

Board of Selectmen's Meeting
April 4, 2016 -- 7:00 PM
Sanford Hall, Town Hall
155 Village Street

Present: John Foresto, Chair; Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk (7:02 PM); Dennis Crowley, Member; and Glenn Trindade, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Tom Holder, Director; Department of Public Services; Donna Greenwood, Principal Assessor; Missy Dzikczek, Director, Council on Aging; Stephanie Mercandetti, Community Development Director.

At 7:00 PM Chairman Foresto called the meeting to order and led the Pledge of Allegiance.

Public Comments: Mr. Charlie Myers stated he had some questions about the proposed Exelon expansion project, specifying his interest in the water lines. He expressed concern that the water pressure needs to be protected from collapsing. He asked for the research that deals with the laterals and the suction pressure off the main that has been deemed acceptable. Mr. Tom Holder, Director, Department of Public Services reported that there is enough pressure, noting that the Fire Department draws at a higher pressure than Exelon would. Mr. Holder added that DPS will be meeting with Kleinfelder this week.

Mr. Liam McDermott asked about the process, specifically what happens if the Planning and Economic Development Board has not voted on the zoning articles. Chairman Foresto responded that the Board will indicate TBD (To Be Determined) the Board of Selectmen receives a final recommendation. The Finance Committee also votes on the articles, and if approved, will offer a positive motion at Town Meeting. Mr. Boynton added that, as long as a motion does not change the scope of the article, motions from the floor are allowed.

Discussion - Alleged Open Meeting Law Violation:

The Board reviewed a complaint form from Mr. Brian Adams.

Mr. Boynton explained that his office received a complaint form referencing a dinner meeting that took place at the Medway Café on Election Day. He stated that he was at the restaurant with Selectman Crowley and Selectman Trindade discussing Parks and Recreation work that Gale Associates had just finished. Through a chance arrival, Selectman D'Innocenzo arrived. Selectman Trindade explained that he and Selectman D'Innocenzo had plans to attend a basketball game, but as he arrived after the appointed time, the others made use of the time and began their discussion. There was no attempt to deceive anyone. Selectman Crowley added that, if Board members were thinking of having a secret meeting, it would not be planned for one of the most popular places in Medway. This was a happenstance meeting.

Mr. Boynton reminded the Board that the Town owes Mr. Adams a reply, and that reply also goes to the Attorney General's Office. Mr. Adams reported he did not file the complaint with the AGO as the rules that one files with the Town first and with Attorney General within 30 days. Selectman Crowley stated that Mr. Adams did the right thing; if someone thinks something is amiss, it should be reported. Discussion followed, noting that there is a specific schedule or timeline involved in the responses.

Discussion – Senior Work Off Program –Hourly Rate:

The Board reviewed the following information: (1) Memorandum dated March 31, 2016 from the Principal Assessor; (2) Hourly Rate Chart; and (3) Copy of General Laws – Chapter 59, Section 5K.

Present: Donna Greenwood, Principal Assessor; Missy Dziczek, Director, Council on Aging.
We want to raise the rate so that the hourly rate is the same for other minimum wage earners. They will work fewer hours as they can only earn \$1,000. Discussion followed on the jobs program.

Selectman Trindade moved that the Board approve the hourly rate for senior workers from \$8.00/hour to \$10.00/hour as requested; Selectman D’Innocenzo seconded. It was noted that the existing rate is \$7.50/hour; Selectman Trindade amended the motion and Selectman D’Innocenzo seconded the amended motion. No further discussion. VOTE: 5-0-0.

FY17 Budget Update:

The Board reviewed updated FY17 Budget projections.

Town Clerk

Selectman White, Town Clerk, recused herself from the discussion and vote.

Mr. Boynton reported that the Finance Committee had some questions about the increase in step in the proposed amount, noting that it has since been modified to reflect a phased process to eventually bring the position to the level where it should be.

Water & Sewer

It was noted that the Workers Compensation Coverage premiums appear to be on the rise and may be higher than what was originally planned. Mr. Boynton theorized that an additional \$10,000 may be necessary, adding that this line item would be included in the unclassified section on page 3. These rates are set by MIIA, the Town’s insurance company. Discussion followed.

Selectman Trindade moved that the Board approve the budget with changes as noted; Selectman D’Innocenzo seconded. Brief discussion followed. VOTE: 5-0-0.

Discussion – Proposed Phased Project for Recreation Facility Improvements to Include Choate Park, Medway Middle School, Oakland Park and Cassidy Field

The Board reviewed an Itemized Project List prepared by the Town Administrator.

Mr. Boynton reported that the Finance Committee expressed support for the concept, but was concerned about the details. He narrowed the project description down as much as possible to potential designs with specific components. He had a conversation with EOEa about available funding if we opt not to do Phase I, and if anything is available for design costs. Ideally, it should be a CPC request for funding as they are all recreational improvements. There is also a desire to solicit more public input as well as relevant entities such as CPC, Park and Recreation and EPFRAC. Discussion followed. Chairman Foresto noted that the Planning Board will want a full site plan, whether or not it is broken into phases. They will want to see the entire project at one time. Mr. Boynton noted that there are two options for articles listed in the warrant under Article 21.

Discussion followed on preferred wording. Selectman D’Innocenzo theorized that EPFRAC would likely prefer the one for design and engineering. Mr. Boynton suggested adding the words “and Oakland Park” after Cassidy Field and “and preparation of public bid document”, right after the word “services”. Discussion followed on the amount of money during which it was suggested to include the words “not to exceed \$40,000”.

Selectman Crowley moved that the Board approve the wording for Article 21 as discussed; Selectman Trindade seconded. No further discussion. VOTE: 5-0-0.

Vote Articles and Recommendations – May 9 Annual Town Meeting Warrants

The Board reviewed the 2016 Annual Town Meeting Warrant.

Article 4 – FY17 Water Enterprise Fund

Mr. Boynton stated he will forward a revised report showing status since last major leak. Mr. Holder clarified that the department compares usage/leak information to the same three-month period in 2015 and 2014 which presents a sense of the trend.

Selectman Crowley pointed out that it is the responsibility of the Water and Sewer Commissioners to set the rates and expressed his confidence in their ability to analyze these numbers appropriately. Discussion followed on hook-up fees from developments, a breakdown of the debt service and that only the design cost for the new DPS facility is included in the debt service. This holds true for the Sewer Enterprise Fund as well.

Selectman Trindade moved that the Board approve Article 4 with no change to salaries, expenses at \$600,210, debt at \$979,575 for a Direct Cost total of \$2,226,993, with an additional \$45,450 for retained earnings and indirect costs of \$27,361 for a total of 2,499,354; Selectman D’Innocenzo seconded. These figures will be plugged into the chart contained in Article 4. VOTE: 5-0-0.

Chairman Foresto reported that the Finance Committee asked if there were required minimums for retained earnings. Mr. Holder responded that there is no bylaw or written policy on rates. There are recommendations from rate counsel.

Article 5 – FY17 Sewer Enterprise Fund

Ms. Carol Pratt, Finance Director, identified the following recommended dollar amounts: Salaries unchanged; Expenses \$979,400; Direct Costs \$1,455,150; Indirect Costs \$98,775 bringing the total to \$1,553,935. Brief discussion followed.

Chairman Foresto moved that the Board approve Article 5 with the changes as discussed; Selectman Trindade seconded. The figures will be included in the article language. No further discussion. VOTE: 5-0-0.

Article 18 – Community Preservation Committee

Mr. Boynton reported that there are no numbers for this article yet. The Community Preservation Committee cancelled their meeting for this evening due to weather conditions. .

Selectman Trindade moved that the Board approve Article 18 as presented this evening and to designate the Board of Selectmen recommendation as TBD (To Be Determined); Selectman White seconded. No discussion. VOTE: 5-0-0.

Article 21 – Recreation Facility Improvements

This vote was taken earlier in the meeting.

Article 27 – Parking & Storage of Commercial & Recreational Vehicles

Selectman Crowley moved that the Board reconsider its original vote on Article 27; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.

Selectman Crowley moved that the Board change its recommendation on Article 27 to TBD (To Be Determined); Selectman Trindade seconded. Mr. Boynton reported he met with staff, adding that the public hearing process is still ongoing. There is discussion on possibly removing the RV (Recreational Vehicle) component from the article. Before the BOS supports it, the wording of the article needs to be finalized. Ms. Mercandetti reported that the public hearing was continued until April 12. VOTE: 5-0-0.

Discussion – Social Media Usage:

There were no background materials.

Present: Mary Becotte, Communications Director.

Ms. Becotte reported that close to 500 people respond to the newsletter and the Facebook presence has doubled in the last couple of months. She indicated that she would like to list all the open public meetings on the Facebook page on a weekly basis coupled with a disclaimer that people should check the Town website for a complete list. Discussion followed on ability for residents to submit questions and get responses via the website.

Approval – Contract with BETA Group for Engineering Consulting Services – 9 Summer Street & 34 West Street - \$18,715:

The Board reviewed the following information: (1) Memorandum dated March 31, 2016 from the Planning and Economic Development Coordinator; and (2) Contract.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with BETA Group for Engineering Consulting Services in an amount not to exceed \$18,715 subject to approval of Town Counsel; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Approval – Contract with Weston & Sampson for Engineering and Construction Oversight - Winthrop Street Culvert Repair - \$39,500:

The Board reviewed the following information: (1) Letter dated February 5, 2016 from James Pearson, Weston & Sampson; (2) Contract; and (3) Scope of Services.

Mr. Holder stated that this is a contract for engineering services, explaining that \$90,000 was appropriated at the 2015 Fall Town Meeting for the Winthrop Street culvert which was found to be collapsed and repairs are not holding up. The contract was broken down into a number of components. We have to design a liner that will fit inside. This area bisects two wetlands areas so there will be a significant amount of Conservation Commission oversight as well as a Notice of Intent. He has been working with the Conservation Agent to get a blanket municipal permit for repair work approved as it will make the work easier to manage. There is also a chance that the Army Corps of Engineers may get involved.

Mr. Holder briefly described the pieces of the contract. He noted that it is a menu-based contract authorizing design, and depending on what other issues are uncovered, other things could be addressed. Mr. Holder added that there are some Chapter 90 funds that can also be utilized.

Responding to a question from Selectmen Trindade, Mr. Holder stated that the liner is of flexible construction that will bend and conform to the shape of the pipe. A more traditional liner would be round or oval, and capacity would be lost. Whatever method is employed, we need to eliminate or minimize the possibility of a backup or blockage upstream.

Selectman Crowley asked about the duration of the repair work. Mr. Holder responded it would take approximately two weeks. Mr. Crowley expressed concern that the Town has to pay a consultant to work with our own staff, and the cost for that consultancy seems excessive. Brief discussion followed.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Weston & Sampson for engineering and construction oversight on the Winthrop Street Culvert repairs as requested; Selectman White seconded. Brief discussion followed. VOTE: 4-1-0 – Crowley opposed as he was uncomfortable with the cost for engineering fees.

Approval – Contract with Rapid Flow Inc. for Sewer Inflow & Infiltration Repairs – \$138,634

The Board reviewed the following information: (1) Memorandum dated April 4, 2016 from Director of Department of Public Services; and (2) Contract.

Mr. Holder stated that, as part of the sewer improvement program, the Department of Public Services has replaced various pipe and manholes. We will repair additional line segments and manholes that are leaking which at present number fifteen segments and seventeen manholes. Rapid Flow Inc. was the low bidder. Responding to a question from Chairman Foresto, Mr. Holder stated that approximately 15 of the 60 miles of pipes have been done.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Rapid Flow Inc. for sewer inflow & infiltration repairs on portions of the Town's sewer system, as requested; Selectman D'Innocenzo seconded. Brief discussion followed on funding source, payment bond and change order percentage. VOTE: 5-0-0.

Approval – Contract with Lantern Light & Electric Inc. for Electrical Maintenance Services - \$50,000:

The Board reviewed the following information: (1) Memorandum dated April 4, 2016 from the Director of Department of Public Services; (2) Bid Results; and (3) Contract.

Mr. Holder stated that this contract is a continuation of a previous contract to perform various electrical work. Much of this work will be done at Medway Public Library.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Lantern Light & Electrical Inc. for electrical maintenance services in an amount not to exceed \$50,000 for year 1, and subject to funding for year 2; Selectman White seconded. Responding to a question from Selectman White, it was confirmed that this is the maximum billable amount for year 1. VOTE: 5-0-0.

Approval – Contract with D&R Paving for Street Paving - \$1,700,000:

The Board reviewed the following information: (1) Memorandum dated April 4, 2016 from the Director of the Department of Public Services; (2) Bid Results; and (3) Contract.

Mr. Holder stated that the Department of Public Services went out to bid on these services as the current contract expired on December 31. This is a good firm. Discussion followed on the long-term quality of various kinds of paving material. Engineer will take sample and analyze it to make sure it meets specs.

Selectman Trindade moved that the Board Authorize the Chairman to execute a contract with D & R Paving for paving services in the unit prices as bid in an amount not to exceed \$1,700,000, subject to funding in future fiscal years; Selectman White seconded. No discussion. VOTE: 5-0-0.

Approval – Contract with Murray Paving & Reclamation Inc. for Milling & Reclamation Services - \$300,000:

The Board reviewed the following information: (1) Memorandum dated April 4, 2016 from the Director of the Department of Public Services; (2) Bid Results; and (3) Contract.

Mr. Holder reported that this firm was the low bidder. This contract is coupled with the paving.

Selectman Trindade moved that the Board authorize the Chairman to execute a contract with Murray Paving & Reclamation Inc. for milling and reclamation services in the unit prices as bid in an amount not to exceed \$300,000; Selectman D’Innocenzo seconded. Selectman Crowley expressed concern that the performance bond is not included in the materials. VOTE: 4-0-1 – Crowley oppose.

Discussion – Medical Marijuana Cultivation Facility:

There were no background materials.

Mr. Boynton reported that there is no change to the scope of what was proposed, i.e., a 30,000 sq. ft. footprint and possibly two stories in height. The project will have to go through permitting process, a Special Permit process which incorporates site plan review. This particular application is from CommCan for a cultivation center in Medway, and dispensaries in Millis and Southboro. Mr. Boynton added that the Town needs to confirm with the Department of Public Health that we are aware of the Millis and Southboro facilities. They need to have a host community agreement in place before the permit can be issued.

Selectman Trindade moved that the Board direct the Town Administrator to inform the Department of Public Health that the Town of Medway is aware of the CommCan dispensary facilities planned in Millis and Southborough and that this cultivation center will service those facilities; Selectman White seconded. Ms. Stephanie Mercandetti reported that a third dispensary is proposed for Framingham. Selectman Trindade amended his motion to include the Town of Framingham; Selectman White seconded the amended motion. Mr. Boynton suggested that an update to the Board be the subject of an Executive Session. VOTE: 5-0-0.

Approval – One-Day Liquor Licenses:

The Board reviewed applications and Police Chief Recommendations for the following events at the Thayer Homestead; (1) Frank Arego, April 16, 2016; (2) Aileen Keaney, April 30, 2016; and (3) Kirk Steinhoff, May 7, 2016.

Selectman Trindade moved that the Board approve one-day liquor licenses for Frank Arego, Aileen Kearney, and Kirk Steinhoff for their events at the Thayer Homestead on April 16, April 30 & May 7, 2016 subject to the Police Chief’s recommendations and evidence of appropriate insurance coverage; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Approval – Special Event Permits:

The Board reviewed applications and Police Chief’s Recommendations for the following events: (1) Medway Youth Baseball Opening Day Parade – April 24, 2016; (2) Braking AIDS Ride – September 23, 2016; and (3) 5th Annual Bicycle Ride for Food – September 25, 2016

Selectman Trindade moved that the Board approve special event permits for Medway Youth Baseball opening day parade on April 24, the Braking AIDS Ride on September 23, and the 5th Annual Ride for Food on September 25, 2016 subject to the Police Chief’s recommendations; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Approval - Banner Display Request – Medway Pride Day:

The Board reviewed a Banner Display Request Form dated March 30, 2016.

Selectman Trindade moved that the Board approve the banner display request for Medway Pride Day; Selectman White seconded. Selectman White noted that the Town Election is May 12 so the banner will need to come down earlier than requested. Ms. Potter responded that the Banner Policy specifies that Town events take priority. No further discussion. VOTE: 5-0-0.

Action Items from Previous Meeting:

The Board briefly discussed the Action Items List with the following changes: Items 6 & 7 can be combined and Item 8 was already discussed.

Approval of Warrants:

There were no Warrants presented for approval.

Town Administrator's Report:

Mr. Boynton updated the Board on the Snow and Ice relative to the recent storms. All work was done in-house, and no contractors were hired for the storms today and yesterday. However, there will be overtime costs for today as well as materials costs. Brief discussion followed on how the \$425,000 budget is being utilized.

It was reported that Timber Crest LLC has filed its Comprehensive Permit for a proposed Chapter 40B housing development. Additionally, the Town has received a grant in amount of \$10,000 to help with affordable housing costs. Ms. Mercandetti confirmed that the grant is through Mass Housing Partnership to provide assistance to the Zoning Board of Appeals. Brief discussion followed on the application, public hearing process and the ZBA decision. It was noted that if the application/permit is denied, the applicant can appeal to the Housing Appeals Committee if denied. It can also be approved with conditions. The comprehensive permit application is available online as well as in the Town Clerk's office.

The Route 109 Task Force members include Ms. Mercandetti, Ms. Mary Becotte, Mr. Holder and Selectman Crowley who is serving as Chair. This group will be communicating all actions relative to the Route 109 project out to the community. A member of the public schools administration will also be part (bussing) as well as a representative from the Police Department. A pre-construction meeting will be held in Worcester at MassDOT, hopefully sometime in May.

Of Medway's Chapter 90 allotment \$400,948 was received today.

Mr. Boynton announced that the Council on Aging director will be retiring, and the position will be advertised right after Annual Town Meeting. He indicated he hopes to have someone on board mid-June or by July 1. Ms. Dziczek has asked that her retirement event be held at the senior center.

Selectmen's Reports:

There were no reports.

At 8:50 PM Selectman Trindade moved to adjourn; Selectmen White seconded. No discussion. VOTE: 5-0-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary