

**TOWN OF MEDWAY
WARRANT FOR NOVEMBER 16, 2009
FALL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, November 16, 2009** at 7:30 p.m., then and there to act on the following articles:

The meeting was called to order by Town Clerk Maryjane White, due to the absence of Town Moderator Mark Cerel.

First order of business was to elect a temporary moderator. Lou Caccavaro was unanimously voted Town Moderator.

ARTICLE 1: To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Medway School Building Committee for a feasibility study, owner's project manager services through schematic design, designer services through schematic design, and costs of schematic design for repairs to the Medway Middle School, located at 45 Holliston Street, Medway, MA 02053, for which the Town may be eligible for a grant from the Massachusetts School Building Authority, or to act in any manner relating thereto. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

SCHOOL BUILDING COMMITTEE

VOTED: To appropriate the sum of \$250,000.00 for a feasibility study, owner's project manager services through schematic design, designer services through schematic design, and costs of schematic design for repairs to the Medway Middle School, located at 45 Holliston St, Medway, Ma 02053, said sum to be expended under the direction of the Medway School Building Committee; and to meet said appropriation the Treasurer with the approval of the Selectmen is authorized to borrow said sum under Massachusetts General Laws Chapter 44, or any other enabling authority; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the town

incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the town, and that the amount of the borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement between the town and the MSBA.

VV

(Unanimous)

ARTICLE 2: To see if the Town will vote to abandon the proposed painting of the Highland Street water tank as approved under Article 9 of the May 14, 2007 Annual Town Meeting, and further vote to appropriate the funds borrowed by the Town for such purpose under said article for the purpose of demolishing the existing Highland Street tank and designing and constructing a new water tank in its place, along with the necessary pipes, mains, buildings, pumps and other appurtenances as are customary and necessary for the construction of the new tank; and further to raise and appropriate or borrow an additional sum of \$1,300,000 for said purpose, as well as for related engineering, legal, utility, and other associated costs, and to authorize the Water and Sewer Commissioners and Board of Selectmen to take any other action necessary to carry out, for the purposes of this article, or act in any manner relating thereto.

DEPARTMENT OF PUBLIC SERVICES

VOTED: That the proposed painting of the Highland Street water tank as approved under Article 9 of the may 14, 2007 Annual Town Meeting is hereby abandoned and the \$199,259.00 borrowed by the Town for such purpose under said article is hereby appropriated for the purpose of demolishing the existing Highland Street tank and designing and constructing a new water tank in its place, along with the necessary pipes, mains, buildings, pumps and other appurtenances as are customary and necessary for the construction of the new tank; and further an additional sum of \$1,300,000.00 is hereby appropriated for said purposes, as well as for related engineering, legal, utility, and other associated costs; and to meet this additional appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,300,000.00 under Massachusetts General Laws Chapter 44, Section 8 or any other enabling authority; and the Water/Sewer Commissioners and the Board of Selectmen are authorized to take any other action necessary to carry out the purposes of this article.

VV

(Unanimous)

ARTICLE 3: To see if the town will vote to amend the vote taken under Article 17 of the May, 2003 Annual Town Meeting, by deleting the phrase “to establish a betterment fee in an amount up to \$12,000.00 for the properties benefiting from such extension in order to raise approximately half then [sic] total amount;” and to insert the following language in its place: “to authorize the Board of Water and Sewer Commissioners to assess fifty percent of the total project cost as a betterment upon those

who benefit from the project, said assessments to be made by the fixed uniform rate method;” or take any other action relative thereto.

BOARD OF WATER/SEWER COMMISSIONERS

VV

(Unanimous)

VOTED: To accept the following resolution sponsored by the Board of Selectmen

RESOLUTION

On behalf of the members of the Board of Selectmen, I move the following resolution under Article 3 of the Town Meeting:

WHEREAS: Under Article 17 of the 2003 Annual Town Meeting, the Town voted to approve an extension of the Town’s sewer mains, and to appropriate \$1,668,800 for this purpose. The Town also received a MORE grant from the state to help finance this project. As part of the 2003 Annual Town Meeting vote, the Town Meeting voted to establish a betterment fee for the properties benefiting from the sewer extension in order to pay “approximately” half the total amount of the project. The 2003 Annual Town Meeting vote further provided that the betterment fee would be up to \$12,000; and

WHEREAS: Since that vote in 2003, the Town has been able to make a better determination as to the projected total costs of the project, and what the amount of the betterments would be in order to pay half the cost of the project through the betterments. Almost all of the residential properties to be assessed a betterment, based on estimates at this time, will be assessed an amount less than \$12,000. However, there are a few residential properties that would be assessed more than \$12,000. In keeping with the intent of the vote taken by the 2003 Annual Town Meeting, therefore:

Be it Resolved, that it is the sense of this Town Meeting to support the position of the Board of Selectmen that the Board of Selectmen and the Water and Sewer Commissioners should strive to set the rate for betterments for the sewer project so that, to the extent possible in recovering half of the total cost of the project, betterments assessed on single residential lots do not exceed \$12,000. Further, the Town Meeting

agrees with the Board of Selectmen in support of the right of any owner of a single residential lot to seek an abatement of any betterment that exceeds \$12,000 to reduce that betterment to a maximum of \$12,000.

VV

(UNANIMOUS)

ARTICLE 4: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds an additional sum of money to be expended for the purpose of design and construction of an extension to the sewer system as authorized under Article 17 of the May, 2003 Annual Town Meeting, and to authorize the Board of Water and Sewer Commissioners to assess fifty percent of the total project cost as a betterment upon those who benefit from the project, said assessments to be made by the fixed uniform rate method; or take any other action relative thereto.

BOARD OF WATER/SEWER COMMISSIONERS

VOTED: To appropriate an additional sum of \$950,00.00 for the purpose of design and construction of an extension to the sewer system as authorized under Article 17 of the May 2003 Annual Town Meeting; and to meet this additional appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$950,000.00 under General laws Chapter 44, section 7 or 8 or any other enabling authority; and that the Board of Water and Sewer Commissioners is authorized to assess fifty percent of the total project cost as a betterment upon those who benefit from the project, said assessments to be made by the fixed uniform rate method; and the Water and Sewer Commissioners and the Board of Selectmen are authorized to take any other action necessary to carry out the purpose of this article.

Voted by 2/3 Majority

ARTICLE 5: To see if the Town will vote to authorize the School Committee to enter into a lease for not more than 20 years of all or a portion of the Medway High School roof, located at 88 Summer Street, Medway, for the purpose of installing, operating, and maintaining solar power electric generation facilities, and further to authorize the School Committee to lease additional space within the High School and/or the High School grounds for the installation, operation and maintenance of utility lines, cables, conduits, transformers, wires, meters, monitoring equipment and other necessary equipment and appurtenances for said solar power electric generation facilities, upon such terms and conditions as the School Committee deems in the best interests of the Town, provided that such lease shall not interfere with the educational purposes, programs and uses of the High School, or to take any other action relative thereto.

SCHOOL COMMITTEE

VV

(Unanimous)

ARTICLE 6: To see if the Town will vote to appropriate a sum of money from the community preservation fund account to pay for professional real estate appraisal(s), as needed, of land being considered by the Town for purchase for a purpose specified in GL Chapter 44B, the Community Preservation Act, or act in any manner relating thereto.

COMMUNITY PRESERVATION COMMITTEE

VOTED: To appropriate the sum of \$10,000.00 from the Community Preservation Fund Account to pay for professional real estate appraisal (s), as needed, of land being considered by the town for purchase for a purpose specified in General Laws Chapter 44B, the Community Preservation Act.

VV

(Unanimous)

ARTICLE 7: To see if the Town will vote to transfer the remaining capital improvement funds for the Fire Department as approved under Article 9 of the June 2, 2008 Town Meeting appropriated for the Garage Door Replacement and Engine 4 Fire Engine and Article 3 of the June 15, 2009 Town Meeting appropriated for HVAC and Heating System replacement and to further vote to appropriate the funds for the purpose of various improvements for the Fire Department, including the carpeting of the office space at Station 1, door and window replacement at Station 2, repair to Engine 2, and fire alarm system, or to act in any manner relating thereto.

FIRE DEPARTMENT

VV

(Majority)

ARTICLE 8: To see if the Town will vote to establish a revolving fund for the Medway Assessors Department as provided for in M.G.L. Chapter 44, Section 53E-1/2. Said fund has the following restrictions:

1. The fund would be used to pay for the cost of updating the Assessors/GIS maps.
2. The revenue for the fund would come from fees collected by the Planning and Economic Development Board for applications to modify existing parcel boundaries and/or to create new parcels.
3. The Board of Assessors would administer the fund and authorize the expenditure of monies in the fund.
4. The limit on the amount to be expended from the fund would be \$5,000.

BOARD OF ASSESSORS

**PLANNING AND ECONOMIC DEVELOPMENT BOARD
(Majority)**

VV

ARTICLE 9: To see if the Town will vote to transfer from the Department of Public Services DPS Expenses Account the sum of \$60.00 for the purpose of paying unpaid bills of prior years of the Town, or take any action relative thereto.

**DEPARTMENT OF PUBLIC SERVICES
(Unanimous)**

VV

ARTICLE 10: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain pursuant to General Laws chapter 79, an easement in real property located at 4 Shaw Street and 6 Shaw Street necessary for the construction and maintenance of sheet piling on Shaw Street to stabilize the Charles River Bank, and to appropriate a sum of money for said purposes, or act in any manner relating thereto.

**BOARD OF SELECTMEN
(Majority)**

VV

ARTICLE 11:
To see if the Town will vote to accept the provisions of section 40 of chapter 653 of the Acts of 1989, (amending General Laws chapter 59 section 2A(a)), which provides that the town may capture new growth through the end of each fiscal year, or to act in any manner relating thereto.

BOARD OF ASSESSORS

VV

(Majority)

ARTICLE 12: To see if the Town will vote to amend the General Bylaws Article 12, Penal Laws, by adding a Section 12:25 Nuisance and Blight, the full text of which is available on the Town's website, at the Town Clerk's office and as a handout at this Town Meeting, or to act in any manner relating thereto.

BUILDING DEPARTMENT

VOTED:

ARTICLE 13: To see if the Town will vote to amend the following subsections of Article XVII of the Town's General By-Laws, or act in any manner relating thereto.

Add the following new section under Section 17.2 Definitions:

2.8 “Demolition by Neglect” - a process of ongoing damage to the fabric, viability and/or functionality of a building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

Section 17.3 Procedures

3.1 Add to end of first paragraph:

All Notices of Intent to Demolish a Historically Significant Building must be submitted by or consented to in writing by the record owner of the property, which includes court appointed legal representatives (Power of Attorney, Guardian, Conservator, Executor etc...). The Historical Commission will not hold a hearing or issue an opinion if there is no intent by the owner or applicant to demolish the building.

Section 17.3 Procedures

3.2 Add a new subsection (iv):

(iv) Upon the expiration of the nine month waiting period provided by section 3.6 of this By-law for a preferably-preserved historically significant building, the applicant shall have one year to obtain a demolition permit and commence work, If by the end of one year the authorized demolition has not commenced, or if commenced is not prosecuted with due diligence, or if such work is suspended in significant part for a period of one year after the time the work is begun, the applicant shall be required to submit a new application for a permit to demolish the building in accordance with this Bylaw. However, the applicant may request an extension of the one year time limit, provided that the application for an extension shall be in writing and shall be submitted to the Commission at least 30 days prior to the expiration of the one year period. The Commission in its discretion may grant, in writing, an extension not to exceed one year. If the demolition work is not completed within time period provided for in this section, including any extension of time, any new request will need to fulfill all requirements and guidelines that may be in force at that time

The provisions of this section 3.2 shall not apply to any applications submitted prior to the effective date of this section.

Add a new Section 17.7:

Section 17.7 Demolition by Neglect (Old 17.7 Severability becomes 17.8)

7.1 If the Commission has reason to believe, through visual inspection or by other means, that a building that is considered to be of historical significance may be undergoing Demolition by Neglect, as defined by the bylaw, then the Commission shall notify the Building Inspector and the owner and the Commission and the Building Inspector shall jointly hold a public hearing to (i) confirm whether or not the building is historically

significant which shall require a vote by the Historic Commission. (ii) Determine whether or not it is undergoing Demolition by Neglect which shall require a vote of the Historic Commission and the concurrence of the Building Inspector. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the building by the Building Inspector.

7.2 If the Commission and the Building Inspector both determine that the building is undergoing Demolition by Neglect, the Commission and the Building Inspector shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration.

7.3 In the event that the Commission and the Building Inspector both determine that they are not able to negotiate such an agreement with the owner, for any reason, or the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Commission and the Building Inspector may take such action as is permitted by law and authorized by the Board of Selectmen, which may include seeking a court order that specific repairs be undertaken to secure the building against the elements, vandals and vermin, to halt further deterioration and to stabilize the structure.

HISTORICAL COMMISSION

Fails

**37 in favor
100 opposed**

ARTICLE 14: To see if the Town will vote to approve an act authorizing the Town of Medway to continue the employment of Paul L. Trufant as follows, or to act in any manner relating thereto.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding chapter 32 of the General Laws or any other general or special law or rule or regulation to the contrary, Paul L. Trufant, chief of the fire department of the Town of Medway may continue in that position until June 30, 2012, notwithstanding the fact that he has attained the maximum age for that position, provided that he is physically and mentally capable of performing the duties of his office.

SECTION 2. This act shall take effect upon its passage.

BOARD OF SELECTMEN

VV

(UNANIMOUS)

Meeting was adjourned at 10:50 p.m.

Number of voters in attendance: 234 Registered voters: 8971

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least FOURTEEN (14) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 29th day of October 2009.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

Andrew Espinosa, Chairman

Richard Dunne, Vice Chairman

Dennis Crowley, Clerk

Glenn Trindade, Member

John Foresto, Member

ATTEST: _____
Paul Trufant, Constable