:08 PM Selectman Trindade moved to adjourn; Selectman Foresto seconded. No discussion. All ayes, 5-0.**

Respectfully submitted,  
Jeanette Galliardt

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Board Secretary