

MINUTES OF THE SELECTMEN'S MEETING

JULY 1, 2002

Present: Selectmen Raphaela Rozanski, Joe Musmanno, Mary O'Leary, Town Administrator Greg Balukonis, Administrative Services Assistant M. J. Fredette. Selectmen Joe Dziczek and John Williams were not in attendance.

7:00 p.m. – Selectman Rozanski called the meeting in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. ***Approve and sign warrant.***
 - Selectman O'Leary moved the Board approve and sign warrant #53 in the amount of \$2,103,948.26; Selectman Musmanno seconded; all aye 3-0-0.
2. ***Approval of minutes.***
 - Selectman Musmanno moved approval of the regular meeting minutes of June 17th as amended; Selectman O'Leary seconded; all aye 3-0-0.
 - Selectman Musmanno moved approval of the special meeting minutes of June 24th; Selectman O'Leary seconded; all aye 3-0-0.
3. ***Public comments – none.***
4. ***Town official updates – none.***

7:15 p.m. – Jim Hoodlet and Frank Varrichione of the Municipal Building Committee came to meet with the Board regarding an extension of design services that were not included in the existing contract.

Mr. Hoodlet asked that the Board recall the final bids for the new high school came in at \$39,299,646 - \$2.6 million under appropriation. Originally, certain expenses had been cut to ensure that they came in under budget. They have since identified some areas for additional upgrade, but have held off reviewing them while work was underway on site to ensure there were no problems encountered on site. Now, since everything is going along smoothly, they can look at project adds. More ledge was encountered than anticipated, however, the contingency was healthy. Mr. Hoodlet said, at this time, some decisions need to be made that may require some design work. Those items included in his June 5th letter include lighting, concession stand and scoreboard. Design cost was estimated at approximately \$33,000 in the June 5th letter, but increased to \$35,000 in his June 14th letter, with around \$126,356 estimated for the additions.

Selectman Musmanno inquired if there was an overage on ledge? Mr. Hoodlet said there was some disagreement in the amount of ledge - 9,000 cubic yards vs. their estimate of 8,350 cubic yards @ \$30.50/yard for a total of \$254,675. However, with a \$1.45 million contingency, they were still comfortable with where they stood. Removal of ledge did put the project back by about 30 days, but the foundation comes first with the footings, so they went from May 1st to June 1st.

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Going back to the design services and add-ons, Mr. Hoodlet explained it all qualifies for reimbursement. He also noted they prefer to have the work done by the present contractor.

Selectman Rozanski stated she would have preferred the full Board being present for this decision, and asked the Committee when their deadline was? Mr. Hoodlet explained they were already behind, and Design Partnership needed 5-6 weeks to prepare preliminary plans. He stated they would prefer to have a decision tonight, since it would take until September before they could begin.

Selectman Musmanno felt it worthwhile that the design work be done anyway, and moved that the Board approve the Municipal Building Committee being authorized to commence with additional design services as presented not to exceed \$40,000; Selectman O'Leary seconded. Mr. Varrichione said the Town would own the plans regardless. All aye 3-0-0.

7:30 p.m. – Brett O'Brien representing O'Brien Commercial Properties was not present yet for his appointment with the Board concerning the denial of a sign by the Inspector of Buildings.

- Postmaster Petrillo came to meet with the Board to present to Fire Chief Wayne Vinton a commemorative-framed rendition of the new "hero stamp". He stated they were honoring one of Medway's finest with an award that the Post Office considers a special honor. This was only the second time he had done this. Mr. Petrillo said he selected Chief Vinton because of his close association with him since 911, specifically involving the anthrax scare that hit the post offices and fire drills that were conducted. The stamp is a 2002 hero stamp that sells for 45 cents, with the additional money per stamp going to a fund for the victims' families of the 911 tragedy.

Chief Vinton also recognized Postmaster Petrillo for his work in assisting him and the Fire Marshall's office and the various inspectors.

Postmaster Petrillo noted, when a special stamp is issued, he is usually called upon to have such a ceremony for that recognition. He added that the stamp has been on sale for the past 3 weeks. The Board thanked him for his presence this evening.

5. ***Report of the Town Administrator.***

- Mr. Balukonis provided the Board with an update on the PWED grant for road improvements at Milford Street and Trotter Drive. He stated that, as of June 20th, the matter was still pending with the legislature for funding. They now needed to refile with a resolution coming back to the Board to update EO418. By the end of the month, everything should be in order.

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- Mr. Balukonis stated that the Board had received the Environmental Notification Form for Charter Realty (Shaws), a MEPA review, with comments being received until July 16th.
- Mr. Balukonis stated that the new fiscal year has begun with staffing at the highest level. FinCom is also at full membership. Looking ahead, there are still some positions in the Police Department to be filled. He had received the list for the Lieutenant and Sergeant's position. By the end of the month, they should be done with the interview process.

6. *Reports of the Selectmen.*

- Selectman O'Leary spoke about a school-related communication that was in the Board's packet from a Medway resident. She noted that she and others are working on it, and everything seems to be under control.

Selectman Rozanski asked if Selectman O'Leary could obtain a list of the school's retirees so their retirement could be acknowledged by the Board.

- Selectman Musmanno brought forth some follow-up items:
 - the Route 126 project with Mass. Highway. Mr. Balukonis stated nothing more has occurred since they last discussed it. A hearing will be called, probably in a couple of weeks, when the documents arrive from the design consultant.
 - the Cybex sign is still there. Mr. Balukonis said they had thirty days (from June 1st), and he has met with them. He noted he would contact the Zoning Enforcement Officer to pay a visit to Cybex. Selectman O'Leary said she would mention to the IDC Chairman, the Board's request to expedite the new sign.

7. *Report of the Chairman.*

- Selectman Rozanski briefly mentioned that she would like the Board to act on some initiatives, but would defer that discussion to July 15th.

8. *Discussion items.*

- *Follow-up – location of "Welcome to Medway sign"*. Mr. Balukonis stated that several locations had been mentioned at the last meeting, with the intersection of Main/Summer/Village being the number one choice. Since that time, he has reviewed maps to determine ownership to locate the sign on the tip of the island where a fire hydrant is. When the intersection was redesigned in 1992, he was been able to determine that

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there was some Town-owned land in that location. Property lines just need to be verified.

Selectman Musmanno was hoping that Mr. Balukonis would come back with this information. Mr. Balukonis indicated that the best option is to place the sign far enough in so that snow removal was not hampered, and place the exact location in the hands of DPS once property lines were verified. Both Selectmen Musmanno and Rozanski preferred that the sign stand distinctly away from all the other signs nearby. No vote was taken.

- *First reading of a Chapter 61 policy.* Board members were asked to bring their thoughts on this policy to the next meeting.
- *Status of unaccepted roads.* Mr. Balukonis found a letter in the Legal files from Town Counsel to Interim Town Administrator Bill Mosher on the subject. The letter indicated a process for acceptance of new streets. Mr. Maciolek said accepted street plans be filed here, but on older roads, the Town could get input from the Planning Board on them, and determine if there is a willingness to accept roads that are not perfect. Selectman Rozanski asked for a copy of Town Counsel's opinion for further discussion.

Selectman Musmanno said there is a process for new developments; however, they need to decide what to do with the old roads. He went on to add that they need details on what needs to be done on each unaccepted street to make a decision, the cost, and are there any urgent safety issues. Mr. Balukonis did not feel there were sufficient funds to cover the cost of the work, but did ask the Board if there was willingness on their part to accept streets in less than perfect condition? Selectman Rozanski did not feel an informed decision could be made at this time.

Dan Hooper believed the streets were accepted in compliance to the standard of whatever rules and regulations were in effect then and now.

- *Acceptance of Town Administrator evaluation form.* Selectman Rozanski noted Board members had received a copy of the evaluation form used previously, and asked how they wished to proceed.

Mr. Balukonis stated he had communicated with Selectman Williams that he thought the previous form was too much with thirty categories and then individual comments, so he drafted a document and gave a copy to him. He could provide a copy of that form to the Board.

Selectman Rozanski said, if the other Board members didn't object, she would suggest each do their own evaluation and get them to her. She would then combine them, as long as she got them before their next

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meeting on July 15th. She felt they should feel free to make comments believing that was the most important part.

Mr. Balukonis commented departments have been having a problem with internet and email as the INET loop wasn't working as it should. They are attempting to find a solution.

- *Policy for "fee for service consultants and agreements"*. Selectman Rozanski suggested this be discussed at their next meeting, along with providing a list of consultants the Town utilizes.
- *Review format for July 15th traffic forum*. Selectman Rozanski suggested allowing an hour from 7:15 p.m. to 8:15 p.m. for a discussion. She noted she would like to approach this forum as they did the drainage issue forum. She asked that if there were traffic counts available, primarily of the Brentwood area, she would like them on hand. If possible, an idea of the number of registered cars in the Brentwood area would be good to know.

Selectman Musmanno suggested limiting the amount of time a person will be allowed to speak. He also felt that they could only hear comments and not make any decisions that night, but discuss alternatives they could explore.

8:10 p.m. – Brett O'Brien came into the meeting. Selectman Rozanski inquired if he was ready to meet with the Board? Mr. O'Brien apologized but he was not able to obtain the signature of a representative from Rosenfeld Realty Trust giving him the authorization to act on their behalf in this discussion. Selectman Rozanski suggested this be deferred until their next meeting on July 15th so he could obtain the necessary documentation.

9. *Action items.*

- *Approve and sign Certificate of Approval for 166 Village Street site plan*. Selectman Rozanski clarified that now there was a site plan and a certificate of approval on file for this particular project.

Selectman Musmanno agreed this was the proper procedure recalling the Board erred when they were hasty to sign the site plan last time without having the conditions included. The Board should have instructed the applicant to modify the plan, and then come back to the Board to have it signed. He did not feel the signed site plan was enough, however, and the certificate of approval was also required. The Certificate of Approval for 166 Village Street was signed by the Board.

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- *Consideration of re-appointment of Paul Yorkis as the citizen-at-large to SWAP.* Selectman O'Leary so moved the appointment through June 30, 2003; Selectman Musmanno seconded; all aye 3-0-0.
- *Vote to approve extension of site plan approval for Charter Realty Trust to August 2, 2002.* Selectman Musmanno so moved approval of the extension to August 2nd, but then amended his motion to be a thirty-day extension as requested in their letter of June 27th; Selectman O'Leary seconded.

Selectman Rozanski noted the extension was to allow sufficient time for the Planning Board to provide a recommendation to the Selectmen so that Charter Realty could be on the Selectmen's agenda for July 29th for site plan approval.

Dan Hooper and Karyl Spiller-Walsh of the Planning Board were in attendance. Mr. Hooper said the Planning Board has a deadline of July 19th to issue a Certificate of Recommendation to the Selectmen. He explained they had one meeting to review all their documentation and put their recommendation together. He was a bit apprehensive of the task before them.

Selectman Rozanski stated, based upon Charter's letter, the only extension that they could grant was for what was requested in their letter. She also did not want to have a repetition process start all over with the Board.

Mr. Hooper felt it was beneficial to have a second elected Board's opinion, and two reviews was a good thing.

Selectman Rozanski said the Board would be deliberating on the Planning Board's recommendation.

Selectman Musmanno requested, for the future, that when an extension is discussed, the Planning Board ask for sufficient time for the Board of Selectmen to review a site plan, not just sufficient time for the Planning Board to provide a recommendation. Mr. Hooper agreed if the Planning Board needs more time, they will ask the applicant to request a further extension.

All aye on the motion for a thirty-day extension 3-0-0.

- *Accept Quitclaim Deed from Granite Estates to the Town of Medway.* Mr. Balukonis went over the deed. Selectman Musmanno inquired if the Town had access to the parcel, and Selectman Rozanski agreed the Board should know this. Mr. Balukonis said he would get that information for the Board's next meeting.

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- *Consideration of Selectmen's rep to Audit Committee.* Selectman Rozanski said she had spoken to Selectman Williams and he was willing to take the appointment. Selectman O'Leary so moved his appointment through June 30, 2003; Selectman Musmanno seconded; all aye 3-0-0.
 - *Approval for Planning Board to approach Town Counsel regarding a specific construction observation account balance; approval for Planning Board to approach Town Counsel regarding an ANR application recently received.* Selectman Rozanski agreed that those two issues could be sent on to Town Counsel for his opinion.
10. *Communications/correspondence/informational items* – none.
11. *Selectmen's July meetings* – July 15th and July 29th at 7:00 p.m. in Sanford Hall of Town Hall.
12. *Future agenda items:*
- Public forum on traffic issues on Route 109 – July 15th at 7:15 p.m.
 - Town Administrator evaluation – July 15th.
 - Approval of solicitor's permit for Clean Water Action – July 15th (*tentative pending receipt of opinion from Town Counsel*).
 - Walgreen's site plan approval – July 15th (*tentative pending receipt of Planning Board certificate of recommendation*). The Board noted this could be a deliberation, not necessarily an approval. Mr. Hooper said, at this time, the Planning Board had not closed the public hearing yet.
 - Shaws site plan approval – July 29th (*tentative pending receipt of Planning Board certificate of recommendation*).
 - Public hearing on 75% plan for Route 126 – July ____ (*tentative*). Selectman Rozanski commented that this public hearing could be held at any time, not necessarily at a regularly scheduled Monday night meeting.
13. *Executive session* – none required.

8:35 p.m. – Selectman O'Leary moved the meeting be adjourned; Selectman Musmanno seconded; all aye 3-0-0.

Respectfully submitted,

M. J. Fredette
Administrative Services Assistant

mj

NOTE: APPROVED BY BOS 7/15/02

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Present: Selectmen Raphaela Rozanski, Mary O'Leary, Joe Dziczek, John Williams, Town Administrator Greg Balukonis, Administrative Services Assistant M. J. Fredette. Selectman Joe Musmanno was not in attendance.

7:00 p.m. – Selectman Rozanski called the meeting in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant.*

- Selectman Williams moved the Board approve and sign warrant #3 for fiscal year '02 in the amount of \$1,093,105.32; Selectman Dziczek seconded. Mr. Balukonis explained there was \$408,000 included in the overall total for the school roof project. All aye 4-0-0.

2. *Approval of minutes.*

- Selectman O'Leary moved to approve the regular meeting minutes of July 1, 2002; Selectman Williams seconded; Selectman Williams and Dziczek abstained; aye 2-0-2.

3. *Public comments.*

- Seeing Lt. Malo present, Selectman Rozanski inquired if he was here for any specific reason. He stated he was present as a department rep for the Police Department regarding the traffic on Route 109. He noted that Officer Watson had sent two letters to the Planning Board regarding their concerns, including having the entrances to Walgreens and Shaws lining up, flow of traffic, etc.

4. *Town official updates – none.*

7:10 p.m. – *Traffic forum.*

- Selectman Rozanski commenced the forum asking people to sign up if they planned on speaking, and then she would call their names in that order.

She indicated that the reason for the forum was because the Town of Medway was growing and they need to look at traffic patterns within the Town. Because the residents are the ones affected, the Board felt they should get input from the public. She referred to the list of names and called on the first name.

Paul DeSimone, 38 Coffee Street.

Mr. DeSimone asked if this forum was strictly for the Brentwood area? Selectman Rozanski said it was the starting point. Mr. DeSimone stated he had attended some Planning Board meetings and seen some traffic studies. Coffee Street at least 50 an hour/400 cars a day going through. People will not wait for a traffic light to change will use Coffee Street as a detour. He was aware that other Towns had restricted hours of traffic

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during the day, i.e. Middlesex Turnpike and Whiting Street in Dover. He also suggested having volunteers designated as special police officers on Holliston Street to give out tickets to violators. He believed that 60-70% of those cars were people going through. Selectman Rozanski clarified they were looking for comments at this time; not solutions. That would happen later.

Susan Robinson, 6 Shaw Street.

Ms. Robinson indicated she drove a bus and goes through the Holliston/Main Street intersection ten times a day, commuting 300 kids per day. She noted sitting at the light for three cycles sometimes, and felt more buses and more kids would be sitting their ever longer. She noted signing a petition in the beginning thinking it might be an unsafe commute and an accident waiting to happen.

Wendy Kilty, 97 Oakland Street.

Ms. Kilty indicated there were no sidewalks on Oakland Street with many small children and a park and senior center nearby. She asked what would happen during busy hours? People were already going faster than the speed limit. She suggested a 4-way stop at the corner of Vernon Road and Oakview Circle. She felt this would slow people down and could be safer for everyone. She again hoped sidewalks could be put in.

Bob Ferrari, 16 Gorwin Drive.

He felt it important to listen to the people that live nearby, and it was important to realize the impacts from both developments. Traffic flow and mitigation was covered under Planning Board rules and regs, sections 206-5 and 206-6. He referred to a letter written by Mark Louro of VHB dated March 18, 2002. Some of his suggestions included: a residents' peer review which they would be getting on August 1st; their own traffic analysis; another forum; various traffic flows during various times during the day.

Mike Collins, 70 Holliston Street.

Mr. Collins wanted to go on record to say that he was not the lead in opposition to the plaza. Eighty citizens signed a letter with their concerns on traffic and drainage. A smaller group of concerned citizens got their own independent consultant, thinking it was good to have a third party assessment since they had seen traffic data change three times so far. He also did not want the Board to make a decision without looking at the other consultant's opinion. He believed the drainage data was flawed with what he was hearing and asked that they look at data objectively.

Dana Hinthorne, 18 Malloy Street.

Mr. Hinthorne said he had signed the letter Mr. Collins was speaking about. He said he was concerned about the driveway on Holliston Street,

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but he was also concerned about the other driveway emptying onto Route 109 and Holliston Street where the house is. He felt if the house is gone, there will be more confusion there. New lights may be coming, but if approval is given for another entrance in the plaza, emergency vehicles won't be able to get in. He suggested eliminating one truck entrance, especially when looking at Ashland and Medfield, one entrance seems to be enough there. He felt there were more curb cuts being created needlessly.

Robert Rasmussen, 4 Karen Avenue.

Mr. Rasmussen asked if the solution lay with one-way streets, and could that be done? Selectman Rozanski indicated it could be done.

Brenda Fitzgerald, 20 Kelley Street.

Ms. Fitzgerald stated that there is a great deal of traffic at the end of Kelley Street with maybe 100 houses in that area. During the week there were long traffic delays, let alone a busy Saturday. She asked that traffic weekdays and weekends be looked at.

Dermot Dundon, 84 Winthrop Street.

Mr. Dundon asked if there had been any studies done of traffic coming off of Pond Street with the intent of making a left turn? He spoke of the long wait and the amount of traffic from Milford to the area.

Bob Desmarais, 269 Main Street.

Mr. Desmarais spoke of the about of traffic near their home which is at the end of Medway intersecting with Bellingham. He thought there were six ways of cars to come together at that intersection. He noted that the Route 126 sign incorrectly faces West Street with the blinking light later on. He felt there was significant impact from this intersection and questioned if West Street could be one-way? Mr. Desmarais said that Route 126 now loops onto Summer Street with a blinking light. Maybe there should be something different there to slow people down.

Elaine Dundon, 84 Winthrop Street.

Ms. Dundon believed that, living at the corner of Winthrop and Lovering Streets, people used her street as a cut-through. She asked about a blinking light at Winthrop and Lovering Streets. She felt it was a death-trap intersection with people driving 60-70 mph.

Dermont Dundon, 84 Winthrop Street.

Mr. Dundon added to his wife's comments by stating people made u-turns at the intersection as well.

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Susan Robinson, 6 Shaw Street.

Ms. Robinson stated she drives through that neighborhood six times a day. She said there were no stop signs. With only three sets of traffic lights in Medway, Village Street traffic will increase. Selectman Rozanski indicated Mass. Highway has control over lights.

Jill Heuss, 35 Gorwin Drive.

Ms. Heuss stated, from a parent's perspective, there were young kids and three daycares in that area. As adults, they can try and take care of traffic issues for them. She was also concerned with the number of kids who didn't wear helmets. Selectman Rozanski noted that the Police Department has a safety program.

Chuck Mosher, 13 Gorwin Drive.

Mr. Mosher felt people used Coffee Street as a cut-through from Route 109 to Holliston Street. People also used that street as a dumping ground for trash, and asked that consideration be given to that situation.

Diane Borgatti, Planning Board chairman, 15 Field Road.

Ms. Borgatti said you cannot make Shaws pay for the lights. They can only do their fair share. However, there were major stress points, i.e. Oakland Street and Route 109 and Village and Holliston Streets. The Shaws people will be looking to come to the Board of Selectmen to discuss their fair share in the traffic impact. She would like an assessment done after they were in, and possibly some money could be placed in escrow.

Chuck Mosher, 13 Gorwin Drive.

Mr. Mosher did not feel Shaws needed to come to Medway. There were enough of them around and were just trying to get the market of Holliston and Millis. Selectman Rozanski said the intersection with lights will be redone. This was something the Town has been wanting to do and this was the Town's opportunity to do so.

Dolores Morin, 98 Oakland Street.

Ms. Morin asked why no one was enforcing the speed limit? If Shaws is on one side and Walgreens on the other, and the bank on the other corner, people would be zig-zagging from one plaza to another through major intersections. There were already more openings than were needed. The center lane was a disaster waiting to happen.

Brenda Fitzgerald, 20 Kelley Street.

Ms. Fitzgerald wondered if there were any concerns from other Towns? Selectman Rozanski stated this meeting was being called more for the Brentwood people. She noted that when you're stationary, you do happen to notice the traffic more, and agreed it needed to be managed.

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Jim Cassidy, 90 Lovering Street.

Mr. Cassidy felt restricting one-way traffic between the hours of 4 and 7 p.m. was best.

Karen Felleman, 64 Main Street.

Ms. Felleman was concerned about cars that may be parked on one-way streets, i.e. Richard Road, and on the corner, and that it would be difficult to get out. Selectman Rozanski said she was aware there were at least 400 registered cars in the Brentwood area.

Linda DeBlois, 3 Richard Road.

Ms. DeBlois stated she has worked different shifts and can't get on Route 109. She could not see all of the side streets being one-way since people were cutting through there already. Who would enforce the signs anyway? Selectman Rozanski said no-thru trucking in Brentwood was another option.

Alayna Cohn, 11 Karen Avenue.

Ms. Cohn was borrowing an idea from Selectman O'Leary of putting "do not enter" signs up, except for residents only. A police officer could be placed there occasionally to monitor this until people understood.

Chuck Mosher, 13 Gorwin Drive.

Mr. Mosher had a problem with that for identifying those residents.

Judy Martini, 44 Gorwin Drive.

Ms. Martini felt the Town was getting bulldozed by Walgreens and Shaws. She felt the Town should be able to hire a professional to solve all the problems. She believed the Town should be taking care of its residents before they took care of Walgreens and Shaws.

Alayna Cohn, 11 Karen Avenue.

Ms. Cohn believed stickers might work on cars to determine those residents that lived in the Brentwood area.

Mary Ellen Lavenberg, 201 Main Street.

Ms. Lavenberg hoped that the Planning Board and the Board of Selectmen would be looking at traffic issues as it related to growth in the Town. People will continue to come here, the relocation of the high school, changing traffic on Route 109, walking area will change. She asked everyone to look at the whole Town as there are other areas being affected. Selectman Rozanski felt they needed to look at where our students were coming from.

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Dan Hooper, Planning Board, 6 Naumkeag Street.

Mr. Hooper was concerned about Sanford Street as it related to Village Street. He felt people would be coming from Franklin so there would be more people at that intersection. Shaws' proposal is putting a lot of money into the intersection at Route 109 and Holliston Street alone. He believed traffic would flow better when the developments are done. Selectman Rozanski felt that intersection has been important for many years.

Charlie Duddy, 15 Robin Circle.

Mr. Duddy asked if consideration could be given to streets being closed at the end? Jersey barrier? Dead end?

Ron DeBlois, 3 Richard Road.

Mr. DeBlois did not believe that a light at Walgreens and Shaws would decrease the traffic flow. It will just be backed up more to the people near Richard Road. An independent study should be done ahead of time. Selectman Rozanski felt there needed to be a plan during construction as well. A traffic study had been done when work was going on at Route 109 in Millis. She felt you reduce traffic by reducing the number of cars.

Joe Musmanno, Selectman, 1 Summer Hill Road.

Selectman Rozanski noted that Selectman Musmanno wanted to make one comment tonight since he could not be in attendance. He felt they needed to make the alternative roadway, Route 109, more attractive, and they needed a plan during construction. Selectman Rozanski wanted to look at connectors, i.e. sidewalks from Route 109 connecting to Lee Lane.

Joyce Richard, 9 Oakland Street.

Ms. Richard asked everyone to look at what is coming in to Town and make good decisions. Selectman Rozanski said she would the Selectmen to make that an initiative.

Candy Bearce, 44 Coffee Street.

Ms. Bearce asked if Coffee Street was widened, how would they prevent trucks from going up that street? If they don't know about Coffee Street now, they will. She agreed that the street was a dumping ground for refrigerators, decking, washing machines.

Mike Collins, 70 Holliston Street.

Mr. Collins stated with regard to mitigation problems, the new lights will help. He knew that the developer had put that on the table in the beginning. This was already known. He asked for mitigation that will help the residents. The Town had one chance to do this. Glenn Trindade had shown him information indicating that one Shaws would be able to bring \$20 million to a Town.

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Dana Hinthorne, 18 Malloy Street.

Mr. Hinthorne brought up the second entrance on Holliston Street. This was still a two-lane road and he did not feel you would be able to get in. He noted that there are still playing fields at the high school that would be utilized and still plenty of traffic.

Lt. Malo, Medway Police Department.

Lt. Malo stated there were letters on record of the Police Department's concerns. One suggestion was the re-alignment of the Walgreens and Shaws entrance for lights on Main Street. The lights at both intersections would be synchronized and traffic will flow. He believed there would be a left-turn signal. He was, however, concerned with the width of Route 109 from lights to Richard road. The recommendation was a minimum of 44 feet with two travel lanes in each direction. They had recommended that a truck entrance be closed and he believed that had been done. Traffic into Brentwood could be restricted to one-way streets out to Route 109 between the hours of 4 and 7 p.m. This may or may not work. The Police Department has enforced one-way streets in the past, and when it was discovered that it was the residents that were using the street when the Board of Selectmen allowed it, it was then taken away. If you dead-end a street, how will the residents who live there feel about it? Insofar as enforcement is concerned, there are a limited number of officers. "Industry standards" say this Town should have 24 officers – we have 18. Everything can't be done. Concerns have been voiced: widening Main Street to Richard Road; widening Holliston street to Appleton Way; they are in favor of two entrances; the Fire Chief was concerned about an emergency access; for emergencies, you would need a second access off of Holliston Street. These were all genuine safety concerns. The Police Department will do what they have to do. Once the people have learned the new ways, they won't have to do so much. Selectman Rozanski said they were not putting a final solution on the table. They will get together again. They were going to look at ways to handle the overflow. They can change what doesn't work.

Paula Duddy, 15 Robin Circle.

Ms. Duddy believed this was one of the largest commercial and unique expansions ever. How much of what the developer does will the taxpayer absorb? It was good to hear the Selectmen interested in the concerns of the Brentwood residents, but it will cost the Town if the developers don't pay for the improvements. Ms. Duddy felt the development of both properties should not be at the burden of the taxpayers unless mitigation is determined in advance with both developers.

Bob Ferrari, 16 Gorwin Drive.

Mr. Ferrari felt an independent traffic study was essential – both – and not either/or – so all people know the options. This is dealing with smart

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growth and infrastructure dollars from the State. Beautification of other Towns is being done – what about us?

Selectman Rozanski thanked everyone for their comments. She acknowledged the Town was a growing family, and the Board of Selectmen and the Town Administrator need to be aware of this.

8:55 p.m. – Brett O'Brien representing O'Brien Commercial Properties came to meet with the Board concerning a sign denied by the Inspector of Buildings at property owned by Rosenfeld Realty Trust at 2 Industrial Park Road.

Mr. O'Brien brought a letter from Ellen Rosenfeld, Trustee, which Selectman Williams read and which authorized Mr. O'Brien to act on her behalf.

Selectman Rozanski inquired as to why the sign had been rejected. Mr. O'Brien understood the size to be the issue as he was requesting a 6' x 8' sign, and the legal limit was 20 sq. ft. At first it was believed to be a sign on the building, then Mr. O'Brien clarified it was a free-standing sign.

Selectman Dziczek asked if this was a temporary sign? Mr. O'Brien explained the building was located at the end of Marc Road. The people who were occupying it have moved, and they need to lease the space for the twenty-one months left on the lease.

Selectman Rozanski inquired why 20 sq. ft. was not sufficient? Mr. O'Brien indicated the sign was already made, and too small a sign was not effective in drawing attention to the area. He stated it was only temporary and would not be lit.

Selectman Williams required further convincing that they required a sign with those dimensions.

Selectman Dziczek stated, as one who is usually opposed to any new signs, commented that the sign in question is not on the façade, is only temporary (and he was more acceptable to a temporary sign), is not in a residential area, is not lit, is not obtrusive. He recommended putting a limit of time on how long the sign could be there, as long as they don't get any complaints.

Mr. O'Brien stated that the existing sign faces Route 109 now, and the new sign would be placed alongside that on private property. They had been advertising for a while now without any success.

Selectman Williams moved to approve a 48 sq. ft. sign for 90 days; Selectman O'Leary seconded. The specific date of October 16th, a Wednesday, was given. The question was posed to Mr. O'Brien what happens after 21 months if the building is not rented? Mr. O'Brien said the building is owned by a private

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investor. When the 21 months are up, it will be on the market by the owner (May 2004). All aye on the motion 4-0-0.

- The conversation of signs triggered an issue that Selectman Dziczek has brought up in the past - that being of charging an annual fee for signs. He asked that this be put on a future agenda to be addressed. It was not so much the amount of money charged, but the fact that the owners be charged. This was true especially for those owners that had to approach the Selectmen for a waiver to the standard, and they had some control over them.

Selectman Rozanski said she and Mr. Balukonis have talked about this before, and felt this was a good initiative for the Board to consider as "revenue enhancement". She commented how the corner of Main and Holliston Streets does not present good "streetscape" at this time, and would like to see the Town looking better. Selectman Dziczek lastly added he would like the Board to look at signs that are supposed to be up for one day, and end up being there a lot longer.

5. *Report of the Town Administrator.*

- Mr. Balukonis reported that the Cybex sign was to be replaced this coming Friday, the 19th with the directional sign granted through January 1, 2004.
- Mr. Balukonis noted he gave the Board members tonight a copy of a letter of resignation from M. J. Fredette, the Administrative Services Assistant. He acknowledged it and thanked her for her 12-1/2 years of service to the Town. Selectman O'Leary felt it was good she was around for Mr. Balukonis this past year. Selectman Dziczek had already spoken to her earlier. Selectman Rozanski inquired as to what her position would be in Northborough? Ms. Fredette said she would be Executive Secretary to the Town Administrator and the Selectmen. Selectman Williams wished her luck.
- Mr. Balukonis brought up the school roof project for an update. He stated that the Municipal Building Committee did meet last week and had recommended a change order for removal of non-fryable asbestos found at the McGovern School, which had not been detected originally. The cost would not exceed \$80,000. When the change order comes in, it will be given to the Board for approval, but it may be necessary to do this before the next meeting. The exact amount is not known tonight, and he did not want them approving a blank check, but understood the amount to be between \$65,000 and \$80,000. The Municipal Building Committee has said the funding is there. Verification on the cost estimate has been provided by the on-site engineer and reviewed by the Town's engineer.
- Mr. Balukonis brought up the landfill capping proposed by BATG Environmental at no cost to the Town. It has been stated that in addition to clean fill, BATG would be bringing in construction debris. He has been

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meeting with the Board of Health to determine if there were other potential vendors. At this point, he felt discussions with BATG should be put on hold.

- Mr. Balukonis brought up insurance rates he had received. Originally they had thought there would be increases of 15-20%. The rates have come in higher and are now anticipating a shortfall of about \$25,000. He will be looking at a future special town meeting for funding.
- Mr. Balukonis stated that the civil service exam lists are in for Sergeant and Lieutenant, and interviews would be starting this week for both, with the Police Department being involved in the process. Selectman Dziczek inquired if there were multiple candidates in each category? Mr. Balukonis preferred not to answer that question. Selectman Rozanski asked should the Board of Selectmen want to discuss this with him? Mr. Balukonis said he was available.

6. *Reports of the Selectmen.*

- Selectman Dziczek spoke about the Community Preservation Committee. He noted that some people have concerns about the money in the fund. He indicated that the State cannot touch the money the Town has collected, but the Committee has not heard anything about the State's contributing portion. He noted the Committee's interest in pursuing the amphitheatre aspect on Village Street. Selectman Rozanski was glad to see this being done as it was one of former Selectman Harry Johnson's goals. Selectman Dziczek commented the Committee doesn't want to spend money on something the Town can't maintain. Selectman Dziczek also brought up a concern of the tress removed behind Town Hall and the water being sprinkled out there. He clarified the water was coming from a sump pump in the basement.
- Selectman O'Leary had no report.
- Selectman Williams had no report other than to thank Board members for appointing him to the Audit Committee and the Disability Commission at their last meeting.

7. *Report of the Chairman.*

- Selectman Rozanski spoke about the State budget. She commented that the news is bleak, but hoping the conference committee comes out of conference on Friday. She also noted receipt of information on the revised open meeting law, which Selectman Williams commented he ordered.

8. *Discussion items.*

- Board initiatives. Selectman Rozanski jumped to the last discussion item of Board initiatives. She felt the area of **revenue enhancement** was

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something the Board should concentrate efforts, and one example she wanted to propose was a municipal golf course. She understood it could produce a net revenue of several hundred thousand dollars after 3-5 years that could be put into the general fund. She would be in favor of contracting everything, as many of the facilities have function centers which could be leased for a percentage of the profit.

This brought interest from Selectman O'Leary as she also knew people who would be interested in being a part of a golfing committee.

Lee Henry, who was still in attendance, noted that Chatham has such a golf course. If Medway had that kind of facility, you could hire a professional golf management company. Chatham had tried managing the facility through their Park Department, but it didn't work out.

Mr. Balukonis added his comments as it related to Norfolk, where they ran into environmental concerns.

Selectman Williams suggested a discussion on the formation of a committee be a future agenda item in 1-2 months.

Selectman Dziczek wondered if landowners in Town might be interested?

Selectman Rozanski had another initiative to suggest, and that was an **employee incentive program**. She noted it has been done in Easton whereby a committee looks at ideas put forth, and some sort of initiative is given. She gave that information to Mr. Balukonis.

Selectman Dziczek added that there could be cost-sharing of ideas among different organizations. If someone can determine how much can be saved and split the savings.

Selectman Rozanski believed for a small amount of money, it is something the Board can do.

Another initiative was **regional services**. She noted the Town was fortunate to have Norfolk County assist when called upon.

Selectman Dziczek thought if there was a "fee for service", we could join with another Town in that endeavor.

Selectman Rozanski's last initiative was economic development, using Medfield Town Center as an example with the brick paths and black poles of lights decorating the Center. Those were small business initiatives, and maybe the Board could work with Medway businesses as part of working with the business community, i.e. the Village Street businesses.

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Second of reading of a Chapter 61 policy. This item was deferred to the next meeting.

Status of unaccepted roads. Mr. Balukonis explained that they intend to utilize the bond default monies to complete some of the work. Funds of around \$150,000 would be used after they complete a scope of services and put the projects out to bid. The available money would be used to start the projects, and then go to a special town meeting for the balance. He was asking Mr. Henry to develop the scope of services and then look over the options. They don't have to have Town personnel do the work.

Mr. Henry added that most of the money they had was for the Pheasant Run area. A couple of areas went bankrupt and that money was taken. The Castle and Musquit areas were completed with the funds that were available. With Brandywine, there is some money left, which they can't use on another project. Mr. Henry noted they have a description of what is wrong with the roads, and want to get streets accepted, but they are legally bound not to spend public dollars on private roads. He felt they should have a two-year restriction on developers to finish a road.

Mr. Balukonis stated the issue is those roads that there is no bond money for, and how you deal with them, or should you seek bond authorization in the future.

Selectman Rozanski said if a road is not up to standard but it is not defective, she was in favor of pursuing acceptance.

Mr. Henry added they still plow an unaccepted street to keep the people safe, but it is not maintained.

Mr. Balukonis further added, just for the Board's information, that one of the subdivisions has drainage issues and may require engineering.

Selectman O'Leary was curious how developers can get away without leaving sufficient money to finish a road? Selectman Rozanski noted previously there were letters of credit, and Mr. Balukonis added that banks failed.

Selectman Dziczek asked about the future of roads that do not have bond money? Mr. Henry said they would do a master street program. Mr. Balukonis believed the goal, at this point, was to proceed with the roads that they do have money for and can complete.

Policy for "fee for service consultants and agreements. Selectman Rozanski thanked Ms. Fredette for the list provided on consultants and "fee for service" individuals/companies. This was a good starting point.

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9. *Action items.*
 - Accept Quitclaim Deed from Granite Estates to the Town of Medway.
This item was deferred until a letter is received concerning the Town's access.
 - Vote to approve extension of site plan approval for Walgreens to September 16, 2002. Selectman Dziczek moved to approve the extension of site plan review for Walgreens to the Board of Selectmen to September 16, 2002; Selectman Williams seconded; all aye 4-0-0.
10. *Communications/correspondence/informational items.*
 - Selectman Rozanski noted receiving evaluations on Mr. Balukonis from each of the Selectmen, and she will now be putting it together and set a date for completion of the process.
 - While Mr. Henry was present, Selectman Dziczek inquired about guardrails. He noted in Franklin on Pond Street, there is a black chain link fence which seems to blend in well with the area. Mr. Henry stated that the Selectmen have accepted the State standard for road construction, but it can be changed by them. If the Board makes Town amendments to it, then his department is not restricted to the standard. Selectman Dziczek asked Mr. Henry to come up with options other than the guardrail without compromising on safety. Selectman Rozanski suggested this be a future agenda item.
 - Tony Biocchi was present. He recalled that the Board had requested an opinion from Town Counsel on an ANR submission to the Planning Board. He stated that he had requested a copy of the letter, which was brought up at a public meeting and used in their decision, but the Planning Board refused to give him a copy. The next day, he requested a copy again, and it still would not be provided to him. Various Board members provided him with a copy.

Mr. Biocchi had a further suggestion of giving some land to the Town for an easement to get across a dam, but Selectman Rozanski suggested he put his offer in writing to the Board. Then the Board can ask for a legal opinion from Town Counsel on it.
11. *Selectmen's July meetings:* July 29th at 7:00 p.m. in Sanford Hall of Town Hall.
Selectmen's August meetings: August 12th and 26th at 7:00 p.m. in Sanford Hall of Town Hall.
12. *Future agenda items:* Public hearing on 75% plan for Route 126; Walgreens site plan approval; Shaws site plan approval.

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13. *Executive session* – none required.

10:20 p.m. – Selectman Dziczek moved the meeting be adjourned; Selectman Williams seconded; all aye 4-0-0.

Respectfully submitted,

M. J. Fredette
Administrative Services Assistant
mj

NOTE: APPROVED BY BOS ON 7/29/02

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Present: Selectmen Raphaela Rozanski, Joe Musmanno, Mary O'Leary, Joe Dziczek, John Williams, Town Administrator Greg Balukonis, Administrative Services Assistant M. J. Fredette.

7:00 p.m. - Selectman Rozanski called the meeting in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. Approval of warrant.
 - Selectman Williams moved the Board approve and sign warrant #5 in the amount of \$2,065,702.63; Selectman Williams seconded; all aye. Mr. Balukonis noted almost \$1 million was for the new high school and \$351,000 for the school roofs. There were no manual checks.
2. Approval of minutes.
 - Selectman Williams moved approval of the regular meeting minutes of July 15th; Selectman Dziczek seconded; Selectman Musmanno abstained; aye 4-0-1.
3. Public comments – none.
4. Town official updates – none.

7:10 p.m. – Selectman Rozanski stated site plan approval for Charter Realty & Development Corp.'s shopping plaza was next on the agenda. She said the Board had three options: to deny, to approve, or to approve with conditions. The hearing by the Planning Board had been closed and a certificate of recommendation had been submitted to the Selectmen for their deliberation.

Bob Ferrari asked a point of order – could the Board take additional public comments on this site plan, and Selectman Rozanski said no. He asked if public comments would be taken up later but was looking for clarification. Selectman Musmanno said normally public comments were for anything not on the agenda, and this site plan approval was already on the agenda. At this point, Selectman Rozanski allowed Mr. Ferrari to comment as he was asking the Board for clarification and no questions were to be asked and no new information to be provided.

Mr. Ferrari stated that his neighborhood would be greatly impacted by this development. He had attended all the public hearings held by the Planning Board. Because of the impact, he was asking the Board to postpone approval until they had an independent traffic study done and recommended a hearing to be held on the traffic study after Labor Day. He stated that on July 15th, 50 people came to the meeting and voiced their concerns. Tonight he was submitting a petition signed by 154 people urging an independent traffic study be concerned since neither study that had been conducted talks about both shopping centers. The neighborhood hired someone themselves to determine: the cumulative effect, the

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increased number of trips, the number of trips through Brentwood, the other streets that would be impacted. Mr. Ferrari stated they supported the Planning Board's certificate of recommendation and feel the developers should pay their fair share of mitigation of \$250,000 for lights and other funds to be set aside for traffic mitigation. He said his group had concerns of Holliston Street being used, and noted there were left turn options that had not been discussed. This should be re-examined. They supported sidewalk improvements and felt it should be made binding. They also felt the MEPA reviews and decisions should not be rushed.

At this point, Selectman Rozanski thanked Mr. Ferrari, and outlined the procedure the Board would follow this evening. They had the Planning Board recommendation, and now the Board was to solely deliberate the issues. She noted the Planning Board had held hearings over a seven-month period of time and they were grateful for their review and thoroughness. She stated that Charter had also made changes over the past seven months, and had also presented changes to the Board now from what the Planning Board had recommended. She would like to take the items first that they are both in agreement with, whether acknowledged or not. Then Charter can discuss with the Board what they are not in agreement with, and the Board can indicate the areas they are not in agreement with. They will then receive a recommendation from the Town Administrator and vote on the site plan or not. She believed the Board could approve tonight with conditions.

Planning Board Chairman Diane Borgatti was present and stated their recommendation was a process of the Board members and no discussion was held with Charter in preparing the recommendation. She stated it was a pleasure to work with Charter, but some things were not completed, i.e. – signage, elevations and materials to be used on some of the buildings, as well as the fair share analysis and drainage problems were open-ended as well. This process was probably for the biggest project the Town has ever undertaken with over 123,000 sq. ft. There are references to plan endorsement, and prior to issuance of occupancy, a written approval for site plan is needed. She felt this should be separated from the vote, and not part of the endorsement. Ms. Borgatti believed they should get the final plan before sign-off. She also felt the State needed to provide a decision too and the Selectmen should not go forward until they had it. They had waivers that Charter had requested, but there were no elevations for two buildings, and suggested they be made part of a separate site plan along with other recommendations. She felt the construction documents rely upon what the Boards do and asked they consider their decision carefully tonight.

Selectman Rozanski stated the MEPA review was part of the process, which was triggered because of the Order of Conditions that was issued and appealed by 10 people. July 24th was the deadline for comments and the permit cannot be issued, but that did not change the Selectmen's deadline. She added that they had 20 days to file site plan approval with the Town Clerk once the Board has reached a decision.

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Selectman Musmanno brought up the issue of the lack of review on the two buildings and wondered if it was impossible to reach a decision without knowing the tenants? He was also concerned with drainage and signalization and their reviews in the future, and what their review dates would be driven by?

Ms. Borgatti felt their review would be driven by the consultant and other Towns. The buildings need to be operational and impact graduated.

Selectman Williams asked about the \$250,000 figure. Mr. Wieler said it was based on the number of intersections through Town, talking to the traffic engineers, and delays that might be encountered.

Karen Johnson of Charter Realty was asked to join in the discussion. Ms. Johnson asked if the Board wanted to review their proposed changes? Selectman Rozanski agreed.

Ms. Johnson also commented on the six-month process with the Town with the public hearings, meetings and discussions. She felt the most productive was the workshop with the Planning Board, thereby coming to an agreement of revisiting the site plan process and incorporating their ideas. She noted from the original plan, changes were made including a reduction in the gross leasable area by 7,000 sq. ft. to incorporate 15,000 sq. ft. of open space and a public common at the request of the Planning Board at a significant cost. They also added an extensive sidewalk layout. Where there was over 2,000 lin. ft. in the plaza, now there is 4,319 lin. ft. to link to Holliston and Main Street in and through the site. They have added stonewalls at both intersections adding to the landscaping, along with berming. Decorative lights along the median on Main Street and within were added, which added to the overall cost. In addition, there are over 7,000 trees and shrubs, not including the wetland enhancement. At the entrances, there is right in and right out onto Main Street and a left out on Holliston Street, removing the second access on Main Street. They have paid over \$10,000 to VHB in revision fees and have received a sign-off from VHB indicating the plan will work as designed. The detention and retention areas will help in the reduction of water flow. In the design process, they changed the design as originally presented and altered the texture with brick.

Selectman Rozanski clarified if they were in compliance with the zoning regulations when they first presented their site plan? Ms. Johnson said they were. Jim Wieler, vice-chairman of the Planning Board, added his Board removed "signage" from their recommendation so they could move it along, otherwise he felt they were in compliance.

Ms. Johnson commented she felt Charter Realty had gone over and beyond in bringing a good concept to Medway. She added they came up with four general wording changes, maybe procedural in nature, to review with the Board.

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Selectman Rozanski said the Board had the recommended changes from Charter, and felt the Board was more in agreement than not. She suggested the Board review with Charter the areas they were not in agreement with first.

With regard to waivers granted, Selectman Musmanno brought up parking spaces removed to accommodate the walking area and a sidewalk, which reduced the parking spaces where the two buildings are.

(Charter-p.3-status of MEPA) -Ms. Johnson brought up the MEPA review being triggered by the Order of Conditions by DEP. Whether it is affirmed or they issue a new order is a State action, but that was closed on July 26th. They will wait for MEPA to make a decision, which should be resolved in one month.

Selectman Dziczek questioned the MEPA decision. Selectman Rozanski stated if the ConCom's decision is upheld, the process stops. Ms. Johnson explained this was the appeal at the local level of the Order of Conditions to the DEP, which could mean a new Order of Conditions. Part of the issue was a perennial stream vs. an intermittent stream. DEP was asked to review this since the Planning Board was concerned if DEP says it is a perennial stream, the setbacks might be different and would bring modifications to the plan. Ms. Johnson indicated this was all unnecessary as they tried to respond to everything asked of them, even if a minor modification was needed in the plan.

Selectman O'Leary asked if they had met with the Concom? Ms. Johnson said they had received full approval with conditions, which was appealed by ten people.

(Charter-p.3-roadway improvements-#1) With regard to roadway improvements, Ms. Johnson felt they were being asked to pick up some of the improvements that rightfully should be done by the Walgreen's people.

Selectman Dziczek felt the Planning Board should be involved in this process and get their approval on these revisions. Ms. Borgatti agreed.

Ms. Johnson noted they have to do their roadway improvements to work as designed. In talking about the right-turn lane, if Walgreen's said they would do it, they should pay for it. If the Walgreen's plan does not go forward, then they would be willing to pick up the work. She clarified, if another applicant has put mitigation on the table, and no decision has been reached yet, why should they have to do it?

Selectman Musmanno understood their willingness to do the improvements if Walgreen's does not proceed as planned, but felt it would require an alternate plan in addition to the existing plan. Ms. Johnson felt they needed an outside time frame.

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Selectman O'Leary clarified the intersection they were referring to – Route 109 and Holliston Street – including widening, new signalization, etc.

Selectman Dziczek stated that, before Walgreen's, they had proposed to do the changes.

Ms. Johnson said they were aware of the Walgreen's application, and incorporated that into their analysis. They did not have the right-turn lane on the table (going west on Route 109, turning right onto Holliston Street).

Selectman Rozanski suggested deleting the words "and approved" from the discussion. Ms. Johnson felt the terminology should be "if approved, denied, or withdrawn", or some other wording prior to endorsement.

Selectman Musmanno asked about the right-turn north from Holliston Street heading east on Main Street. Ms. Johnson indicated that was still part of the plan.

(Charter-p.4-#4) With regard to sidewalks, Ms. Johnson indicated Mr. Balukonis had stated it is the responsibility of the Selectmen to accept roadway improvements, and suggested the comment of "the Town's Consulting Engineer" be changed to "Selectmen". Mr. Balukonis agreed it is the Board's responsibility to accept prior to issuance of the occupancy permit.

(Charter-p.6-#7) Ms. Johnson indicated there were three areas of concern – off-site mitigation, drainage and sidewalks – which were provided, noting the drainage problems nearby were not related to them.

Selectman O'Leary felt it was useful to receive some help to solve the drainage problem, and suggested earmarking some of the tax revenue to address the issue since no solution had been identified. Amenities have a price tag. They may have been able to do something before, but it can't be done now. She noted on-site amenities, architectural costs, additional sidewalks add to costs.

Selectman Dziczek asked if the pipe under Route 109 to Shaws was being enlarged to accommodate the flow? Ms. Johnson said no. Then, Selectman Dziczek believed the overflow would continue. Ms. Johnson understood the inadequate size of the pipe was causing the backup and was noted in the drainage analysis reviewed by VHB. She further stated the condition was not on their property; it was north of their property.

Selectman Dziczek felt the issue of off-property mitigation was being taken lightly. Ms. Johnson stated they were doing traffic enhancements. If this was contributing to the drainage problem, they would have the responsibility to mitigate. They are trying to balance out what they can do for the project.

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Selectman Dziczek inquired if they understood they needed to enlarge the pipes, what would they do? Selectman Rozanski stated this was not part of the deliberation. They were working on that issue and they did not design the solution yet. Ms. Johnson asked that the paragraph be deleted.

(Charter-p.6-#1 and #2-sidewalks) Ms. Johnson indicated they had been asked to rebuild sidewalks in various areas of Route 109 and Holliston Street. She believed what was there was adequate for pedestrian activity, and there was not a safety problem.

Selectman O'Leary did not really call them sidewalks, and what they need are good sidewalks. They were asking that those paragraphs be deleted.

(Charter-p.7-#2-mitigation) Ms. Johnson felt there was a process to determine fair share assessment. Their letter of June 7th indicated that they asked their traffic engineer to go through an analysis of all intersections. Looking at what is contributing to the intersection and fair share, they don't have a capital improvement plan in place identifying specifics. What is on the table is what they would contribute. They are offering \$44,000 and the project will cost over \$400,000, along with a percentage to being contributed to some other intersection. It is unreasonable to be asked to pay and no real project to tie it to.

Selectman Dziczek inquired if, six months after the project is completed, something else is written up that allows the Town something they could feel comfortable with. Would they be willing to partner it, just in case, and what could be written into it?

Ms. Johnson felt that was a reasonable process for both to follow, and a question for Town Counsel possibly.

Selectman O'Leary asked about the traffic flow near the other shopping center? She thought they would be able to get a better idea six months down the line.

Selectman Rozanski asked if it cost \$100,00 and they take a percentage, why is Holliston Street so expensive? Their engineer stated it was the most infrastructure improvements.

Ms. Johnson stated the increase in delays doesn't warrant mitigation. If they add \$400,000 to put in the traffic lights, they would put at Holliston Street. They were only asking to delete paragraph 2.

Mr. Wieler asked to speak for clarification. He said the \$400,000 was off the table. They were not talking about the intersection, but impact off-site. They were talking about \$250,000 above the \$400,000. Where would they get the money for off-site mitigation only. They should be only talking about the extra \$250,000.

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Selectman Rozanski did not feel this was part of the deliberation.

(Charter-p.9-#7) Ms. Johnson stated a professional engineer designed the Holliston Street access and they feel it will work. If the center is difficult to get it and out of, people will not go there. They don't feel what was being asked was based on an engineering review, and were asking for mitigation nearby which was not defined.

Selectman Dziczek felt if it failed, he did not want the issue left with the Police Department. He wanted it left with the Selectmen.

Ms. Johnson asked should they have the access there or not? It was acceptable. They have to have a fair process, based on accepted engineering practices and people with creditability. It was designed so it doesn't fail. An open-ended issue is a problem. What are the parameters for accident data review?

Selectman O'Leary spoke about left-turn exiting, but not entering. She noted VHB had concerns with left-turns in; they didn't agree.

Selectman Dziczek had faith in engineers, but does the Town control the issue if the left-turns don't work and decide to say no left-turns?

Ms. Johnson felt that was another question for Town Counsel.

Selectman Rozanski turned to Mr. Wieler. He stated a fund could be established which could be used to correct left-turn movement problems. He said again, they were asking only for right-in and right-out if the data says it is higher.

Again, Ms. Johnson was asking that paragraph be deleted.

Selectman Musmanno noted that the Main Street driveway was short, and asked if the Applicant was satisfied with the design, understanding that the Town will not modify the phasing of the signal just to alleviate on-site congestion.

Their engineer said Route 109 was the priority, and would not be in the best interest of anyone not to have Route 109 working properly. State-of-the-art equipment will allow fluctuating of cars.

Selectman Musmanno was comfortable with no alterations at the west end.

Selectman Williams felt the Board was less apt to ask that it be deleted if they said it was only a right-in and right-out. Rather than strip mitigation, he would be comfortable with losing a left-turn. Ms. Johnson was not comfortable with that. Selectman O'Leary was concerned with holiday traffic. Ms. Johnson felt there would be quicker movement in and out based on the peak volume. She agreed it might be good at times to have a police officer stationed if needed.

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(Charter-p.11-façade) As an alternative, and for expediency, Ms. Johnson said they agreed to the use of brick for the façade and hoped it would be approved.

With regard to signage, none is referenced in the certificate of recommendation. It was discussed that they would come up with new pylon signs – one at Holliston Street and one at Main Street. She believed two freestanding signs were allowed since each lot has street frontage per entrance area. She believed the Building Inspector would determine compliance, but did not feel they required any variances.

Selectman Musmanno asked if the plans did not include signs?

Ms. Johnson said the design and dimension is different, the light area is the same as proposed in the plan; there were just changes in the appearance of the sign.

Selectman Rozanski noted, if denied, it would come back to the Selectmen, and she understood there would be separate sign permits. She noted they were not approving the signs tonight.

Selectman Dziczek inquired about setbacks?

Ms. Johnson indicated they would be placed 15 ft. from the property line - the edge of proposed pavement.

Selectman Williams inquired why they needed two exact same signs? And why one on Holliston Street? He was okay with the one on Main Street, but not on Holliston Street.

Selectman O'Leary agreed smaller was better.

Ms. Johnson said they were allowed by by-law.

Selectman Williams inquired the percentage of people coming from Holliston St.?

The engineer felt it was 20-25% of the traffic, which would be regular patrons.

Ms. Johnson said the sign spacing was average and was critical in negotiations.

Selectman Dziczek brought up that other shopping centers with a Shaws don't have the large pylons.

Ms. Johnson said it may not be allowed by by-law.

Selectman Musmanno asked what they would do if the Town does not allow the pylons by by-law?

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Ms. Johnson stated if their interpretation indicates they are not allowed, they would pursue the appeal process as required.

Selectman Dziczek inquired if they lit?

Ms. Johnson said there was internal illumination so the signs were readable at night.

Selectman Musmanno indicated internal illumination is not allowed. Ms. Johnson was not aware of any restriction.

Selectman Musmanno also indicated that free standing must not exceed 100 sq. ft. He believed the signs would be included with the site plan process.

Ms. Johnson asked that the alternate be approved.

Selectman Rozanski was uncomfortable with approving this section with the signs.

Ms. Johnson explained the way it was recommended all signs go back to the Planning Board. They were only asking for the pylon signs or alternative signage be incorporated into the certificate of approval.

Selectman Dziczek said this may be a question for Town Counsel. Is it a single lot even with more than one business on the lot, as currently it is three lots. Selectman Musmanno believed it became one lot by the owner.

Selectman Rozanski asked Board members if they were looking to approve the signs with all conditions?

Mr. Balukonis said the signs are subject to the zoning by-law and suggested deferring that to the zoning by-law rules and regs; it did not have to be decided tonight.

Selectman Musmanno suggested discussing location at a minimum, even if they didn't approve any specific signs.

Selectman Dziczek queried if the Board was stating they would give some stamp of approval on this tonight?

Ms. Johnson said she was comfortable with what Mr. Balukonis said.

(Charter-p.12-#3) Selectman Rozanski felt this was unacceptable.

Ms. Johnson stated there is a landscaping plan included. If they want something different than what is on there, she didn't see the point.

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(Charter-p.14-#1) Selectman O'Leary asked if there was an open-ended fee for construction observation? They are asking the Town to pay for a consulting engineer when they have their own design engineer doing inspections and reports will be provided.

Mr. Balukonis said this was in the Town's best interest. It is standard as the Town does not have that expertise. For on-site observations, it is to make sure what is on the plan gets built. A statement or stamped certification from the engineer would be submitted. Mr. Balukonis noted with the Woodside development, a deposit was given to the Town to be used to monitor work within the public right-of-way, and that work on site verified construction in accordance with the plan.

Mr. Johnson felt what Mr. Balukonis had said was not open-ended and was reasonable.

Mr. Wieler agreed what was said was okay, and was meant to be the standard for what the Building Inspector does not do.

Mr. Balukonis added the Building Inspector can do control construction, and what is covered under the building code.

A brief mention was made as to lighting. Ms. Johnson said there is no restriction on hours, and lights will be on all night. A plan could be in place at some time to have some on and some off, but they have addressed concerns of lights on at all times. They have a lighting consultant who reviewed all those issues, as well as their reviewing site amenities and delivery routes.

At this point, Selectman Rozanski stated no more comments. They had covered all the areas of concern including the status of MEPA, roadway improvements, and drainage system, and suggested they now go back and vote. Board members were asked to try and be specific with any waiver requests, and to make them specific to Planning Board requests.

- Selectman Musmanno moved that the Board of Selectmen's certificate of approval incorporate and make more specific the recommended waiver requests including the language provided by the Planning Board for more specificity; Selectman O'Leary seconded; all aye 5-0-0.
- ***"General Construction"***.
- Selectman Musmanno moved to incorporate all six of the general construction recommendations to be included as part of the conditions of approval; Selectman O'Leary seconded.

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- Selectman Musmanno then amended to change the language of #5 by incorporating the words “acting pursuant to G.L. 131, Section 40 or by the DEP in a superceding order”; Selectman O’Leary seconded; all aye.
- ***“Status of MEPA Review”.***
- Selectman Musmanno moved to incorporate specific condition of approval #1; Selectman Williams seconded; all aye. Selectman Rozanski added this does not need to come back to the Selectmen unless there are major changes. If there are changes, it goes to DEP for processing by existing law.
- Selectman Williams moved to go with the changes as recommended by Charter Realty “processed in accordance with the Site Plan regulations found at Chapter 200, Article V, Section 205-3” and strike the bracketed words; Selectman O’Leary seconded. Attorney John Fernandes asked that they be allowed to go through the site plan process in accordance with Section 205-3, which defines minor revisions and what to do if there are major revisions. All aye.
- ***“Roadway Improvements”.***
- Selectman Musmanno moved to incorporated the specific conditions recommended by the Planning Board under #1; Selectman Dziczek seconded but he objected to “109/Holliston Street intersection” being in as it creates a right turn onto Holliston Street. Selectman Musmanno said maybe they should require an alternate plan to go into effect under certain conditions. Mr. Balukonis proposed the words as stated by Charter under #1 that “the June 11, 2002 site plan be revised to include...” but with revisions reviewed by the Board of Selectmen prior to the plan being endorsed. Selectman Rozanski believed the plan needed to be endorsed by August 23rd.

Paul Brandes of Charter suggested a condition revision be that construction be by others, and if not, to get a certificate of occupancy. It will show on the plan what others, will construct, and a certificate of occupancy won’t be issued unless the condition is attached to it. Selectman Dziczek so moved; Selectman O’Leary seconded. Selectman Musmanno suggested two conditions be placed: one for the plan and one for the actual construction. All aye.

- Under #2, Selectman Musmanno said that had been changed by what occurred in #1. Selectman Musmanno moved to amend #1 and #2 until the roads were constructed and deeded to the Town of Medway.

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- Instead, Selectman Williams moved just to reconsider #1; Selectman Musmanno seconded. Selectman Musmanno moved to amend #1 by including the language "construction modification to the right-of-way road improvements constructed by others be constructed and deeded prior to occupancy". Attorney Fernandes asked for clarification – existing or additional right-of-way? Selectman Rozanski said the Selectmen have the authority to accept. All in favor of the modification.
- Selectman Musmanno moved to incorporate #2 as recommended by Charter and modifies the Planning Board's wording with "right-of-way additions to be deeded to the Town"; Selectman Williams seconded; all aye.
- On #3, Selectman Rozanski deferred to Mr. Balukonis. Mr. Balukonis was okay with the language provided by Charter. Selectman Rozanski moved to approve #3 striking the words "within the limits of"; Selectman Williams seconded.
- Selectman Musmanno moved to amend by not striking the words "within the limits of".
- Selectman Musmanno further amended by including "street adjacent to proposed roadway improvements"; Selectman Williams seconded; all aye.
- #4 was skipped.
- #5 – all aye.
- ***"Drainage System".***
- Under #1. Selectman Williams moved to approve as suggested by the Planning Board; Selectman Dziczek seconded.
- Selectman Musmanno moved to include #2, #3, #4 as suggested by the Planning Board; Selectman Dziczek seconded; all aye.
- Selectman Musmanno moved to include #5 as recommended by the Planning Board; Selectman Williams seconded.
- Selectman Musmanno moved to amend by changing "3 years" to "5 years"; Selectman Williams seconded; all aye.
- Selectman Musmanno moved to amend by deleting the last sentence "this shall require..."; Selectman Williams seconded; all aye.

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- Selectman Dziczek moved to include the bolded words "a visual inspection..." as recommended by Charter. Selectman Williams then commented they should then delete the words "the inspection shall...", but seconded the motion. Aye 4-1-0 with Selectman Musmanno in the negative.
- All aye 5-0-0 on #5.
- On #6, Mr. Balukonis suggested this be deleted as it was not appropriate to present as it generally goes to Town Meeting. Selectman Williams noted it was not accepted by the Planning Board and moved it be deleted; Selectman Dziczek seconded; all aye.
- On #7, Selectman Williams moved to delete as recommended by the Planning Board; Selectman Rozanski seconded. Selectman Williams noted this is not Charter's concern. Selectman Rozanski agreed the drainage problem cannot be tied in. Selectman Musmanno felt it can be if the site will exacerbate the situation.

Selectman Dziczek stated water goes downhill with some underground. The project may slow or deter underground and come above. There may also be some minimal effect. If there is no obligation to work on it, then we're stuck with it. Selectman Rozanski said this could be part of the Order of Conditions if it exists, but still could not see how it ties to the site plan. Selectman Musmanno said it could if studying needs to be done and recognizing paving will do something. Selectman O'Leary stated if the existing drainage increases when construction begins, she would like Charter to be responsive. Selectman Musmanno suggested setting aside some money for studying by the Planning Board.

- Selectman Dziczek amended the motion to include "if it is determined that the drainage problem to be a result of this project" the fund would be established.

Selectman Rozanski suggested striking and adding something else. She, therefore, moved to delete #7; Selectman Dziczek was opposed; aye 4-1-0.

Paul Brandes said this was open-ended and different, and an issue to proceed with caution on, but what the Planning Board said is quantifiable. He did not know where this was headed.

Selectman Williams did not want to see it all, but wants to know the limits.

Attorney Fernandes felt this was bad for the development and not legal. They can't leave decisions for the future open. They could have other remedies if there is a future problem, but it was not appropriate.

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Selectman Rozanski asked, what if a sum of money in a fund was set aside? Attorney Fernandes said they could ask for off-site mitigation related to the project.

Paul Brandes said there was a rough amount being thrown around, but they would contribute up to \$10,000 for the study. They can make this a part of the record so it was enforceable. This is a condition proposed prior to the certificate of occupancy.

Selectman Dziczek suggested #7 be that the applicant shall, with the Town, review yearly and determine whether the project is creating any drainage problems around Route 109.

- ***Sidewalks.***
- Selectman Musmanno moved to incorporate #1 as written by the Planning Board; Selectman Dziczek seconded. Selectman Musmanno clarified if this meant "existing sidewalks"? Ms. Johnson stated they will not remove what is existing on the north side of Route 109.
- Selectman Musmanno started to amend by deleting, then did not. There was no amendment. All aye to the original amendment, believing the north side will be developed. Selectman O'Leary abstained.
- Selectman Musmanno moved to accept the recommendation of the Planning Board on #2; Selectman Dziczek seconded. Planning Board member Dan Hooper asked why not have sidewalks put in for safety? Selectman Rozanski agreed they were needed, but not within the limit of the project. On the motion 3-2-0.
- Selectman Musmanno moved to incorporate #3 as recommended by the Planning Board; Selectman Dziczek seconded; all aye.
- ***Traffic Mitigation.***
- Selectman Musmanno moved to include #1 as recommended by the Planning Board; Selectman Dziczek seconded; all aye.
- On #2, Selectman Dziczek moved to accept the Planning Board's recommendation; Selectman Williams seconded. Selectman Rozanski felt uncomfortable with doing all intersections.
- Selectman Williams amended the amount of money from \$250,000 to \$50,000; Selectman O'Leary seconded.

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Paul Brandes said they started with the best of intentions and then there was other money needed for off-site. Now there is less square footage, less tenants, and difficulties to build. He felt they went well beyond the bounds of where they started, and will do right by the Town. They need to fill in the rest of the shopping center. They were in compliance day one, and still in compliance, and still the Town is asking for more.

Selectman O'Leary asked if they could come up with a ballpark cost for sidewalks on Holliston Street?

Paul Brandes said it was nice each of the issues were discussed, but things have changed since they started and it has to make economic sense.

Selectman Dziczek brought up the \$250,000 and said the residents won't pay for this.

Selectman Musmanno stated it was clear the Town deserves some compensation for traffic impact, on-site or not. He was satisfied the improvements at the intersection will exceed what the applicant has introduced, and felt they were getting enough for financial losses on another.

Selectman Rozanski brought the motion back to the \$50,000 instead of the \$250,000; aye.

Selectman Rozanski went back to the main motion, to ask those in favor of #2 with the additional \$50,000; Selectman Dziczek and Williams aye; the other Board members no; 2-3-0; #2 is deleted.

- To #3, Selectman Musmanno moved its inclusion as recommended by the Planning Board; Selectman Williams seconded.
- Selectman Musmanno amended by changing the first sentence to be "again after the last building has been opened for business for 12 months"; Selectman Dziczek seconded. Selectman Dziczek felt they were going to be checked every year anyway.
- Selectman Musmanno amended the motion to be, but "not more than 24 months"; Selectman Williams seconded; aye except Selectman O'Leary no; 4-1-0.
- To the inclusion of #3 – Selectmen Williams and Musmanno aye; the others no; 2-3-0; not to be included.
- On #4, Selectman O'Leary moved it be deleted; Selectman Williams seconded. On the vote – Selectman Dziczek no; the others yes; 4-1-0.

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- On #5, Selectman Williams moved it be included as recommended by the Planning Board; Selectman Musmanno seconded; all aye.
- On #6, Selectman Musmanno moved it be included as suggested by the applicant; Selectman Williams seconded; all aye.
- On #7, Selectman Williams moved to accept the Planning Board's recommendation; Selectman Musmanno seconded. Selectman Rozanski said to Mr. Balukonis, if it does become a hazard, the Chief would determine if a detail is needed. Mr. Balukonis said he would check with Town Counsel.

Selectman Williams asked if something had been said about closing the entrance. Selectman Rozanski did not feel it was needed. Selectman Musmanno said they have a site plan and the best engineer. They have the option of rejecting the plan, but if it is okay, to accept it. Determine the cost now. Selectman Rozanski said they had to approve it tonight. On the vote, aye except for Selectman Musmanno no; 4-1-0.

- ***Traffic Signal.***
- Selectman Williams moved to accept #1, 2, 3, 4; Selectman Dziczek seconded; all aye.
- On #5, Selectman Dziczek moved to accept the recommendation as submitted by the applicant; Selectman Williams seconded; all aye.
- ***Noise Abatement.***
- Selectman Williams moved to accept #1; Selectman Dziczek seconded. Selectman Musmanno did not feel this needed to be included; Selectman O'Leary no on the vote of 4-1-0.
- Selectman Dziczek moved to accept #2, 3, 4, 5, 6 as submitted by the applicant; Selectman Williams seconded.
- Selectman Rozanski amended to included "no trucks shall be allowed..."; Selectman Dziczek seconded; Selectman Musmanno no on the vote of 4-1-0.
- Paul Brandes brought up traffic mitigation on Holliston Street and mentioned they were voting on the site plan as presented. They could allow a fund to be set up but they need to know what the access looks like. He wants it clear and not to change.

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- Selectman Dziczek moved to reconsider #7 under Traffic Mitigation; Selectman Musmanno seconded; all aye to reconsider.
- Selectman Williams amended the previous vote to delete the last sentence.

Paul Brandes said mitigation means change. Make a determination now.

Selectman O'Leary said they don't know. As presented, she could go along, but safety makes her suggest something else. What type of access is there if safety is a problem?

Ms. Johnson said your consulting engineer approved the plan, and said it was no issue.

Selectman Dziczek said he was concerned if a mistake is made, how it is handled.

Paul Brandes said, if it is not safe, it is a problem for them as well, but they are burdened with going forward. Other developments are being built by others. When they revisit the area, they will get another look at it. This will be looked at again; make the project viable.

Dan Hooper said if the Town has management rights, the roadway is our land. If safety is an issue, what can we do? Should the access road be an issue? Is there a mechanism there to change?

Selectman Rozanski said they have rights on the roads, but Mr. Balukonis felt it was a legal issue.

Selectman Dziczek asked if the Board had their word? Paul Brandes said their issue was related to the site. They will do the right thing, and put forth their best effort.

- Selectman Dziczek moved condition #7 be dismissed; Selectman O'Leary seconded; all aye.
- ***Shopping Center – façade design.***
- Selectman Musmanno moved to strike #1; Selectman Williams seconded; all aye.
- ***Signage.***

Selectman Musmanno said his concern was more of what way it was to be, and the request was to continue the process with the Planning Board with

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regard to the pylon signs. He recommended they incorporate that language into #1, even if it was all conforming.

Attorney Fernandes was uncomfortable with the process. He thought they were approving the sign location.

Selectman Musmanno stated the Building Inspector does not have the authority to reject a conforming sign.

Attorney Fernandes said the plan was processed in accordance with the by-law, as Mr. Balukonis said.

Selectman Rozanski inquired if the plan shows the location in a certain plan, could it be changed?

Mr. Balukonis stated changes of a minor nature can be modified to the plan.

Selectman Rozanski believed the language says signs "may be located" at a certain place.

- Selectman Williams believed the desire was to still go through the design and review process, and moved to accept the Planning Board's recommendation on #1; Selectman Dziczek seconded.

Ms. Johnson said they understood they would be going back to the Planning Board for consistency with design guidelines, but were not told approval informally is a commitment that can't be worked out.

Attorney Fernandes said the condition is with the site plan with no boundaries. He suggested this be deleted – signs may be located as on the site plan.

Selectman Musmanno asked Planning Board member Dan Hooper if the Planning Board can do this? Mr. Hooper said they would make it happen and was acceptable.

Attorney Fernandes said there was nothing in the Planning Board recommendation that says the applicant will locate signs as on the site plan "subject to".

- Selectman Rozanski moved to delete #1, and replace with "signs located on the site plan will be subject to the sign permitting process"; Selectman Dziczek seconded.

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- Selectman Musmanno moved to amend by changing the first sentence to "a sign may be located at either the Main Street entrance or the Holliston Street entrance"; Selectman Williams seconded.

Selectman Musmanno said he did not believe two signs were permitted, and wanted no ambiguity.

Selectman O'Leary believed there was more than one parcel. Selectman Musmanno said adjacent parcels become one parcel.

- On the vote of one sign on the parcel: Selectmen O'Leary and Rozanski no; the others aye; 3-2-0.
- On the whole motion – all aye.
- On #2, Selectman Musmanno moved to strike; Selectman Williams seconded; all aye.
- ***Landscape design/trees.***
- Selectman Musmanno moved to incorporate #1 as amended by the applicant; Selectman Williams seconded; all aye.
- On #2, Selectman Williams moved to accept the Planning Board's recommendation; Selectman Musmanno seconded; all aye.
- On #3, Selectman Williams moved to delete the Planning Board's recommendation; Selectman Musmanno seconded; all aye.
- On #4, Selectman Williams moved to accept the Planning Board's recommendation; Selectman O'Leary seconded; all aye.
- On #5, Selectman Williams moved to accept the applicant's recommendation; Selectman O'Leary seconded; all aye.
- On #6, Selectman Williams moved to accept the Planning Board's recommendation; Selectman Dziczek seconded; all aye.
- ***Parking.***
- Selectman Williams moved to accept the Planning Board's recommendation on #1; Selectman Dziczek seconded; all aye.
- ***Lighting.***

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- Selectman Dziczek moved to accept the applicant's recommendation; Selectman O'Leary seconded; all aye.
 - ***Shopping Center – site amenities.***
 - Selectman Williams moved to approve the Planning Board's recommendations on #1, 2, 3, 4, 5; Selectman Dziczek seconded; all aye.
 - ***Delivery routes.***
 - Selectman Williams moved to accept the applicant's recommendation on #1; Selectman Musmanno seconded.
 - Selectman Dziczek amended to change "require" to "request"; Selectman O'Leary seconded; all aye.
 - ***Construction observation.***
 - Selectman Rozanski moved to change the inspection compliance by the Town Administrator, Planning Board and DPS to solely the Town Administrator or his designated agent; Selectman O'Leary seconded.
- Ms. Johnson asked if this was for off-site? Selectman Rozanski said yes. Ms. Johnson said on-site inspections get an engineer's certification; off-site, you get an estimate and pay a fee.
- Attorney Fernandes suggested adding to the Town Administrator inspecting for compliance, the language, "off-site improvements as shown on the site plan", "reasonable costs", "bill as you go" and delete the rest. So moved; Selectman Williams seconded; all aye.
 - ***Performance guarantee.***
 - Selectman Williams moved to accept the Planning Board's recommendation; Selectman Dziczek seconded; all aye.
 - Selectman Musmanno moved to amend and accept the applicant's recommendation; Selectman Williams seconded.
- Selectman Musmanno explained "withdrawal slip to the Planning Board" should be deleted, and "Board of Selectmen" inserted.
- On the amendment, all aye.
 - On the main motion, all aye.

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- ***Recommended general conditions of approval.***
- Selectman Dziczek moved to approve #1; Selectman O'Leary seconded; Selectman Musmanno no; 4-1-0.
- Selectman Williams moved to approve the Planning Board's recommendation on #2, 3, 4; Selectman Dziczek seconded; all aye.
- Selectman Williams moved to include the applicant's recommendation on #5; Selectman Musmanno seconded; all aye.
- Selectman Williams moved to approve the Planning Board's recommendation on #6; Selectman Musmanno seconded; all aye.

On #7, Attorney Fernandes said there is no requirement to be recorded at the Registry as it does not contain endorsements.

- Selectman Rozanski moved to delete #7; Selectman O'Leary seconded; all aye.
- Selectman Musmanno moved to delete #8; Selectman Dziczek seconded; all aye.
- Selectman Williams moved to approve #9, 10, 11, 12 as approved by the Planning Board; Selectman Dziczek seconded; all aye.
- On #13, Selectman Musmanno moved to incorporate as modified by the applicant, just the first sentence only, up to "system"; Selectman Williams seconded; all aye.
- Selectman Williams moved to accept the Planning Board's recommendation on #14; Selectman Musmanno seconded; all aye.
- Paul Brandes brought up #2 on "Sidewalks" regarding Holliston Street. He indicated he did not know if they have the right-of-way, and would give a sidewalk fund amount.

Selectman Rozanski asked if that wasn't a part of the site plan approval; that they would give a sum of money?

Mr. Brandes said he could confirm this in a letter. He did not know what the "town standards" were for DPS, but could do a letter.

Selectman Rozanski asked if they would give \$25,000 or just a sum of money?

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Mr. Brandes said he would rather just say "a sum of money to do sidewalks for improvement". He could give a dollar amount and have the Town do the improvements.

- Selectman Williams moved to reconsider the vote under #2, Sidewalks; Selectman O'Leary seconded; all aye.

Charter's engineer spoke about a 5'-6" standard, and a price of about \$9.50 to \$10.00/ft., thinking they could do a couple of thousand feet.

Selectman Musmanno hoped they would do what was appropriate.

The engineer asked if it would have to be done per subdivision regulations?

Dan Hooper said the major thing is concrete curbing, not bituminous concrete.

Mr. Brandes said the offer if \$25,000 towards improvements and you can use your own staff. He added, upon issuance of the building permit, the money could be given.

Selectman Dziczek said he was unsure of what the sidewalk was like from Kelly Street on down, and unsure of costs. He suggested tabling this and speaking to DPS Director Lee Henry the next day. To make a judgment now was foolish. Leave it as is, and it can be changed the next day when they find out.

Mr. Brandes felt they were being more than generous. The issue was not about how far to go down the street; it is about improvements.

- Selectman Williams moved to incorporate #2 and re-confirm the vote; Selectman Dziczek seconded.

Selectman Dziczek said he was looking at the Town's best interest, and was unsure in this area out of ignorance.

- For the inclusion of condition #2 – Selectmen Musmanno, Williams and Rozanski no; Selectmen O'Leary and Dziczek yes; #2 is deleted.
- Selectman Musmanno moved to approve the site plan as prepared by Appledore Engineering, Inc. entitled "Medway Commons", subject to conditions previously voted on tonight by the Board of Selectmen; Selectman Williams seconded; all aye.

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- Selectman Musmanno moved to waive the normal 10:00 p.m. adjourning of a meeting procedure for taking #9 on the agenda; Selectman Dziczek seconded; all aye.
- 9. Action items.
- Selectman Dziczek moved to accept the quitclaim deed of Granite Estates; Selectman O'Leary seconded; all aye.
- Selectman Williams moved to sign the primary election notice; Selectman Dziczek seconded; all aye.
- The Chairman approved a letter being sent to Town Counsel regarding the ANR plans for the Planning Board.

1:10 a.m. – The meeting was adjourned.

Respectfully submitted,

Greg Balukonis

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AUGUST 12, 2002

The meeting was opened by Chairman Rozanski at 7:00pm with all members present.

Selectman John Williams moved and voted unanimously approved the warrants as follows – Payroll, \$336,390.26; Vendors, \$232,204.23.

1. Public Comment
There was no one present for public comment.
2. Requests of the Selectmen
The Board discussed a letter received from the Community Preservation Committee involving possible acquisition of Mr. Rojee property for affordable housing. It was agreed the request should be directed to the Affordable Housing Committee first. The Town Administrator will advise the owner of the Towns "potential interest".
3. Public Hearing, Liquor License transfer, Elm Social Club
Chairman Rozanski opened the public hearing at 7:15pm. The Clerk read the legal advertisement. It was noted the current licensee, Barbara Jenkins, was unable to attend due to illness. John Giambasso was in attendance as applicant.

Selectman Williams moved and voted unanimously to transfer the liquor license from the Elm Social Club from Barbara Jenkins to John Giambasso as shown on the Alcoholic Beverage Control Commission Application.

4. Town Administrative Report
Mr. Balukonis addressed an estimate for work at Choate Pond in order to correct the reoccurring bacteria problem. He indicated the cost was \$46,425.00 to construct a bypass pipe and related work. This matter was taken under advisement.

The Town Administrator updated the process for upcoming Police Department promotions and hiring a new Administrative Service Assistant.

A Team Building Seminar was held at Town Hall on August 6, 2002 for department heads and employees. Mr. Balukonis stated the seminar was well received and he hopes to follow-up with additional training.

5. Paul DeSimone, Drainage Issues

Paul DeSimone presented his findings with regard to the flooding conditions on Rte. 109 East of Holliston Street and the Richard Road area. Mr. DeSimone stated Rte.109 has no impact with past flooding on Richard Road. Information was presented concerning the existence of blockages in the drain lines in the Richard Road neighborhood. Mr. DeSimone feels the blockages and cracks in the pipe are the primary reason for flooding on Richard Road. Angelo Mucci stated he disagreed with Mr. DeSimone findings, and the flooding began only when the Cassidy's filled in the fields around Richard Road. Highway Foreman Jim Smith was present. He updated the ongoing video camera inspection of the Richard Road drain lines. Jim Smith stated the lines were in good condition, but the DPS was unable to gain access to a section without first locating a manhole on a Karen Avenue drainage easement.

Mr. DeSimone indicated he disagreed with the necessity to hire a consulting engineer to study the problem and recommend a solution. It was agreed the Town would: 1.) Continue the video inspection of those drainage lines serving Richard Road, which have not already been studied; 2.) Direct DPS to clean and repair existing blockages within the same drainage lines; 3) Defer action on the Richard Road Drainage Request for Proposals at this time.

1. Town Administrator Evaluation

Chairman Rozanski presented a composite of the individual ratings of Mr. Balukonis performance. The review indicated Mr. Balukonis meets or exceeds the Board's expectations in all areas, although there is a considerable range in several performance areas between individual members. The following categories were addressed in the evaluation: Quality, productivity and quantity, attitude technical ability and knowledge, judgment and maturity, versatility and flexibility, community relations, initiative, dependability, relationships, leadership, ability to communicate, organizing and planning, supervisory skills.

Selectman O'Leary and Selectman Dziczek wanted to acknowledge the Chairman's composite rating is lower than their individual ratings.

Selectman Musmanno stated that he was not aware individual Selectman comments would be forwarded to the Town Administrator. He believed they should remain anonymous.

Mr. Balukonis thanked the Board for their review. He stated his first year was more difficult than he had anticipated. He looks forward to meeting the Board's future expectations.

2. Report of the Selectmen

Selectman Williams presented the financial data obtained on the fiscal 2003 Cherry Sheet. Selectman Williams noted that receipts were slightly higher than budgeted, and this appears to place Medway in a favorable financial position for fiscal 2003.

Discussion Items

1. The Board considered a draft of the Charter Realty site plan Approval certificate. Attorney John Fernandes was present representing the applicant. The Board discussed the required time frame for approving the revised site plan. It was agreed to hold a special meeting on August 19th at 5:00 p.m. if necessary on the site plan approval. The Board indicated it is important to secure a recommendation from VHB Engineers as soon as possible. Mr. J. Fernandes agreed to forward the revised sit plan directly to VHB Engineers.
2. The Board took no action on the "Welcome to Medway" sign as They previously agreed to have it located as Village and Main Streets.
3. The Board agreed to hold actions on the draft Chapter 61 Policy and the status of unaccepted roads.
4. The Board discussed the merits of scheduling a permanent Town Meeting in October of each year. A letter will be sent to boards and committees asking if they would find a regularly scheduled Town Meeting useful.

Action Items

1. John Williams moved and it was voted unanimously to approve a proposal by Melanson-Heath Company for Fiscal 2002 audit services.
2. It was moved and voted unanimously to grant a one-day beer and wine license to St. Joseph's Parish on August 17, 2002.

Communications and Correspondence

The Board acknowledged a letter seeking permission to hold a motorcycle and road race. No actions were taken and the letter will be forwarded to the Police Chief for his approval.

A letter was received concerning the Mark Investments (Walgreen's) Site Plan Application. Joe Musmanno moved and it was voted unanimously to extend the deadline to October 31, 2002 as requested by the applicant, with the provisions the Planning Board recommendations be received by the Board of Selectmen no later than September 30, 2002.

John Williams requested the question of bi-weekly Selectmen meetings be placed on the September 9, 2002 agenda.

Executive Sessions

None

Being no further business before the Board of Selectmen, it was moved and voted unanimously to adjourn the meeting at 10:35 p.m.

Respectfully Submitted,

Greg L. Balukonis
Town Administrator

August 19, 2002

**Board of Selectman Meeting Minutes
Special Meeting**

Chairman Raphaela Rozanski in Sanford Hall opened the meeting at 5:00 PM with members Joseph Musmanno, Joseph Dziczek, Mary O'Leary and John Williams present. Town Administrator, Greg Balukonis was also present

Charter Realty-Shaws Site Plan Approval

The Board considered the Site Plan Certificate of Approval Charter Realty & Shaw's

Consider #3 Roadway improvements – sidewalks

Resolved – all fees paid and up to date

To recommend approval – discussion on signs – one sign permitted by zoning. J. Musmanno offered revised wording for the Certificate of Approval.

Discussion on VHB billing

J. Musmanno– roadway improvements Note on the Revised Plans being added he does not feel language is sufficient – J. Musmanno feels the plan should be before us today showing the off-premises improvements. 1.) #1 not met, 2.) #1 (pg.19) also does not meet requirements to much light. 3.) lighting calculations not in 6/11/02 plan. 4.) crosswalk E-W to be 100ft. into site instead of sidewalk (traffic signal #3) J. Musmanno feels roadway input #1 is non compliant and the plan should not be endorsed. Greg Balukonis recommended the endorsed documents incorporate the revised roadway improvement plans as an addendum.

Karen Johnson and Atty. John Fernandes both representing Charter Realty both addressed the Board.

Is Board satisfied at this yet? Yes – do we want a general discussion on other 3 items. Too much light – J. Musmanno feels greater intensity than allowed – nighttime plan showing minimum usage does not meet town standards.

K Johnson states night light plan was developed at request of Board of Selectman she felt night lighting was sufficient but can it be changed. Where did 1ft. candle come from? General issue is the night lighting plan that is before the Board today has calculations that were not there 6/11/02.

Crosswalk at entrance off Main Street. It is not located close to Main Street, but set further back. It is does not include signalization

Atty. Fernandes feels this will be done, but doesn't show on the plan.

The interest of Town's protected by verbiage

Barbara Horowitz commented the Board of Selectman is discussing safety and livability in addressing the Site Plan

Recommendation by Greg Balukonis is to endorse the Revised Site Plan (including addendum) and Certificate of Site Plan Approval-
M. O' Leary moves to endorse Certificate of Site Plan Approval
Approval and Site Plan as recommended by the Town Administrator.
Discussion- Joe Dziczek wants to be assured that we are relying on comments from VHB Engineers.
Voted to Approve (4-1-0). J Musmanno-Nay

High School Drainage- Contract Approval

Ongoing roof construction – subsurface drainage necessary to complete the roof project
A separate bid was issued for Drainage connection – bid - \$52,800, low Marini Corp.

Greg Balukonis recommends approval

Connection to existing storm water drainage

J. Williams moves to approve contracts with Ronald Marini Corp. for \$52,800.

Voted to Approve (5-0-0)

J. Musmanno moves to adjourn

Voted to Adjourn (5-0-0) at 5:40 PM.

Respectfully Submitted,

Greg Balukonis

Board of Selectmen Meeting
August 26, 2002

The meeting was opened at 7:00 p.m. with Raphaela Rozanski, Joe Musmanno, Mary O'Leary, and John Williams present. The Town administrator Greg Balukonis was also in attendance.

Approval of Minutes

John Williams moved and voted to accept the 7/29/02 minutes with revisions.

John Williams moved and voted to accept the 8/12/02 minutes with revisions.

Public Comments

None

Town Official Update

DPS Director, Lee Henry met with the Board of Selectmen to provide an update on various municipal projects. He addressed the Richard Road drainage, and stated DPS successfully located a "missing" drainage manhole on private property off Karen Ave. Lee Henry further stated he is awaiting assistance from the CRPCD to continue the video inspection of the existing drainage system.

Lee Henry proposes to replace those drainage pipes that do not have sufficient flow capacity. He will present an overall recommendation on the Richard Road drainage system once the video inspection is completed.

Lee Henry updated paving and site work projects at the High/Middle Schools. He noted the work is being done under a \$45,000.00 appropriation. The work on completing the roof drains is being completed under a different appropriation.

Lee Henry stated residents appear satisfied with the Causeway Street reconstruction project. He has heard nothing but compliments.

Lee Henry expects to submit a \$35,000 request for completion of the ongoing roadway signage project.

Report of the Town Administrator

Greg Baluknois updated the Board of Selectman on the status of the High School Roof Project. The High School is 90% complete with only sheet metal and flashing work remaining. McGovern School is 80% complete as of this date. The project was delayed as a result of finding asbestos materials while repairing the McGovern School roof. Greg Balukonis anticipates the roof membrane to be fully replaced in a few days, but before teachers return on 9/3/02. He has assurances the site will also be cleaned-up before school begins. Substantial completion is expected within several days.

Greg Balukonis announced the Police Lieutenant and Sergeant promotions. He stated Alan Tingley is promoted to Lieutenant as of 9/1/02. He also noted William Kingsbury is promoted to Sergeant as of 9/1/02. Both Alan Tingley and William Kingsbury were present. The Board of Selectman congratulated them on their promotions.

A letter of resignation was acknowledged for Al Magliaro who is stepping down from the Parks Commission. The Board of Selectman requested a letter of appreciation see draft. The Board of Park Commissioners vacancy will be posted, and the Board of Selectman and remaining Parks Commission members will meet at a future date to fill the vacancy until the 2003 Town Election.

Greg Balukonis addressed the annual TIP list of road construction projects in the Commonwealth. He noted three Medway projects are shown on the "Supplemental TIP List". The Board of Selectman directed a letter be drafted to Medway's legislative delegation requesting the projects be moved-up to the TIP funding lists.

Board of Selectman Reports

Joe Dziczek provided an update on recent CPC activities. The committee is considering the hiring of an architect, and Joe Dziczek wants to insure this is handled by the Town Administrator.

Mary O'Leary noted the Affordable Housing Committee will discuss potential reuse of the old mill building on Main Street for housing.

Joe Musmanno stated he was looking for Executive Session Minutes in view of the open meeting law publication provided by the District Attorney.

Joe Musmanno mentioned if any progress has been made with regard to Town Hall email problems. Greg Balukonis explained the problem was resolved on a short-term basis, but he still wants to seek alternatives to the INET.

Raphaela Rozanski presented a proclamation for the review for the Board of Selectman. She noted a public hearing on the Senior Center grant is scheduled for 9/8/02. Raphaela Rozanski noted a complaint was received on the dog park, which is under construction at Village & Cottage Streets. She agreed to forward the complaint to the Parks Commission and the Boy Scout performing the project.

Action Items

The Board of Selectman voted to approve a contract with Haley & Ward Engineers for a water audit as required by D.E.P. The approved not to exceed amount is \$17,500.00

It was moved and vote approve a contract amendment with the Design Partnership in the amount of \$4,900.00 the additional work is for preparing a change order relating to the installation of high efficient gas boilers at the new High School.

Joe Musmanno moved and voted to extend the final approval date for the Walgreen's Site plan to 12/20/02.

Joe Musmanno moved and voted to extend the final approval date for the K & R Realty Trust/Rypos to 9/30/02.

Future Agenda Items

The Board asked for an update on the 75% plan for Summer Street.

The Board of Selectman agreed to invite the Planning Board in for a discussion.

Executive Session

None

Warrants

The Board voted to approve the warrant as follows –

Town bills \$283,450.05, withholdings \$79,078.51, New High School \$72,046.69,
Payroll \$371,347.46

Being no further business it was voted to adjourn the meeting at 8:40 p.m.

Greg L. Balukonis
Town Administrator

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2002.doc

Board of Selectman Meeting September 9, 2002

Meeting opened by Raphaela Rozanski @ 7:00 p.m.

All members and Greg L. Balukonis present.

Acceptance of Minutes

John Williams to approve minutes of August 19, 2002 (with modifications) – so voted

John Williams moved to approve minutes of August 26, 2002 (with modifications) – so voted

Public Comments

Paul Wilson commented on the Planning Board draft site plan rules of regulations. He suggested the document be forwarded to Town Counsel since it contains legal mistakes. The Board noted a public hearing on the revised rules and regulations is scheduled for 9/10/02.

Paul DeSimone stated similar concerns over the Site Plan permit process. Mr. DeSimone believes it takes too long to go through the Site Plan process. He asked to appear before the Board of Selectmen on 9/23. Joe Dziczek asked the Planning Board also be invited to this meeting.

Raphaela Rozanski stated the Rules of Regulations do not typically go before Town Counsel for review. Mary O'Leary stated it appears the Planning Board is attempting to dilute the Board of Selectmen's role in Site Plan review. Joe Musmanno indicated the Planning Board intends to change its Rules. This is a formal process. Several Selectmen will attend the Planning Board hearing.

Jim Weiler, Planning Board member, spoke on Rules and Regulations. He noted the Planning Board does not want to change the Board of Selectmen authority.

Raphaela Rozanski stated the Board of Selectmen doesn't want a Planning Board vote until there is a joint meeting between the Boards, and Town Counsel reviews the revisions.

Site Plan Review – K & H Realty Trust, 3 Industrial Park Road

Dan Merrikin, Engineer for the applicant was present.

James Weiler presented the Planning Board recommendation.

Dan Merrikin presented an overview of the project. He noted the project would allow for the expansion of Rypos Inc., located at 3 Industrial Park Road.

Mary O’Leary inquired about the number of parking spaces that are provided as part of the plan.

Joe Musmanno asked if the Police Department comments are acceptable?

Joe Dziczek questioned if any new signs are included?

Dan Merrikin explained Rypos has a potential problem with the Performance Guaranty. He further recommended the Board of Selectmen accommodate Rypos in its decision. The Board agreed to substitute the word “may” in lieu of “shall” in the second sentence of D (1) – Performance Guarantee. The Section also states “Board of Selectmen” be substituted in lieu of the “Planning Board”.

Page 5 of #7. The Board of Selectmen “substantial” compliance, versus “strict” compliance for the as-built plan.

Joe Musmanno to include all of the Planning Board waivers – so voted. (5-0-0).

Joe Musmanno to approve recommended specific conditions of Approval A-B-C, as recommended by the Planning Board. Joe Musmanno moves to strike C- “Construction observation” in its entirety and remove the last sentence in paragraph B-.

- So voted to amend the language as recommended by Joe Musmanno.
- So voted to accept paragraph A & B as amended (5-0-0).

Performance guarantee – paragraph D by substituting the word “may” instead of “shall” – so voted (4-1).

It was voted to delete the last 2 sentences, and allow the Board of Selectmen set the performance guarantee --so voted (5-0-0)

Joe Musmanno move to delete - “the Planning Board recommends all approved work be complete prior to the insurance of any occupants permit, however”-- so voted to approve (5-0-0).

Joe Musmanno to accept E-General additions of approval. Mary O’Leary moved to substitute “substantial” for “strict” in #7 (vote fails 2-3).

So Voted (5-0-0) to approve E – as recommended by the Planning Board

Joe Musmanno moved to approve the Site Plan for 3 Industrial Park Road. K & H Realty Trust, with the conditions approved by the Board of Selectman this evening – so voted (5-0-0)

Joe Dziczek moved to endorse the Site Plan--so voted (5-0-0)

Warrant

Mary O'Leary moved to approve the warrants—so voted

\$84,206.51 – Town Bills

\$139,326.17 – Withholdings

\$639,691.51 – School Bills

\$863,224.19

Board of Selectman Reports

John Williams reported that he was unable to attend a recent Disability Commission meeting.

Joseph Musmanno reported he completed a review of the Executive Session minutes. He questioned the attachment of a particular document 6/8/98, 8/16/99, 4/24/00, 6/4/01. The attachment will be removed from the 6/4/01 Executive Session Minutes.

John Williams requested the minutes be copied for review by the Board of Selectmen.

Joseph Musmanno recommended all the minutes be released but the 2 most recent Executive Sessions be held because the matters are not concluded.

Report of the Chairman

Raphaela Rozanski reported that she attended a badge ceremony last week. She was very pleased with the appointments of Lt. Tingley and Sgt. Kingsbury.

Raphaela Rozanski stated she asked the 9/16/2002 Board of Selectmen's meeting be cancelled due to Yom Kippur. A discussion of bi-weekly Selectmen's meetings will take place at the next meeting scheduled on Monday, September 23rd.

Discussion Items

John Williams asked the Board to allow more time to complete his recommendation on a fall town meeting. He referenced letters submitted to departments and town committees. The Board will consider the same at a later date.

John Williams inquired about the executive session meeting minutes related to collective bargaining strategy. He asked the Town Administrator to prepare these for the Board of Selectmen's review.

Town Administrator's Report

1. Greg Balukonis updated the Board on the request for proposals for planning consulting services. Several Selectmen indicted their concerns with this procurement, and requested the Town Administrator consider placing the contract award on hold.
2. Greg Balukonis noted that he wanted to provide a progress report on the new high school construction project. He stated the construction progress would be known after the base line schedule has been fully reviewed. It is premature to assume that the project is already behind schedule.
3. The Town Administrator acknowledged receipt of the Environmental Impact Report on the Medway Commons Project. Written comments are due by October 10, 2002.
4. The Board of Selectmen endorsed a letter supporting Medway projects appearing on the Transportation Improvement Program (TIP) list.

At 9:04 p.m., the Board of Selectmen entered into an executive session for the purpose of real property negotiations and collective bargaining strategy. The Board stated it would not reconvene in open session.

Roll call vote—Joseph Dziczek—yes; Mary O’Leary—yes; John Williams—yes; Joseph Musmanno—yes; Raphela Rozanski—yes.

Respectfully submitted,

Greg Balukonis,
Town Administrator

MINUTES OF THE SELECTMEN'S MEETING
SEPTEMBER 23, 2002

Present: Selectmen Raphaela Rozanski, Mary O'Leary, Joseph Dziczek, John Williams, Joseph Musmanno, Town Administrator Greg Balukonis, and Administrative Services Assistant Celeste Hanson.

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall.

- Selectman Rozanski called moment of silence to honor Fireman Steve Redding who recently passed away.
1. ***Approve and sign warrant.***
 - Selectman O'Leary moved the Board approve and sign warrant for fiscal year '03 in the total amount of \$1,054,397.59 (\$167,666.67—Town bills; \$155,958.94—Withholdings; \$29,528.59 and \$701,243.29—School Department); Selectman Williams seconded; All aye (voted).
 2. ***Approval of minutes.***
 - Selectman Joe Musmanno moved to approve the regular meeting minutes of September 9, 2002; with corrections; Selectman Williams seconded; All aye (voted).
 - Selectman John Williams moved to approve and release the September 9, 2002, Executive Session meeting minutes, Selectman O'Leary seconded; All aye (voted).
 3. ***Public comments.***
 - Mr. Paul DeSimone proposed the Board of Selectmen and Town Administrator consider the hiring and appointment of a Town Engineer and part-time Planner as outlined in a proposal and fee structure memorandum that was handed out to all Selectmen and the Town Administrator. Mr. DeSimone represented that the Town's present consultant contract had expired and Mr. Balukonis, Town Administrator, informed Mr. DeSimone and the Board of Selectmen that a new one-year contract is currently in place and due to expire June 30, 2003.

Jim Reardon of the IDC also commented that he was in favor and supported Mr. DeSimone's proposal to the Board of Selectmen and Town Administrator consider appointing or hiring a Town Engineer and part-time Planner. Charles Myers from the School Committee also mentioned he was in favor of such an appointment.

Selectman Rozanski acknowledged that it was understood by the Board of Selectmen that many people are in favor of appointing a Town Engineer and part-time Planner and that all were in agreement that it would be a good thing; however, the Town is required to do it's due diligence and

MINUTES OF THE SELECTMEN'S MEETING
SEPTEMBER 23, 2002

research. Selectman Rozanski inquired if the other Board of Selectmen had questions or comments.

Selectman Williams moved that the proposal for appointing/hiring of a Town Engineer and part-time Planner be placed on the "Future Items" agenda and seconded. Selectman Rozanski directed that Mr. Balukonis, Town Administrator perform initial due diligence into the possible appointment of a Town Engineer/Planner and report his findings at the October 21, 2002, Board of Selectmen Meeting; All aye (voted).

4. *Planning Board—Site Plan Procedures*

Selectman Rozanski asked Selectman Musmanno for his update on the Planning Board's Site Plan and Rules and Regulations Procedures. The Planning Board's representative came forward to discuss and further explain the Planning Board's position on the Site Plan and Rules and Regulations Procedures.

Selectman O'Leary inquired if Town Counsel had read the by-laws and if the Planning Board voted prior to Town Counsel's review of such. At this point, James Weiler, Karen Spiller-Walsh and Dan Hooper, members of the Planning Board, addressed the Board of Selectmen. They stated the Planning Board deferred decisions on their revised rules and regulations until Town Counsel could complete a review of such. The Selectmen requested Selectman Musmanno contact Town Counsel.

There was additional discussion by members of the Board of Selectmen and Planning Board concerning specific language in the revised rules and regulations.

Dan Hooper stated Medway's Site Plan process was unique by providing the Board of Selectman with a recommendation that they may or may not follow.

At 8:35 P.M. discussion on the Planning Board's Site Plan and Procedures closed in order to accommodate the Board of Health's update on the Solid Waste Collection Services.

5. *Board of Health—Solid Waste Collection Services*

Mr. Jeffery Comeau of the Board of Health came forward to give testimony regarding the current issue of Solid Waste Collection Services and presented the Board of Selectmen with a Solid Waste Recycling Overview Memorandum. Jeffery Comeau started off his update to the Board with praise to the Health Agent, Bill Fisher and Town Administrator, Greg Balukonis. Jeffery Comeau reported that AWS

MINUTES OF THE SELECTMEN'S MEETING
SEPTEMBER 23, 2002

(American Waste Services) has agreed to temporarily provide solid waste/recycling coverage at a premium cost and commented that it would be in the Town's best interest to do an RFP bid as soon as possible. Jeffery Comeau stated these actions were necessary due to NEED, Inc.'s failure to perform services after September 10, 2002.

Mr. Balukonis, Town Administrator, also recommended that the Board of Selectmen approve that the Board of Health move forward with an RFP. He feels an RFP, not constrained by MGL CH. 30B, is the best alternative. The failure of NEED, Inc. to fulfill their contract is a legal matter that should be discussed with Town Counsel at a later date.

Board of Health discussion ended at 8:55 p.m.

6. Report of the Town Administrator.

- Mr. Balukonis referred to a memo regarding ERIP (Early Retirement Incentive Program) and recommended that the Board not approve this request due the negative financial and staffing impact this program would have on the Town. Selectman Musmanno moved NOT to accept the request for ERIP; and seconded; All aye 5-0-0 (voted).
- Mr. Balukonis, presented the CDBG Grant application submitted by Gino Carlucci of PGC Associates, Inc., for additional \$300,000 funding for the Senior Center building addition project. Selectman Williams moved to approve the grant application; seconded by Selectman Musmanno; All aye 5-0-0 (voted).
- Mr. Balukonis referred to the letter from the Office of Consumer Affairs and Business Regulations regarding the \$2,500 annual fee for the Weights and Measures services. Further, Mr. Balukonis reported that the Town is currently without an agent to perform these services and based on the quoted cost from the Office of Consumer Affairs it would be beneficial to the Town to procure this service then charge back the incurred fee to the noted businesses. Selectmen Dziczek agreed with the Town Administrator's recommendation and moved that the Town Administrator proceed; seconded by Selectman; All aye 5-0-0.
- Bids--Mr. Balukonis stated the Treasurer is accepting bids for \$6,450,000 in Bond Anticipation Notes, related to capital projects. Selectman Williams requested that the Treasurer provide the Board of Selectmen with back-up materials when this matter is addressed at a future meeting.

MINUTES OF THE SELECTMEN'S MEETING
SEPTEMBER 23, 2002

- Roof Replacement—Mr. Balukonis provided an update on the McGovern and High school projects. The projects are both behind schedule, and are due for completion by October 31, 2002.
- Local Emergency Planning Committee (LEPC). Mr. Balukonis noted that he is working on establishing a LEPC for Medway, which will make us eligible for grant funds.

7. *Reports of the Selectmen*

- Selectman Williams indicated that he will attend the next Disability Committee meeting.

8. *Report of the Chairman*

- Selectman Rozanski mention that she attended a Veterans function and was presented with a commerative flag that she gave to the Town Administrator for future use.

9. *Discussion items.*

The Board discussed Selectman Williams' motion to change the Board's weekly meeting schedule to an every-other week schedule and seconded by Selectman O'Leary; Aye 3, Nays 2—not passed.

Selectman Williams moved to approved the Application of a One Day All Liquor License on October 5, 2002, at St. Joseph's Parish; seconded by Selectman Musmanno; All aye 5-0-0.

Selectman Musmanno moved to approve the Application of a One Day All Liquor License on October 12, 2002, at St. Joseph's Parish; seconded by Selectman O'Leary; All aye 5-0-0.

Selectman O'Leary moved to approve the Application for the Church Fair on September 28, 2002, at West Medway Community Church; seconded by Selectman Dziczek; All aye 5-0-0.

10:05 p.m. – Selectman Musmanno moved the meeting be adjourned; Selectman seconded; All aye 5-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

Present: Selectmen Mary O'Leary, Joseph Dziczek, Joseph Musmanno, Town Administrator Greg Balukonis, and Administrative Services Assistant Celeste Hanson. Selectmen Rozanski and Williams were not present.

7:00 p.m. – Selectman Musmanno called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. ***Approve and sign warrant.***

- Selectman Dziczek moved the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$7,553,662.58 (\$6,714,447.60—Town bills; \$151,420.80—Withholdings; 687,794.18—School Department); Selectman O'Leary seconded; All aye (voted).

2. ***Approval of minutes.***

- Selectman O'Leary moved to approve the regular meeting minutes of September 23, 2002; as amended; Selectman Dziczek seconded; All aye (voted).

3. ***Public comments.***

Mr. Anthony Biocchi, representing the Biocchi Realty Trust approached the Board of Selectmen with an interest to develop the Mill Pond Area and enter into a Purchase/Easement Agreement to grant the Town use of this property that abuts Mill Pond.

As a result of the discussion among the Board of Selectmen and Mr. Biocchi, the Board of Selectmen requested that the Town Administrator direct the Town Assessor to perform an assessment of the property value before entering into any sort of agreement with the Biocchi Realty Trust.

4. ***Bond Anticipation Notes:***

Barbara Walls, Town Treasurer summarized the bond sale renewing process and presented Bond Anticipation Notes representing a rollover bond sale for previous school borrowings totaling (\$6,450,000.00) for approval. Treasurer Walls also reported that the issuance of State House Notes totaling \$371,496.42 needed for Chapter 90 road improvement projects would also be forthcoming for signature approval due October 15th and said notes would be left at the Town Administrators Office for signature.

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

Selectman Musmanno directed the Secretary to notify the Board of Selectmen as soon as the bonds were available for signature since the Board would not be meeting due to the Columbus Day Holiday.

Selectman Joseph Dziczek moved to approve the bond sale as read; Selectman Mary O'Leary seconded; All aye 3-0-0 (voted).

6. *Report of the Town Administrator.*

- Mr. Balukonis reported that he recently attended the ICMA Conference on Philadelphia. Mr. Balukonis further reported that he attended several informative workshops.
- Mr. Balukonis mentioned that his office had received several requests regarding a Special Town Meeting usually scheduled to take place some time during the month of November prior to setting of the tax rate. Further, that the Planning Board has 5 or 6 subdivision roads that need to be approved. Selectman Musmanno suggested warrant article requests be submitted in advance of setting the town meeting date.
- Mr. Balukonis also reported that a request for the appropriation of funds be allocated for installation of an underground conduit required to light the flag pole bearing the American flag located at Lee Memorial and Village Street. Selectman O'Leary reported that Col. Mike Matondi confirmed the lighting of all flagpoles bearing the American Flag is the correct protocol to follow.
- Mr. Balukonis brought to the Selectmen's attention that the transfer of approximately \$20,000 of inter-departmental funds would be forthcoming for approval to cover the Town's property/liability insurance shortfall.
- Mr. Balukonis reported that Police Chief Lambirth and Lieutenant Tingley responded to a recent memorandum requesting a traffic/safety investigation be conducted at Route 109—Holliston Street intersection as a result of a petition received by several residents requesting a cross-guard at such intersection. Said report indicated that the Police Department currently does not have sufficient staff to cover extra crossing guards at this location or any other location at this time, and further, there is a pedestrian walk-cycle control system in place and also an officer posted in the morning and afternoon who controls the traffic accordingly, however, the officer is "on call" and would have to leave the location should an emergency arise. Said report also confirmed that having extra crossing-guards would require additional costs to

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

cover these requests. Mr. Balukonis was directed by Selectman Musmanno to notify all petitioners that the Town could not grant the installation of a crossing-guard at this time.

- Mr. Balukonis also mentioned that the Office of the Town Administrator has received several complaints regarding the use of the Fire Horn and that at this point, use of the Fire Horn is becoming a quality of life issue. Mr. Balukonis further stated that he has requested Fire Chief Vinton to consider eliminating the use of the Fire Horn and is currently waiting to hear back from Chief Vinton.
- Mr. Balukonis reported that the interviews with the three candidates for the Police Chief position were completed and that within the next week he would be ready to make the announcement.

7. Reports of the Selectmen

- Selectman Joseph Dziczek reported that the CPC was moving along very well and would bring the Board of Selectmen up to date in the future. Selectman Dziczek also reported that CPC is currently trying to find a permanent meeting room and are considering use of the classroom in the Fire Station if Chief Vinton approves and if the classroom is available for this sort of use.
- Selectman O'Leary reported that during a recent Housing Authority meeting it was indicated that Affordable Housing Committee will be resuming their meetings and she would update the Board of Selectmen as necessary.

8. Report of the Chairman

- Selectmen Musmanno brought to the attention of the Town Administrator and other Selectmen that the new process of not delivering the meeting packets was inefficient and he found that practice of having to make another stop to Town Hall inconvenient as he had already been to Town Hall several times during the week. Selectmen Musmanno requested that we reiterate the practice of meeting packet delivery or save this item for discussion at a future meeting. Selectmen O'Leary and Dziczek reported that they would pick up their meeting packets on Friday afternoon and the Town Administrator reported that he would make the necessary arrangements to deliver the meeting packets going forward.

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

9. Discussion items.

- Selectmen Musmanno referred to correspondence regarding the Horizon Roof Project and Town Administrator, Mr. Balukonis, reported on the current lack of progress on the roof project and that it was further suggested by the Municipal Building Committee to exercise the Town's rights under the performance bond agreement with this contractor. Mr. Balukonis reported that correspondence was already prepared and mailed to the parties involved and copies of all correspondence would be included in the next meeting packet.
- Selectman O'Leary moved to approve the Application of a One Day All Liquor License on October 19th, 2002, at St. Joseph's Parish; seconded by Selectman Dziczek; All aye 3-0-0 (voted).
- Contract Approval, McLaughlin Mechanical Services, Inc.—Town Administrator, Mr. Balukonis, presented the Board of Selectmen with background information relative to the Contract awarded to McLaughlin Mechanical Services for installation of high efficiency heating boilers and hot water tanks and recommended that the Board of Selectmen approve the Contract and Change Order One. Selectmen Joseph Dziczek moved to approve the Contract and Change Order One and seconded by Selectman O'Leary; All aye 3-0-0 (voted).
- Mr. Balukonis presented Chapter 90 Apportionment contracts for signature which would grant the Town \$198,678.94 for capital improvements on local roads. Selectman Musmanno executed the contracts as acting chairman and Selectman O'Leary executed same as Clerk for the Board of Selectmen.

8. Communications/correspondence/informational items:

- Selectman Musmanno read letters of praise concerning Officer Watson; Mary Jane White, Town Clerk; and Susan Affleck-Childs, Planning Board Administrative Secretary.

9. Future Agenda Items—the following items have been placed for future discussion:

- Report on Parks Commission vacancy.
- Town of Norton Chapter 40B status.

8:15 p.m. – Selectman O'Leary moved the meeting be adjourned; Selectman Dziczek seconded; All aye 3-0-0.

Respectfully submitted,

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

Present: Selectmen Mary O'Leary, Joseph Dziczek, Joseph Musmanno, Town Administrator Greg Balukonis, and Administrative Services Assistant Celeste Hanson. Selectmen Rozanski and Williams were not present.

7:00 p.m. – Selectman Musmanno called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant.*

- Selectman Dziczek moved the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$7,553,662.58 (\$6,714,447.60—Town bills; \$151,420.80—Withholdings; 687,794.18—School Department); Selectman O'Leary seconded; All aye (voted).

2. *Approval of minutes.*

- Selectman O'Leary moved to approve the regular meeting minutes of September 23, 2002; as amended; Selectman Dziczek seconded; All aye (voted).

3. *Public comments.*

Mr. Anthony Biocchi, representing the Biocchi Realty Trust approached the Board of Selectmen with an interest to develop the Mill Pond Area and enter into a Purchase/Easement Agreement to grant the Town use of this property that abuts Mill Pond.

As a result of the discussion among the Board of Selectmen and Mr. Biocchi, the Board of Selectmen requested that the Town Administrator direct the Town Assessor to perform an assessment of the property value before entering into any sort of agreement with the Biocchi Realty Trust.

4. *Bond Anticipation Notes:*

Barbara Walls, Town Treasurer summarized the bond sale renewing process and presented Bond Anticipation Notes representing a rollover bond sale for previous school borrowings totaling (\$6,450,000.00) for approval. Treasurer Walls also reported that the issuance of State House Notes totaling \$371,496.42 needed for Chapter 90 road improvement projects would also be forthcoming for signature approval due October 15th and said notes would be left at the Town Administrators Office for signature.

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

Selectman Musmanno directed the Secretary to notify the Board of Selectmen as soon as the bonds were available for signature since the Board would not be meeting due to the Columbus Day Holiday.

Selectman Joseph Dziczek moved to approve the bond sale as read; Selectman Mary O'Leary seconded; All aye 3-0-0 (voted).

6. *Report of the Town Administrator.*

- Mr. Balukonis reported that he recently attended the ICMA Conference on Philadelphia. Mr. Balukonis further reported that he attended several informative workshops.
- Mr. Balukonis mentioned that his office had received several requests regarding a Special Town Meeting usually scheduled to take place some time during the month of November prior to setting of the tax rate. Further, that the Planning Board has 5 or 6 subdivision roads that need to be approved. Selectman Musmanno suggested warrant article requests be submitted in advance of setting the town meeting date.
- Mr. Balukonis also reported that a request for the appropriation of funds be allocated for installation of an underground conduit required to light the flag pole bearing the American flag located at Lee Memorial and Village Street. Selectman O'Leary reported that Col. Mike Matondi confirmed the lighting of all flagpoles bearing the American Flag is the correct protocol to follow.
- Mr. Balukonis brought to the Selectmen's attention that the transfer of approximately \$20,000 of inter-departmental funds would be forthcoming for approval to cover the Town's property/liability insurance shortfall.
- Mr. Balukonis reported that Police Chief Lambirth and Lieutenant Tingley responded to a recent memorandum requesting a traffic/safety investigation be conducted at Route 109—Holliston Street intersection as a result of a petition received by several residents requesting a cross-guard at such intersection. Said report indicated that the Police Department currently does not have sufficient staff to cover extra crossing guards at this location or any other location at this time, and further, there is a pedestrian walk-cycle control system in place and also an officer posted in the morning and afternoon who controls the traffic accordingly, however, the officer is "on call" and would have to leave the location should an emergency arise. Said report also confirmed that having extra crossing-guards would require additional costs to

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

cover these requests. Mr. Balukonis was directed by Selectman Musmanno to notify all petitioners that the Town could not grant the installation of a crossing-guard at this time.

- Mr. Balukonis also mentioned that the Office of the Town Administrator has received several complaints regarding the use of the Fire Horn and that at this point, use of the Fire Horn is becoming a quality of life issue. Mr. Balukonis further stated that he has requested Fire Chief Vinton to consider eliminating the use of the Fire Horn and is currently waiting to hear back from Chief Vinton.
- Mr. Balukonis reported that the interviews with the three candidates for the Police Chief position were completed and that within the next week he would be ready to make the announcement.

7. Reports of the Selectmen

- Selectman Joseph Dziczek reported that the CPC was moving along very well and would bring the Board of Selectmen up to date in the future. Selectman Dziczek also reported that CPC is currently trying to find a permanent meeting room and are considering use of the classroom in the Fire Station if Chief Vinton approves and if the classroom is available for this sort of use.
- Selectman O'Leary reported that during a recent Housing Authority meeting it was indicated that Affordable Housing Committee will be resuming their meetings and she would update the Board of Selectmen as necessary.

8. Report of the Chairman

- Selectmen Musmanno brought to the attention of the Town Administrator and other Selectmen that the new process of not delivering the meeting packets was inefficient and he found that practice of having to make another stop to Town Hall inconvenient as he had already been to Town Hall several times during the week. Selectmen Musmanno requested that we reiterate the practice of meeting packet delivery or save this item for discussion at a future meeting. Selectmen O'Leary and Dziczek reported that they would pick up their meeting packets on Friday afternoon and the Town Administrator reported that he would make the necessary arrangements to deliver the meeting packets going forward.

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9. Discussion items.

- Selectmen Musmanno referred to correspondence regarding the Horizon Roof Project and Town Administrator, Mr. Balukonis, reported on the current lack of progress on the roof project and that it was further suggested by the Municipal Building Committee to exercise the Town's rights under the performance bond agreement with this contractor. Mr. Balukonis reported that correspondence was already prepared and mailed to the parties involved and copies of all correspondence would be included in the next meeting packet.
- Selectman O'Leary moved to approve the Application of a One Day All Liquor License on October 19th, 2002, at St. Joseph's Parish; seconded by Selectman Dziczek; All aye 3-0-0 (voted).
- Contract Approval, McLaughlin Mechanical Services, Inc.—Town Administrator, Mr. Balukonis, presented the Board of Selectmen with background information relative to the Contract awarded to McLaughlin Mechanical Services for installation of high efficiency heating boilers and hot water tanks and recommended that the Board of Selectmen approve the Contract and Change Order One. Selectmen Joseph Dziczek moved to approve the Contract and Change Order One and seconded by Selectman O'Leary; All aye 3-0-0 (voted).
- Mr. Balukonis presented Chapter 90 Apportionment contracts for signature which would grant the Town \$198,678.94 for capital improvements on local roads. Selectman Musmanno executed the contracts as acting chairman and Selectman O'Leary executed same as Clerk for the Board of Selectmen.

8. Communications/correspondence/informational items:

- Selectman Musmanno read letters of praise concerning Officer Watson; Mary Jane White, Town Clerk; and Susan Affleck-Childs, Planning Board Administrative Secretary.

9. Future Agenda Items—the following items have been placed for future discussion:

- Report on Parks Commission vacancy.
- Town of Norton Chapter 40B status.

8:15 p.m. – Selectman O'Leary moved the meeting be adjourned; Selectman Dziczek seconded; All aye 3-0-0.

Respectfully submitted,

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 7, 2002

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING

OCTOBER 21, 2002

Present: Selectmen Mary O'Leary, Joseph Dziczek, Joseph Musmanno, Raphaela Rozanski, and John Williams, and Administrative Services Assistant, Celeste Hanson. Town Administrator, Greg Balukonis was not present.

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. Approve and sign warrant.

- Selectman Williams moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$1,827,390.71 (\$35,899.43—Town bills; \$153,427.18—Withholdings; \$699,623.26—School Department; one manual check \$746,382.75—new H.S. bldg.); Selectman O'Leary seconded; All aye (voted).

2. Approval of minutes.

- Selectman Joseph Musmanno moved to approve the regular meeting minutes of October 7, 2002; as amended; Selectman Mary O'Leary seconded; 3 Ayes, 2 Abstains (Selectmen Rozanski and Musmanno) (voted, 3-0-2).

3. Public comments.

- Mr. Paul DeSimone approached the Board of Selectmen with a chart and handouts relative to the drainage issues in the Brentwood Area that is causing flooding to properties located on Richard Road. Mr. DeSimone represented that the Town's Public Services Department had recently (10/15/02) attempted to locate the blocked pipe (s) that is causing the flooding on Richard Road. Mr. DeSimone informed the Board of Selectmen that the pipes are in need of repair and/or replacement.
- Selectman Rozanski represented that the Board of Selectmen acknowledge the flooding problems on Richard Road but can not represent a plan of action until all due diligence has been performed and the appropriate reports from the Public Department have been completed and submitted to the Town Administrator for review.
- Angelo Mucci also approached the Board of Selectmen with his concerns that the conditions of the pipes are causing the flooding and that the water problem has become worst ever since the adjacent area was filled in.
- Selectmen Musmanno and Selectman Rozanski both reiterated that, again, the Board of Selectmen acknowledge that the drain pipes are old and require replacement or repair but the Board of Selectmen is awaiting reports from the Town Administrator before proceeding.

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OCTOBER 21, 2002

4. William Wright, Industrial Development Commission

- Industrial Development Commission, represented by Chairman William Wright, appeared before the Board of Selectmen to discuss the Industrial Park Grant. Also, present representing the IDC were Vice Chairman James Reardon, member Paul DeSimone and member James Mucci. Mr. Wright distributed an outline entitled "Industrial Development Commission Presentation to Selectmen". Mr. Wright further updated the Board of Selectmen regarding the IDC's goals and objectives relative to their purpose of maximizing economic resources to the area. Mr. Wright reported that the Medway Business Park at Route 495 was a great location; however, the area would need to fully develop the sewer infrastructure in order to benefit the Town. Mr. Wright reported that a meeting with the Water and Sewer Board had taken place and received their approval. Mr. Wright also informed the Board of Selectmen that \$2.3 million funding for the project would be exercised by a Grant Application process totaling \$1.1 million and further, the Town would be responsible for approximately 8,800 linear feet in order to tie into the existing gravity main and also the costs of repaving the streets would cost the Town \$1.2 million. Mr. Wright's suggestion to the Board of Selectmen was that it act as a sponsor and coordinate the project, meet with the IDC and Water/Sewer Board for better understanding of the project, bring it to Town Meeting and seek a grant from the Commonwealth of Massachusetts.
- Selectman Rozanski asked Mr. Wright if much discussion occurred between the IDC and the Water/Sewer Board. Mr. Wright indicated that there had been much discussion and received very favorable responses.
- Selectman Musmanno asked Mr. Wright if the only problem with the project was the sewer situation. Mr. Wright indicated that the sewer situation was the main concern, however, the traffic conditions; signage and landscaping were other areas of discussion.
- Selectman Rozanski asked if the IDC had any completed reports that the Board of Selectmen might need or be interested in reading. Mr. Wright affirmed and also noted that Executive Order 418 had been submitted.
- Mr. DeSimone approached the Board of Selectmen and informed them that the Town Administrator was aware of the project being discussed and then he presented an overview of the "pros" for landowners and the Town if all supported the project. Mr. DeSimone also supported that the Board of Selectmen meet with the appropriate boards and the Town Administrator and then schedule a Town Meeting to discuss the benefits of this project.
- Selectman Musmanno moved to resolve and proceed to the next step and plan a joint meeting of the boards; Selectman O'Leary seconded; All aye (5-0-0) voted.

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OCTOBER 21, 2002

5. *Report of the Town Administrator.*

On behalf of the Town Administrator, the Secretary passed out a brief report to the Board of Selectmen. Chairman Rozanski went over the following items as reported by the Town Administrator:

- Item One of the report indicated that the Town Administrator had recently met with the Town's financial officers in order to get their inputs on preliminary revenue forecast for fiscal 2004. The reports indicated that the, Town Administrator, Town Accountant, Administrative Assessor and Treasurer/Collector have been meeting on a regular basis as the Financial Officers Group (a.k.a. FOG) to discuss budget-related matters. The report indicated that Fiscal 2004 would prove to be an extremely challenging year for revenue growth and that the town faces uncertainty over funds necessary to pay for union contract settlements, health insurance costs, and the new high school opening. The Town Administrator's report recommends that the Board begin discussions over the fiscal 2004 budget options.
- Item Two of the report was a status on the proposed creation of a staff Engineer and Planner position. Mr. Balukonis reported that he was due to meet with the Planning Board on October 22, 2002, and would like to withhold his final recommendation until after that meeting. However, the Town Administrator did note that the combined engineer and planner position did not appear to be in the best interest of the Town because each job requires different technical skills that could not be serviced properly by a single position. Also, creating another position poses some concerns given the expected difficult fiscal year.
- Item Three of the report regarded the non-payment of an invoice to Eastern Contractors relative the high school construction project. The report indicated that the town has fifteen days to pay these invoices and that payment was scheduled to occur on October 22nd, further that new procedural changes would be discussed and implemented to avoid such future instances.

6. *Reports of the Selectmen*

- Selectman O'Leary reported that the Affordable Housing Committee would be meeting next week with preliminary discussions regarding upcoming Affordable Housing building projects and would continue to update the Board of Selectmen as warranted.
- Selectman Williams reported that he attended a recent Disability Commission meeting in which they discussed the possibility of appearing before the Board of Selectmen in a month or two. Selectman William also indicated that he attended the recent Dedication of the Dog Park Opening Ceremony with Selectmen Rozanski and O'Leary and thought the park project was a success. Selectmen Williams also highlighted "Today in History" facts.

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OCTOBER 21, 2002

7. Report of the Chairman

- Selectmen Rozanski reported that she attended the Dog Park Opening Ceremony as previously reported by Selectman Williams and found that even though the weather was cold the park was lovely and well designed and that a committee had plans to assist in maintaining the park.
- Selectman Rozanski reported that the Finance Committee meeting was scheduled for October 23rd and encouraged the Selectmen to attend if their schedules permitted.

8. Action items.

- Selectman Musmanno, for the record, moved to approve the Application of a One Day All Liquor License on October 20th, 2002, at St. Joseph's Parish; as previously signed by Selectmen, Rozanski, O'Leary and Dzikczek and seconded by Selectman O'Leary; All aye 5-0-0 (voted).
- Selectman Williams moved to extend the request for a sign permit extension located at 6 Main Street for an additional thirty (30) days to December 31, 2002, without further extension request and seconded by Selectman O'Leary; 2 ayes, 2 nays, (2-2-0) not passed. (*Selectman Dzikczek not present to vote on this issue due to his having to attend the CPC meeting*)
- Selectman Musmanno moved to approve the Town Clerk's Election Warrant with corrections and seconded by Selectman Williams; All ayes (4-0-0) voted.
- Selectman Musmanno presented the Emergency Transfer Request for Veterans Benefits submitted by the Veterans Agent, motion to approve the recommendation by Selectman Williams and seconded by Selectman O'Leary; All ayes (5-0-0) voted. (*Selectman Dzikczek returned from CPC meeting*)

9. Future Agenda Items—the following items have been placed for future discussion:

- Public Forum on traffic issues on Route 109 and Traffic Management policies.
- Drainage Project results

8:15 p.m. – There being no further business to discuss, Selectman O'Leary moved the meeting be adjourned; Selectman Dzikczek seconded; All aye 3-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 28, 2002

Present: Selectmen Mary O'Leary, Joseph Dzialek, Raphaela Rozanski, and John Williams, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson. Selectman Joseph Musmanno was not present.

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant.*

- Selectman Rozanski moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$1,120,325.30 (\$729,494.92—Town bills; \$171,884.44—Withholdings; \$144,688.03—School Department); Selectman O'Leary seconded; All ayes 4-0-0 (voted).

2. *Public comments.*

- Mr. Paul DeSimone approached the Board of Selectmen and submitted a letter of interest from Mr. Gerard Lindsey for consideration relative to the possible Town Engineer/Planner position.

3. *Golden Tiger (Golden Jade Restaurant) Liquor License Hearing*

- 7:30 p.m. Public Liquor License Hearing—Golden Tiger Inc., d/b/a Golden Jade Restaurant, 75 Main Street. Public Hearing Notice was read by Clerk, Mary O'Leary.
- Selectman Rozanski called Medway Police Officers, Patrolman Matthew Reardon and Lieutenant Allen Tingley forward to give testimony relative to an alleged violation of serving an alcoholic beverage to an under age patron.
- Patrolman Reardon summarized the events that occurred on September 22nd as indicated in the incident report submitted to Lt. Tingley. Patrolman Reardon also indicated that the underage patron returned to the police station on Monday to also give a report relative to purchasing alcohol at the Golden Jade. Patrolman Reardon reported that as he watched the patron leave the Golden Jade parking lot, he noticed that the rear registration plate was missing and pulled the vehicle over and asked the patron for her identification. As part of his investigation, he asked the patron to step out of the vehicle and if she has been drinking at the Golden Jade. The patron indicated that she drank a few beers at home. Patrolman Reardon asked her if she would be willing to take a few field sobriety tests and she agreed. The patron passed the field sobriety tests, and the breathalyzer test registered .083. During conversation she admitted to ordering one Bud Light at the Golden Jade. Patrolman Reardon asked the patron if she was asked to show identification, she indicated that she was not asked and that she purchased the beer herself. Patrolman Reardon searched the patron's purse and vehicle and found a Florida license for another female indicating her age to be 23 years old. The patron indicated that she did not use the Florida license found by Patrolman Reardon.

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Patrolman Reardon indicated that he took possession of the Florida license and drove the patron and her passenger home (Franklin).

- Selectman Williams reiterated that the patron was never carded on the night in question, September 22, 2002; and that the issue being discussed is the fact that an under-age patron was served alcohol not an intoxicated person. Patrol Reardon agreed.
- Selectman O'Leary asked Patrolman Reardon if the reason why the patron was not arrested was due to the fact that she passed the field sobriety test, even though she admitted to drinking four or five beers at home, then one at the Golden Jade. Patrolman Reardon agreed.
- Selectman Dziczek asked why the patron's boyfriend had not driven home and why the vehicle was left over night at the High School. Officer Reardon confirmed that the boyfriend was intoxicated and unable to drive.
- There being no other questions for Patrolman Reardon, Selectman Rozanski asked who would be representing Golden Jade. Ms. Ngo came forward and introduced herself as David Ngo's daughter and asked if she could translate for her father and uncle. Ms. Ngo also asked why the accuser (under age patron) was not present.
- Selectman Rozanski informed Ms. Ngo that the underage patron was not an accuser and that the hearing is relative to a police charge against Golden Jade.
- Ms. Ngo represented that her uncle remembered the patron showing a Florida license in the past and that he did not recall seeing her that evening in question, as it was a slow night. Ms. Ngo then translated that her uncle was having difficulty remembering every detail of the evening because the incident happened a month ago.
- Selectman Rozanski asked Ms. Ngo when her uncle recalled seeing the Florida license. Ms Ngo indicated that her uncle recalled seeing a Florida license several times.
- Selectman Dziczek reiterated that Peter was the bartender on duty that evening and that he could not recall seeing the patron and that David was cooking and he didn't see the patron either; however, they both, on occasion, have recalled seeing the patron at Golden Jade in the past possibly using a Florida license, and according to the police report, the patron's vehicle was parked in the Golden Jade parking lot.
- Mr. Ngo confirmed that David was cooking and Peter was the bartender on duty that evening and both could not recall seeing the patron that evening; however, they both know her as she frequents the Golden Jade with a regular crowd known to both, David and Peter. Ms. Ngo further stated that in the past, vehicles have parked in the Golden Jade's parking lot but were not customers of the restaurant.

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- Selectman O' Leary asked Ms. Ngo how her uncle and father can not be sure that the patron was at the Golden Jade based on the fact that the incident took place over a month ago.
- Ms. Ngo asked her uncle if he recalled seeing "that group" on the evening in question. (*David shook his head no*).
- Selectman Rozanski asked when last call at Golden Jade was.
- Ms. Ngo answered that they stopped serving between 12:30 and 12:40.
- Selectman Rozanski asked if there were any other questions for Ms. Ngo or Patrolman Reardon. There being no further questions, the Board entered into discussion relative to the testimony of the parties. Selectman Rozanski then reiterated the following findings of fact:
 1. That the patron's vehicle was parked at Golden Jade on 9/21-9/22/2002.
 2. Individual test 0.83 on breathalyzer.
 3. Individual submitted signed statement.
 4. Individual entered Golden Jade at approximately 11:30 p.m.
 5. Mr. Ngo is familiar with individual as patrons.
- Selectman Williams moved to close hearing deliberations seconded by Selectman O'Leary; All ayes 4-0-0 voted.
- Selectman Rozanski asked the Board members if they would like to discuss the matter further and come to a decision at the next meeting.
- Town Administrator recommended that the Board take some time to think about the hearing and perhaps discuss the facts more and be prepared to make a decision at the next meeting.
- Selectman Williams moved to suspend the Golden Jade's liquor license for five (5) consecutive days commencing at 12:00 noon on Monday, November 4, 2002, through 12:00 midnight on Friday, November 8, 2002; seconded by Selectman O'Leary; All ayes 4-0-0 voted.

4. *Report of the Town Administrator.*

- Mr. Balukonis submitted the Change Order One from the Municipal Building Committee reflecting a credit of \$5472.00 as a result of the contractor beginning work prior to the contract date. Selectmen Williams moved to approve the credit and authorize the Chairman to execute the Change Order One; seconded by Selectman O'Leary, All ayes 4-0-0 voted.

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- Mr. Balukonis advised that he recently attended the Finance Committee Meeting and recommended, based on some discussion regarding the new high school project, that the Town investigate sources of surplus monies and utilize such for sidewalk completion due to the fact that the Route 126 Project would not bid out until after the scheduled school project completion date. Selectman Williams supported the Town Administrator's recommendation to identify the costs and secure estimates. All board members were in agreement that the Town Administrator pursue the matter further and discuss such with the Municipal Building Committee and submit his report the Board of Selectmen.
- Mr. Balukonis informed the Board that a public hearing for the Route 126 Seventy-five (75%) Percent Design Plan has been scheduled for November 14th at 7:00 p.m. in Sanford Hall of the Town Hall. Selectmen Rozanski requested that letters of invitation be forwarded to Representative Vallee and Loscocco.
- Mr. Balukonis reported to the Board that Executive Order 418 provides every town in the Commonwealth of Massachusetts a \$30,000 grant to be spent as ordered by the Town's Board of Selectmen provided that the Town submit their Master Plan. Mr. Balukonis reported that the paperwork would be submitted this week prior to the deadline.
- Mr. Balukonis informed the Board of Selectmen that several departments have submitted requests to the Town Administrator's office relative to scheduling a Special Town Meeting. After hearing the compiled request list from various departments, Selectmen Rozanski asked the Town Administrator the state of FY'03 budget? The Town Administrator informed the Board that there is not much flexibility at this time. Selectman Williams indicated that at this part of year, some of the requested items could wait until next year. Selectman Rozanski concluded that the present articles are in good standing and nothing on the lists really need to be done at this time; therefore, there is no need to plan a Special Town Meeting at this time. The Town Administrator noted that the only article that requires special attention is the Solid Waste Contract and recommended that and RFP be completed with the next three weeks.
- Chapter 90 follow up. Mr. Balukonis reported that he had nothing new to report to the Board.
- Mr. Balukonis suggested that the Town Engineer/Planner should be two separate positions and that during his recent meeting with the Department Heads the general consensus was that the Town would benefit more from the Planning position rather than the Engineering position. After a brief discussion regarding the Town's budget, and how this position could be funded, it was recommended that the Town Administrator draft a job description and report of the approximate costs required to staff this position for consideration in next year's budget.
- Mr. Balukonis presented the Board of Selectmen with the building department's current fee schedule and indicated that the fee schedule had not been updated since November 14, 1995. Further, the fee schedule reflected that Medway's fee's are

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OCTOBER 28, 2002

below the range of other local towns. Mr. Balukonis represented that the building department would like to propose a new, updated fee schedule to commence January 1, 2003, as reflected in the report submitted by Mr. Speroni. Mr. Balukonis also represented that Mr. Speroni would also be willing to appear before the Board for further discussion and explanation if needed. After a discussion among the Board members and Town Administrator, Selectman Williams provided a copy of MGL Chapter 40 Section 22F regarding the setting of fees by municipalities for review. Selectman Williams then praised the Town Administrator and Mr. Speroni for their insight and recommended that the setting of fees be handled by the Town Administrator and Mr. Speroni. Selectman Williams also suggested that a copy of the revised fee schedule be submitted to the Board of Selectman. Selectman Rozanski directed the Town Administrator to reflect such as a Policy Procedure and to make notice that the Board of Selectman do not give up the ability to over rule the fee schedule should they feel the fees are unjust.

5. *Reports of the Selectmen*

- Selectman O'Leary reported that the Affordable Housing Committee would be meeting on Wednesday to discuss preliminary Affordable Housing building projects with two developers and would continue to update the Board of Selectmen as warranted. Selectman O'Leary further mention that she is considering attending the upcoming MMA Annual Meeting
- Selectman Williams highlighted "Today in History" facts as well as "Today in History Medway" facts. Selectman Williams inquired if correspondence regarding the sign permit extension denial and request for removal at 6 Main Street was forwarded to the appropriate party. Town Administrator confirmed such action had occurred. Selectmen Williams mentioned that Veteran's Agent, Tony Mastroianni gave him a list of former Medway residents who have served their country in honor of the upcoming Veteran's Day Celebration. Selectmen Williams also wanted to compliment Mr. Smith from the Department of Public Services and Mr. McClain from the School Department regarding their recent assistance to the Disability Commission. Selectman Williams also forwarded copies of newspaper clippings of Chief Lambirth swearing in ceremony in honor of the new Police Chief, Robert Saleski's swearing in. Lastly, Selectman Williams thanked the Town Administrator for his decision regarding the recent Police Chief selection.
- Selectman Dziczek reported that he meet with the CPC last Monday evening and that he also attended the Finance Committee Meeting. Selectman Dziczek questioned if private roads are currently taxed and if not, would this be a way for the Town to raise revenue considering that the forthcoming fiscal year will prove to be challenging.

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6. *Report of the Chairman*

- Selectman Rozanski announced the swearing in of Medway's new Police Chief, Robert Saleski and that she is very proud of and pleased with Medway's Police Department. Selectman also praised the Town Administrator regarding the recent selection.
- Selectman Rozanski reported that she also attended the recent Finance Committee meeting on October 23rd.

4. *Action items.*

- Selectman O'Leary moved to approve the Application of a One Day All Liquor License on November 2, 2002, at St. Joseph's Parish; seconded by Selectman Dziczek; All ayes 4-0-0 voted.
- Selectman O'Leary moved to approve the Application of a One Day All Liquor License with amendment on November 8, 2002, at St. Joseph's Parish; seconded by Selectman Williams; All ayes 4-0-0 voted.
- Selectman O'Leary moved to approve the Application of a One Day All Liquor License on November 9, 2002, at St. Joseph's Parish; seconded by Selectman Williams; All ayes 4-0-0 voted.
- Selectman O'Leary moved to approve the Application of a One Day All Liquor License on November 17, 2002, at St. Joseph's Parish; seconded by Selectman Williams; All ayes 4-0-0 voted.
- Selectman Williams moved to approve the Pole Petition for NStar Electric; Summer Street 1270' north of Highland Street seconded by Selectman O'Leary; All ayes 4-0-0 voted.
- Selectman O'Leary moved to approve the Medway Lion's Club Request for the Annual Charity Christmas Tree Sale beginning November 29, 2002, to December 19, 2002 at the Medway Shopping Plaza; seconded by Selectman Williams; All ayes 4-0-0 voted.
- Selectman O'Leary moved to approve the Request for Extension for Mark Investments (Walgreen's) Site Plan Action to March 4, 2003, seconded by Selectman Dziczek; All ayes 4-0-0 voted.

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8. **Future Agenda Items**—the following items have been placed for future discussion:

- Public forum on traffic issues on Route 109 Traffic Management policies.

10:30 p.m. –Selectman Williams moved that the Board adjourn to executive session for reason #6, “to consider the purchase, exchange, lease to value of real property, as such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation”, Seconded by Selectman Dziczek; the vote: Selectman O’Leary – aye; Selectman Dziczek – aye; Selectman Williams – aye; Selectman Rozanski – aye 4-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 4, 2002

Present: Selectmen Joseph Musmanno, Joseph Dziczek, Raphaela Rozanski, and John Williams, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson. Selectman Mary O'Leary was not present.

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

- Selectman Rozanski called a moment of silence in honor of former Water Commissioner, Henry Doyle who recently passed away.

1. *Approve and sign warrant.*

- Selectman Rozanski moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman Williams in the total amount of \$1,074,460.94 (\$198,328.94—Town bills; \$155,569.70—Withholdings; \$720,562.30—School Department); Selectman Dziczek seconded; All ayes 4-0-0 (voted).

2. *Approval of Minutes.*

- Selectman John Williams moved to approve regular meeting minutes of October 21, 2002, as amended; Selectman Dziczek seconded; All ayes 4-0-0 (voted).

3. *7:15 p.m. Public Hearing—Sunday Package Store Opening*

- Selectman Rozanski opened the Public Hearing for Sunday Package Store Openings. Public hearing notice was read by Selectman Williams.
- There were no public comments or concerns.
- Selectman Rozanski acknowledged the presence of Medway Police Chief, Robert Saleski, who represented that this was his first Public Hearing as Police Chief and that he wanted to experience how the meetings were conducted. Chief Saleski acknowledged that there have never been any problems with the establishments opening on Sunday in the past and that all the establishments have acted in a very conscientious manner.
- Selectman Rozanski asked Chief Saleski if there had ever been complaints in the past regarding Sunday openings.
- Chief Saleski responded that there have never been any complaints or issues relative to such.
- Selectman Williams moved to allow the retail sale of alcoholic beverages, not to be drunk on the premises, during the holiday season from the Sunday preceding Thanksgiving including the Sunday preceding New Year's Day by package stores in the community; Selectman Dziczek seconded; All ayes 4-0-0 (voted).

MINUTES OF THE SELECTMEN'S MEETING
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4. Report of the Town Administrator.

- Mr. Balukonis reported that he is in the process of drafting up a job description for the potential Town Engineer position and will update the Board soon.
- Mr. Balukonis explained recent correspondence relative to the roof construction work on Medway Schools between the Town's consultant, Gale Associates, Inc. and the contractor performing the service, Horizon Group.
- Mr. Balukonis submitted Veterans Day and Chief W. David Lambirth's Day Proclamations for the Board's signature as requested by Selectman Rozanski. Selectman Dziczek moved to approve and sign the Veteran's Day Proclamation; seconded by Selectman Williams; All aye 4-0-0 (voted). Selectman Williams moved to approve and sign the Chief W. David Lambirth's Day Proclamation; seconded by Selectman Musmanno; All aye 4-0-0 (voted).
- Mr. Balukonis reported that as a result of the action taken by the Board at the prior week's meeting, Golden Jade was closed and had not appealed the Board's action to date. (*Golden Jade had erected a sign indicating they were closed for vacation*).
- Mr. Balukonis informed the Board of Selectmen that correspondence has been received relative to Exelon acquiring local Site sites. Selectman Rozanski requested Mr. Balukonis to arrange a meeting between the Board and a representative from Exelon, perhaps on November 18, 2002.
- Mr. Balukonis submitted the Choate Pond Public Beach restoration project grant from Health Agent, William Fisher. Mr. Balukonis also reported that he would update the Board as necessary. Selectman Rozanski praised Mr. Fisher for his timely action.
- Mr. Balukonis reported that the Department of Public Services was planning to perform drainage pipe installation on Lee Lane and Main Street; however, the anticipated pipe installation will be postponed and will schedule such sometime in April. Mr. Balukonis reported that all required notices to residents affected by the work had been hand delivered by members of the DPS Department and that all related supplies have also been moved off the worksite and are currently being stored in a secured location on Town property. Mr. Balukonis further reported that the reason for the delay was due partly because the Town of Millis was also completing a project and blocking Village Street in order to complete the project would create traffic concerns.

Selectman Rozanski acknowledged Mr. James Smith, Foreman of the DPS Department present at the meeting and asked him if would come forward and address the Board.

Mr. Smith came forward and was in agreement with the Town Administrator's summation of the Lee Lane project.

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NOVEMBER 4, 2002

Selectman Williams asked if the residents were informed of the project delay. Mr. Smith indicated that letters informing residents of the delay were hand delivered.

Selectman Rozanski inquired about the Richard Road drainage situation.

Town Administrator, Mr. Balukonis, indicated that when the Director of DPS completed his due diligence reports that such would be presented to the Board. Further, Mr. Balukonis indicated that the DPS Director did not have a full report as he was still in the process of performing a video test of the entire drainage system.

Selectman Rozanski indicated that she had been given the impression at a previous Board meeting that all camera work had been completed. She indicated her disappointment that this matter is not concluded.

Mr. Smith reported that the camera work was completed on October 17th and that the video is in his office.

Selectman Rozanski asked Mr. Balukonis if he had possession of reports relative to Richard Road problem as a result of the October 17th camera work.

Mr. Balukonis reported that the DPS Director had not submitted reports because he is still performing due diligence. Mr. Balukonis further reported that the DPS Director did not want to come before the Board until he was one hundred percent finished and satisfied that all due diligence was satisfactorily completed in order to inform the Board properly.

Selectman Rozanski indicated that Mr. Desimone had reported that the camera work was completed and the cost for performing the necessary work on Richard Road would be approximately \$30,000. Selectman Rozanski indicated that she was not pleased.

Mr. Balukonis reported that Mr. Desimone is not employed by the Town and does not speak as a Town official. Selectman Rozanski indicated she wants the Town Administrator and the DPS Director to update the Board on the Brentwood drainage situation on November 18, 2002.

5. Discussion regarding the Street Sweeper

Mr. Smith stated his opinion with regard to the purchase of a new street sweeper. He does not feel a new street sweeper is necessary, for reasons stated in Mr. Desimone's letter. Mr. Balukonis stated his objections to Mr. Smith's statements. Bids for the street sweeper are due shortly and the Town Administrator agreed to revisit this issue with the Board then.

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 4, 2002

6. *Reports of the Selectmen*

- Selectman Williams highlighted “Today in History” facts as well as “Today in History Medway” facts. Selectman Williams referred to an article in Sunday Boston Globe relative to fifteen programs that could assist residents with purchasing home. Selectman Williams encouraged residents who are interested in such to contact him directly for a copy of the article.
- Selectman Dziczek reported that he meets with the CPC every other Monday evening and that he would be leaving the current Board meeting to accommodate the CPC as necessary though out the evening.
- Selectman Musmanno reported that he recently attended a Municipal Building Committee meeting and noted the correspondence between Horizon Group and Gale. Selectman Musmanno also reported that he attending the recent Planning Board meeting and indicated that the Planning Board was engaged in a contract with a consultant to review the Town’s sign bylaw. The Town is also reviewing modification of site plan rules & regulations, and possible revisions to the sign bylaw.

7. *Report of the Chairman*

- Selectman Rozanski reported that a resident contacted her regarding the Fire Whistle schedule and asked if it has changed. Mr. Balukonis reported that he did not have anything is writing from Chief Vinton relative to the schedule.

8. *Future Agenda Items*—the following items have been placed for future discussion:

- Public forum on traffic issues on Route 109 Traffic Management policies.

8:45 p.m. – There being no further business to discuss, Selectman Dziczek moved the meeting be adjourned and seconded by Selectman Williams; All ayes 4-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 18, 2002

Present: Selectmen Joseph Musmanno, Joseph Dziczek, Raphaela Rozanski, and John Williams, and Mary O'Leary, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson

Selectman Dziczek briefly excused himself from the Board of Selectmen's meeting in order to attend the CPC meeting.

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant.*

- Selectman Williams moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$603,206.30 (\$225,684.06—Town bills; \$153,537.34—Withholdings; \$224,260.86—School Department); Selectman Musmanno seconded; All ayes 5-0-0 (voted).

2. *Approval of Minutes.*

- Selectman Williams moved to approve but not release the *Executive Session* minutes of October 28, 2002, Selectman Mary O'Leary seconded; All ayes 4-0-1 (voted) Selectman Musmanno abstained. Selectman Williams moved to approve regular meeting minutes of October 28, 2002, as amended, Selectman O'Leary seconded; All ayes 4-0-1 (voted) Selectman Musmanno abstained Selectman Williams moved to approve regular meeting minutes of November 4, 2002, as amended; Selectman Musmanno seconded; All ayes 4-0-1; Selectman O'Leary abstained (voted).

3. *Public Comments*

- Mr. Paul DeSimone approached the Board of Selectman relative to correspondence which was submitted at the prior week's meeting. Mr. DeSimone apologized to the Town Administrator and the Board for having submitted correspondence that might have offended the parties and mentioned that he had good intentions when he submitted such and in no way was he trying to offend or under mind the Board or the Town Administrator. Mr. DeSimone attempted to clarify his position relative to the upcoming Street Sweeper Bids and Selectman Rozanski informed him that Mr. Henry, Director of the Public Services Department was present and would update the Board as warranted later in the meeting.
- Mr. Tom Steeves and Mr. Mike Healey approached the Board relative to an Affordable Housing Project that they would like to present further to the Board at an upcoming meeting. Mr. Steeves mentioned that a few weeks prior, he attended meetings of the Housing Authority and Affordable Housing Committee and presented his idea and received their support. Selectman Rozanski asked if they would like to return and present their idea at the Monday, December 9, 2002 meeting. All parties were in agreement.

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 18, 2002

**4. *Report of the Director of Public Services.
Brentwood Drainage System***

- Mr. Henry submitted his interim report relative to the on-going investigation of the Brentwood Drainage Issue. He further reported that he had not submitted any prior updates to the Town Administrator or Board of Selectman because the situation was still being investigated and he wanted to present a more thorough explanation of the issue. To date, there is a pending approval to replace the 24" pipe at the Main Street culvert with a 42" to 48" pipe; camera work on the Richard Road to Coffee Street drainage system is still on going, some camera work as been performed and the tapes have been viewed and cleaning of pipe obstructions has been scheduled to begin on November 18, 2002, and will continue until completed; Lee Lane to Main Street drainage camera work has been completed and cleaning of pipe obstructions are scheduled to commence on November 18, 2002, also, installation of a 24" high density plastic pipe down Lee Lane to the Main Street outflow is scheduled for April 1, 2003. Mr. Henry represented that these are the preliminary steps of the process to correct the drainage issues of the Brentwood System. Further, after all the debris has been cleaned from the drainage system and the recommended pipe replacement completed more monitoring of the Brentwood drainage system will continue before deciding the next course of action. Mr. Henry further stated that one of the main causes stems from the outdated drainage system comprising of several different size drain pipes that, along with the debris, hamper the water flow.
- Mr. DeSimone said that the problem exists due to overgrowth of roots that have burrowed into the drainage pipes.
- Mr. Henry reiterated his prior findings that the debris and roots have clogged the pipes and added to the drainage problem but that the main problem is caused as water flows from larger drainage pipes to smaller drainage pipes causing backup and overflow.
- Mr. Robert Rojee mentioned that he had concerns relative to the proposed drainage project and how the redirecting of the water flow might cause water problems on his property at 24 Main Street and asked if another study by a specialist would be completed and if he would be notified of the results. The Town Administrator and Mr. Henry reported that the Town would keep him informed of the status before any construction began.
- Mrs. Kessler also mentioned that she is worried and concerned that the drainage situation will never be properly corrected or that the actual problem will never be found.
- Selectman Rozanski acknowledged Mrs. Kessler's and other residents concerns relative to the drainage situation and stated that one of reasons for Mr. Henry's attendance was to give his preliminary report and hopefully represent to the effected Brentwood residents that the Town is continuing to address and solve the drainage issue.

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NOVEMBER 18, 2002

- Selectman Rozanski asked Mr. Henry why it had taken so long for him to report the findings from the video taping.
- Mr. Henry reported that he had not reported the results of the video taping to the Town Administrator or the Board because the tapes had not been submitted for viewing until November 6, 2002, and that he did not want to report premature findings.
- Mr. Paul DeSimone asked Mr. Henry he first became aware of the Brentwood drainage problem.
- Selectman Rozanski requested that all questions be asked through the Chair and not directly to Mr. Henry.
- Mr. Henry reported that he first became aware of the drainage problem while he was serving a term as Selectman. Mr. Henry also mentioned that in 1997, under his direction as Director of Public Services, the drainage pipes were cleaned by ARACO.
- Selectman O'Leary asked if an engineering firm would be procured before actual work is completed on the drainage system.
- Town Administrator, Mr. Balukonis, reported that bids are on hold and an engineer would be procured.
- Mr. Rojee asked if the Town inquired with the state relative to tying in at Coffee Street.
- Mr. Henry stated that working with the State is an alternative and that option would be considered.
- Selectman Musmanno asked if ARACO is keeping track of how much debris is being removed from the drainage system.
- Mr. Henry responded that the debris is not being pulled out and placed anywhere that ARACO is directly flushing the debris into the outflow (black swamp).
- The Board thanked Mr. Henry and requested that he provide an update in two weeks.

Street Sweeper Discussion

- Town Administrator, Greg Balukonis reported that as a result of the recent legal notices placed in the Milford Daily News the Town received three bids for the street sweeper. Mr. Balukonis also mentioned that based upon information he was given by the Director of Public Services, the purchase of the street sweeper is a necessity.

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NOVEMBER 18, 2002

The current street sweeper capacity is insufficient to service the town, and there are multiple reoccurring mechanical problems with the sweeper as well. Both, the Finance Committee and Capital Improvement Program Committee were both in full support of said purchase as it was voted on at the last Town Meeting and also, at said meeting there were no negative issues brought to attention relative to the purchase. Mr. Balukonis also reported that Mr. Henry, Director of Public Services was present to answer questions

- Mr. Henry reported that \$30,000 was appropriated for the purchase/lease of the street sweeper \$24,000 of which was taken directly out of the '03 DPS budget.
- Selectman Musmanno asked if the analysis study that was performed in the past is still valid relative to the current street sweeper use.
- Mr. Henry reported that that proposed new street sweeper is not only used for sand sweeping at the end of the winter but can also be used to vacuum debris, leaves etc. through out the year. Use of the mechanical sweeper like the one in current use can not pick up the debris and leaves as it turns the waste into mush creating slippery road conditions. Mr. Henry also reported that the new equipment would also be used for leaves as well as street sweeping alleviating the use of two people and two trucks, the new equipment could be manned by one person and the equipment also holds more collected debris.
- Selectman Williams asked if the cost offset for the maintenance on the present equipment relative to the DPS budget not allowing for additional employees for the next two years.
- Mr. Henry stated that was correct, that no new employees have been allowed or budget for over the next two years.
- Selectman Dziczek mentioned that he had contacted Mr. DeSimone relative to his letter submitted to the Board because he is always interested and in favor of saving money for the Town whenever possible even if said purchase was voted on at a Town meeting.
- Mr. Henry was in agreement with Selectman Dziczek and understood his contacting Mr. Desimone with regard to the correspondence he forwarded.
- Selectman Musmanno asked Mr. Henry if there was adequate space for storage of the new equipment.
- Mr. Henry reported that the salt shed would have to be modified to accommodate the new equipment.
- Selectman Musmanno asked if the Town purchased the new equipment without proper space to store it, if other equipment would be effected.

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NOVEMBER 18, 2002

- Mr. Henry responded that storage of said equipment would not be a problem and that the DPS department could properly handle the storage situation.
- Selectman Musmanno asked Mr. Henry if the purchase of the equipment should be done presently or could the purchase wait until May.
- Mr. Henry responded that May would be preferable since the Department is approaching the snow season which would warrant a delay of such expenditure.
- Selectman Rozanski asked Mr. Henry if the catch basins had yet been cleaned and what type of problems the DPS currently experienced with the present equipment.
- Mr. Henry responded that the catch basins had not been cleaned as of yet because the DPS budget did not allow for it and that the present equipment was in poor operating condition and that the cost for constant repairing and maintenance was beginning to out weigh the purchase of new equipment.
- Selectman Musmanno motioned to move that the Street Sweeper discussion be tabled to the next Board of Selectmen's meeting; All ayes (5-0-0) voted.

5. Report of the Town Administrator:

- Town Administrator, Mr. Balukonis reported that on Thursday, November 14, 2002, the 75(%) Percent Design Public Hearing for the Summer Street/Route 126 project has been held at 7:00 p.m. and that approximately fourteen people attended.
- Mr. Balukonis also brought to the Board's attention that Police Chief Saleski issued the winter overnight parking ban to commence on Friday, November 22, 2002, continuing until April 1, 2003, from 9:00 p.m. to 7:00 a.m. The purpose of the overnight parking ban is to eliminate problems or concerns relative to snow removal and those police officers have been instructed to issue citation to vehicles violating such.
- Mr. Balukonis also mentioned the memorandum received from Fire Chief Vinton relative to the air horn schedule. The air horn schedule was previously used for 25 different categories or incidents; the new schedule limits use for 8 specific incidents. Many residents have contacted the Town Administrator's Office and the Fire Department relative to restricted use of the air horn; Chief Vinton is hoping that the new schedule will help alleviate some of the complaints; however, Chief Vinton supports use of the air horn in the event that the current radio system fails and because the department relies on part time "On Call" personnel.
- Mr. Balukonis brought to the Board's attention recent correspondence from Town Counsel, Mr. Maciolek relative to the Planning Board's street acceptance of Cedar Farms Road. Attorney Maciolek noted some minor changes to the deed and advised

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 18, 2002

that the Planning Board obtain the Certificate of Organization to be sure that Mr. Bedrosian is authorized to execute the proposed deed.

- Mr. Balukonis also mentioned that he is awaiting a response to the written request of Mr. John O'Brien, Vice President of Exelon Generation Company to arrange a meeting to discuss the Sithe West Medway acquisition project as requested by Selectman Rozanski.

6. *Reports of the Selectmen*

- Selectman Williams highlighted "Today in History" facts as well as "This Week in Medway History" facts. Also praised Fire Chief Vinton for the informative S.O.G. Fire Rules and Regulations Book that he recently put together and distributed to the Board members.
- Selectman O'Leary reported that she recently attended the Affordable Housing Committee Meeting and she also attended a Board of Selectmen's meeting in Mansfield and found it to be very informative. Selectman O'Leary also reported that she attended the Retirement Party for Mickey Rojee the past Friday.
- Selectman Musmanno referred to correspondence forwarded to the Mr. Hoodlet, Chairman of the Municipal Building Committee by Town Administrator, Greg Balukonis relative to sidewalk improvements at the new high school. Selectman Musmanno requested that the construction scope include Adams Street when the preliminary cost estimates are obtained.

7. *Report of the Chairman*

- Selectman Rozanski reported that the Town is Housing Certified for FY 2003. Selectman Rozanski also reported that she attended the Retirement Party for Mickey Rojee and presented him with a Proclamation and that it was a good time.

8. Discussion Items

Town Engineer Position

- Town Administrator, Greg Balukonis distributed the draft job description for the Town engineer position for discussion with the Board.
- Selectman Williams told Mr. Balukonis that the draft job description was well written and also asked what the position would be graded at.
- Mr. Balukonis reported that the position would not be graded until the process was finalized. Mr. Balukonis also reported that he would be meeting and sharing information with other community leaders who also have the same ideas regarding similar positions.

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 18, 2002

- Selectman Musmanno mentioned that more thought might want to go into the education specifications of the position.

Complaint Letter

- Selectman Rozanski mentioned a written complaint letter prepared by Mr. Robert Rojee relative a request to appear in private to discuss his complaint against the Board of Selectman, Town Administrator, Highway Supervisor, Director of Public Services. After some discussion of such among the Board, Selectman Rozanski requested the Town Administrator request the parties involved in the complaint to attend the next Board of Selectman's meeting in which to be heard in an Executive Session.

CIPC Budget Requests

- Selectman Musmanno mentioned that the purchase of police cruisers should probably be a yearly operating budget item and not a CIPC budget item.
- Selectman Rozanski requested the Town Administrator suggest the CIPC to place the purchase of police cruisers on the yearly budget list.

Dog Park Letter

- Selectman Williams mentioned correspondence received from a Franklin resident regarding use of the Medway Dog Park. Selectman Williams further stated that perhaps the Dog Park Committee might want to make allowances for neighboring town use in order to assist with the operating dog park costs.
- Selectman Rozanski also supported the idea that perhaps the Dog Park Committee might be able to secure funds by charging small fees to out-of-town residents for park usage.

9. Action Items—Sunday Liquor Licenses/Sunday Entertainment License

- Selectman Musmanno moved to allow the retail sale of alcoholic beverages, not to be drunk on the premises, during the holiday season from the Sunday preceding Thanksgiving including the Sunday preceding New Year's Day by package stores in the community from 12 Noon to 8:00 p.m.; Selectmen Williams moved to amend the hours of said motion to read 12 Noon to 9:00 p.m.; seconded by Selectman O'Leary; 3 Ayes 2 Nays (voted).
- Selectman Dziczek moved to approve a One-Day Special Entertainment License by Sabina Doyle's scheduled for Wednesday, November 27, 2002, from 8:00 p.m. until 12 Midnight; Seconded by Selectman O'Leary; All ayes 5-0-0 (voted).

Sandler and Sons Waiver of Requirement for a Site Plan

- Sandler and Sons submitted a waiver requirement request to be forwarded to the Building Inspector, Robert Speroni for further action. Selectman Williams moved to forward the request to the Building Inspector; seconded by Selectman O'Leary; All aye 5-0-0 (voted).

10. Future Agenda Items—the following items have been placed for future discussion:

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 18, 2002

- Public forum on traffic issues on Route 109 Traffic Management policies.

9:55 p.m. – There being no further business to discuss, Selectman Dzikzek moved the meeting be adjourned and seconded by Selectman Williams; All ayes 5-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 25, 2002

Present: Selectmen Joseph Musmanno, Joseph Dziczek, Raphaela Rozanski, and John Williams, and Mary O'Leary, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant.*

- Selectman Musmanno moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$604,419.10 (\$534,526.60—Town bills; \$16,340.95—Withholdings; \$53,551.55—School Department); Selectman Williams seconded; All ayes 5-0-0 (voted).

2. *Public Comments*

- Town Clerk, Mary Jane White, approached the Board of Selectmen to report that the Medway Holiday Parade was scheduled for Saturday, November 30, 2002, and that retired Police Chief, David Lambirth was going to be this year's Grand Marshall. Other Town Holiday Festivities include the yearly tree lighting ceremony and fire works display.
- Mr. Paul DeSimone approached the Board of Selectmen to reminisce past years' experiences in Medway.

3. *Report from Gary Cogley, United Chamber of Commerce and Stephanie Mercandetti, Norfolk County:*

- Mr. Gary Cogley, President and CEO of the United Chamber of Commerce and Stephanie Mercandetti, Norfolk County gave a brief overview of Chamber and County services and future activities. Some of the upcoming activities sponsored by the Chamber and County Services are *Brownfields* workshop scheduled for Tuesday, December 10, 2002, in Sanford Hall and the *Fire Dispatch Feasibility Study* scheduled for December 16, 2002. The *Norfolk County Works Summer/Fall* informational pamphlets were also handed out for further reference.

4. *Report from IDC and Water/Sewer Commission relative to the West Medway Industrial Park sewer system project:*

- The IDC represented by Chairman, William Wright and Water and Sewer Department Commissioner reported that several positive meetings had been held relative to the West Medway Industrial Park sewer system project and both groups were present to solicit approval and support from the Board of Selectmen.
- Selectman Rozanski informed the groups that the Town had EO 418 approval.

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 25, 2002

- Gino Carlucci from PGC Associates also verified that the Town had received its EO 418 approval as reported by Selectman Rozanski. Mr. Carlucci also mentioned that he performed some research of real estate property betterment and that approximately 69 lots have been assessed for betterments. A potential for 96 betterments could be charged and approximately 50 houses added. Mr. Carlucci also mentioned that most of the 69 parcels are existing houses and lots and few were parcels that could be divided or counted as multiple. Some are part of the Boston-Edison easement.
- Mr. DeSimone reported that whatever is inside the complex would be considered part of the grant so betterment would be charged and divided amongst those who could be sewered; it would allow the Town to charge the betterment.
- Selectman Rozanski asked if there would be some cost-sharing relative to the project, and if the Board of Selectmen would know when to be ready for the appropriation.
- Mr. Wright mentioned that the total cost of the project was \$2.3 million, \$1.1 million covered by the grant and approximately \$1.2 million to be absorbed by the Town of Medway.
- Mr. Wright asked the Board of Selectmen to sponsor and support the project by conducting a Town Meeting that the IDC could attend and present the project to the town residents. Mr. Wright also asked what the next step in organizing such would be.
- Selectman Rozanski informed Mr. Wright that the next step would be to advertise a public hearing relative to the proposed project which could be prepared by the Board of Selectmen's office as well as submitting a Press Release. Also, Notification of the abutters, a list of which to be obtained by the Assessors Office. After a brief discussion relative to IDC's availability and the Board of Selectmen's meeting schedule, the date of January 27, 2003, at 7:15 p.m. was agreed upon.

5. Report of the Town Administrator:

- Town Administrator, Mr. Balukonis, reported that the Municipal Building Committee (MBC) submitted several items for approval: 1) Construction Change Directive totaling \$25,000.00 and recommended by vote of the MBC for installation of an electrical conduit. Mr. Balukonis also emphasized that this was a good time for installation of such since a trench was open. Selectman Dziczek moved to approve and authorize the Chairman, Raphaela Rozanski, to execute Change Directive as recommended by MBC; seconded by Selectman O'Leary; All ayes 5-0-0 (voted). 2) Change Order Request #3 totaling \$74,000.00 and recommended by vote of the MBC representing disposal of roof debris and stabilization of underlying soils. Selectman Williams moved to approve and authorize the Chairman, Raphaela

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 25, 2002

Rozanski, to execute Change Order Request #3 as recommended by MBC; seconded by Selectman Musmanno; All ayes 5-0-0 (voted).

- Town Administrator, Mr. Balukonis, informed the Board of Selectman that the 2003 Tax Classification Hearing is scheduled for Monday, December 16, 2002, and will be advertised as a legal notice in the local newspapers.
- Town Administrator, Mr. Balukonis, reported that a request for Liquor License proposal for a Beer and Wine Retail Sale Permit was submitted by Medway Mart and said legal advertisement reflective of the Public Hearing scheduled for December 16, 2002, would be prepared accordingly.
- Lastly, Town Administrator, Mr. Balukonis, reported that the Planning Board had submitted a request of the Board of Selectmen to authorize submission of the Proposed Revised Site Plans Rules and Regulations to Town Counsel, Richard Maciolek for further review. Selectman Rozanski asked Mr. Balukonis for his recommendation and Mr. Balukonis recommended that the Board read the revised Site Plan Rules and Regulations before submitting such to Town Counsel for review. Selectman Musmanno reported that he planned on attending the next Planning Board meeting and would make recommendations and comments as warranted relative to the Site Plan Rules and Regulations revised document and further recommended that said document not be forwarded to Town Counsel until the Planning Board is ready to go forward and the hearing is closed. Selectman Rozanski agreed.

6. *Reports of the Selectmen*

- Selectman Williams highlighted "Today in World History" facts. Selectman Williams also referred to the Cold Relief energy assistance programs sponsored by the Bureau of Energy Programs, Division of Neighborhood Services which might be of benefit to some Medway residents. Selectman Williams reported that there were several programs and over 28 listed agencies to contact for assistance and urged any residents to contact him, or to stop by the Town Clerk's office for a listing. Selectman Williams also wanted to remind residents to use automobile safety belts as part of the *Click It or Ticket* program which is in effect as part of the Thanksgiving Holiday Traffic Enforcement Mobilization campaign. On a final note, Selectman Williams raised the issue of the Town paying out extra funds relative to outside services to the Town Accountant for preparation of the Balance Sheet and Schedule A report and was not happy with the fact that the Town is paying extra funds for basic elementary accounting services.
- Selectman Musmanno referred to a response letter he drafted to the Planning Board for signature on behalf of the Board of Selectmen relative to River Run Estates ARCPUD Plan which requested that said comments be included as part of the record for proceeding with respect to the plan. All Board members were supportive of the drafted correspondence and executed such instructing the Administrative Services Assistant to submit such to the Planning Board.

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 25, 2002

7. Report of the Chairman

- Selectman Rozanski reported that Medway certainly is a growing town with growing expenses that we will be faced with along with supporting the economic development and we will have to join with each other in finding creative ways of raising revenues to fund for services in the future.

8. Discussion Items

Street Sweeper Purchase Discussion:

- Selectman Williams supported the Town Administrator's comment at the prior week's Board of Selectmen meeting that apprehensive feelings relative to the purchase of a new street sweeper should have been discussed at the annual Town Meeting prior to voting not after the recommendation to purchase was approved.
- Selectman O'Leary was also in agreement and was in favor of purchasing the street sweeper based on all information provided to date.
- Selectman Musmanno was also in favor, however, recommended that the purchase occur towards the end of the year.
- Town Administrator, Mr. Balukonis, reported that bids had been received based on delivery and acceptance terms and that the bids and analysis would be valid for several more weeks.
- Selectman Williams moved to recommend that the Town not delay, defer or cancel the street sweeper acquisition; seconded by Selectman Dziczek; All aye 5-0-0 (voted).

9. Action Items—Parks and Recreation Vacancy

- Selectman Rozanski directed the Town Administrator to contact Virginia Calapa, Park Commissioner to schedule a convenient date to meeting with the Selectmen relative to recent vacancy of the Parks and Recreation Board.

9:00 p.m. –Selectman Williams moved that the Board adjourn to enter into executive session with the intention of returning to open session for reason #2 *“To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual”* and seconded by Selectman Musmanno; the vote: Selectman Dziczek –aye; Selectman O'Leary – aye; Selectman Williams – aye; Selectman Rozanski – aye; Selectman Musmanno – aye; All ayes 5-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 25, 2002

MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 2, 2002

Present: Selectmen Joseph Musmanno, Joseph Dziczek, Raphaela Rozanski, and John Williams, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson. Absent from meeting Selectman Mary O'Leary.

Selectman Dziczek announced that he would be attending dual meetings of the Board of Selectmen and the CPC.

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. Approve and sign warrant.

- Selectman Dziczek moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman Williams in the total amount of \$1,241,215.80 (\$123,315.87—Town bills; \$274,647.04—School Department); Selectman Williams seconded; All ayes 4-0-0 (voted).

2. Approval of November 18, 2002, minutes tabled to next Board of Selectmen's meeting scheduled on December 9, 2002.

3. Update from Lee Henry, Director of Public Services

Brentwood Drainage Project

Mr. Henry submitted a Brentwood Drainage Project Update Report which indicated that all pipe sections of the Lee Lane drainage system to the outfall on the south side of Main Street have been cleaned of roots and debris and all video tapings of the before and after cleaning conditions have been completed. Mr. Henry's report also indicated that the manhole in the Richard Road drainage system at the southwest corner of 28 Gorwin Drive was located, and repaired. Also, roots, sand and debris from the pipes running in the easement from Meryl Street to Gorwin Drive have been cleaned and video tapings of the before and after cleaning conditions have been completed. Mr. Henry also reported that roots, sand and debris from the Coffee Street outfall to the manhole on Gorwin Drive have been cleaned and video taping of the before and after cleaning conditions have been completed. Mr. Henry stated that there is some additional video taping to be completed and has been scheduled for Wednesday, December 4, 2002.

Selectman Musmanno asked if all the remaining video taping and pipe cleaning would be completed on Wednesday.

Mr. Henry indicated that he hoped it would be completed.

Selectman Rozanski asked who was performing the video taping and at what cost.

Mr. Henry replied that ARACO is completing the video taping before and after the cleaning of debris and that the cost is \$800 per day.

Selectman Rozanski asked if any collapsed pipes were found.

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Mr. Henry replied that no collapsed pipes were found; however, the system showed indication there had been some past repairs performed.

Selectman Rozanski asked how the roots entered the drainage system.

Mr. Henry indicated that the roots entered the system through voids in the pipes trying to get to the water source. Mr. Henry indicated that a 5-year cycle of continuing maintenance might be a way to solve the situation.

Selectman Rozanski verified with Mr. Henry that the Richard Road project was due to be completed first then Howe Street problem would be the next item for investigation.

Mr. Henry confirmed that the Richard Road project was the first priority and stated that another flooding situation had been brought to his attention and while the equipment was available he decided to investigate that area in an effort to save the Town future expenses.

Selectman Rozanski asked Mr. Henry if the Town incurred extra costs for this additional site taping.

Town Administrator, Mr. Balukonis, clarified Mr. Henry's action by noting that the Town incurs a daily cost whether the video equipment is used for an hour or the entire day and based on that fee charged Mr. Henry decided that it would benefit the town to perform the extra video taping relative to the new flooding situation while the video equipment was available

Selectman Musmanno asked Mr. Henry if he would be able to prepare all the collected data in a report to submit to a Civil or Hydro Engineer for future use and if the current maintenance performed on the Brentwood drainage system would clear up the flooding situation.

Mr. Henry said that all video tapes would be available for viewing as well as any necessary back up documentation. Mr. Henry stated that it was his opinion that the current maintenance would assist with the current flooding situation but installation of the 24 inch pipe across Main Street would still need to occur.

Mrs. Elaine Kessler thanked Selectman Musmanno for the question he asked as she had a similar question, she further inquired as to why Mr. Henry thought cleaning of the drainage system would assist with the drainage problem since this type of cleaning has occurred years prior and also wanted to know the Town's next step process.

Selectman Rozanski directed Mr. Henry to answer Mrs. Kessler's question.

Mr. Henry reported that the past drainage cleaning project had not been as thorough as the current cleaning; further, the Water Department was also assisting with the

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current cleaning project and that the current cleaning project is more extensive with cutting roots, removing sand and debris. Mr. Henry noted that before going forward, nature would have to take its course relative to water drainage and the Town would continue to monitor the area for signs of flooding which would indicate the result of the cleaning project.

An unidentified resident asked where the water be channeled.

Town Administrator, Mr. Balukonis, answered that before going forward with any project relative to redirecting water flow, and with every intention of not making the situation worst, the Town would procure the services of a Civil Engineer who would report his findings to the Town's Planning Board.

Selectman Musmanno asked the Town Administrator if the bid procurements for engineering services included a review of the site plan.

Town Administrator, Mr. Balukonis, reported that the current procurement bids did not include that service.

Mr. Henry commented that he believed that some of the current work performed might alleviate some of the costs relative to future projects and that the information currently being compiled could also be used as an information tool.

Selectman Rozanski asked if there were any cost estimates for the Lee Lane project.

Mr. Henry reported that he did not have costs estimates available at this time because he did not have approval to proceed with that project.

Mr. Paul DeSimone reported that this issue has been ongoing for quite some time and that the Board of Selectmen have discussed this issue at several meetings and at one particular meeting, the meeting of October 21st, he submitted a presentation to the Board relative to the clogged drainage system and wanted to know what direction the present project was taking.

Selectman Musmanno informed Mr. DeSimone that Mr. Henry was merely presenting the Board with a status report before going forth with any further projects and he had not been requested to finalize his findings.

Mr. Desimone referred to comments relative to the recent article that appeared in the Globe West.

Mr. Henry reported that the video tapings submitted by the CRPCD were incomplete and said tapes also had gaps in the video recordings; therefore, it was decided that the Town would procure the services of ARACO. Further, the video tapes ARACO submitted for reviewing indicated that the drain capacity had been reduced by twenty percent (20%) due to blockage and that the greater problem stems from the drain design as water flows from larger pipes into smaller pipes thus creating a backup and overflow.

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Selectman Musmanno asked Mr. Henry if the earlier tapes were useless.

Mr. Henry clarified that the tapes were not useless that they were incomplete and that the ARACO tapes completed the set. Mr. Henry further stated that the reason the services of ARACO had been sought was that ARACO had the ability to perform cleaning and taping of the drainage system at the same .

Mr. DeSimone indicated his disagreement with Mr. Henry and began to make conflicting statement relative to Mr. Henry's status report.

Selectman Musmanno reiterated to Mr. DeSimone that Mr. Henry was not presenting his final report of the ongoing project, that he was updating the Board and the idea of the present meeting was to hear Mr. Henry's present report on the due diligence he performed and that the Board was not going to hear past meeting testimony or conversations and thanked Mr. DeSimone for his interest.

Mrs. Elaine Kessler commented that the drainage issue seems to be a very complex issue and that she thanked the Board for their efforts with trying to keep the affected residents informed of the progress and process that the Town and it's representatives were taking; however, she commented that she found the on-going contradictions of the parties (motioning to Mr. DeSimone and Mr. Henry) to be very confusing and frustrating.

Selectman Rozanski thanked Mrs. Kessler for her comments and reassured her that the Board will continue to take an active role relative to the progress of the issue.

Mrs. Kessler asked what the status was of the Route 109 pipe replacement project.

Selectman Musmanno stated that the Board could not make a determination presently until an engineer had been consulted to perform a full study. Selectman Musmanno also suggested that the Town Administrator, Mr. Balukonis, revitalize the prior proposal and secure that said proposal is up to date for future use.

Selectman Rozanski asked the Administrative Services Assistant to place the projection of costs for a progress report on the January 6, 2003, Board meeting.

4. Report of the Town Administrator:

- Town Administrator, Mr. Balukonis, reported that the Municipal Building Committee (MBC) submitted invoices from the Municipal Building Committee (MBC) relative to the roof. Mr. Balukonis also reported that the contractor of the roof project, Horizon, has missed several deadlines and due to the circumstances, the MBC would like permission from the Board of Selectman to refer the matter to legal counsel. Selectman Musmanno moved to grant the MBC permission to seek legal counsel; seconded by Selectman Dzikczek; All ayes 4-0-0 (voted).

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- Town Administrator, Mr. Balukonis, informed the Board of Selectman that the Medway School Department submitted the FY2004 Budget Proposal and the FY2004 Proposed Budget for the New High School opening for review.

6. *Reports of the Selectmen*

- Selectman Musmanno indicated receipt of the Planning Board's revised Site Plan Rules and Regulations and reported that he would be attending the next Planning Board meeting to suggest some modifications. Selectman Musmanno also mentioned, in his opinion, that it was too early to submit the documents for Town Counsel's review. Selectman Rozanski also mentioned that she had some comments relative to the revised document and asked Selectman Musmanno if he would represent her questions at the next meeting. Selectman Rozanski praised Selectman Musmanno's attending the Planning Board's meetings and updating the Board of Selectmen relative to Site Plan Rules and Regulations.
- Selectman Williams highlighted "Today in World History" facts and This Week in Medway History. Selectman Williams also mentioned that he recently attended the Disability Commission Meeting and that they would be requesting to appear at an upcoming Board of Selectmen's meeting and would notify the Board when warranted.

7. *Discussion Items*

Senior Tax Assistance Program Discussion:

- Selectman Williams presented a proposal that would further assist Medway's senior citizens reducing their real estate tax burden by enhancing the current senior citizen property tax work-off abatement program. The proposal would benefit 65 senior citizens and would amend the current maximum work-off amount from \$500 to \$750.
- Selectman Rozanski stated that she was in support of this program and that the seniors actually work these hours doing Town services for \$6.75 per hour and encourages all department to take advantage of this program since it benefit both parties.
- Selectman Williams reiterated that this work-off tax abatement program is not a gift that the seniors are required to actually work and keep track of their time. Also, that this program will benefit now and in the future since taxes will go up and perhaps the Board should consider revisiting the terms of this program on a yearly basis.
- Selectman Rozanski stated that she is very pleased and very supportive of this program since it helps the seniors and also assists the economic need of the Town.
- Selectman Williams stated that he was a strong supporter of the program and strongly believes that the seniors should be given the opportunity to utilize this program and work off their taxes.

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- Selectman Musmanno agreed that the program would certainly be beneficial; however, he would like to see the number of slots increased rather than the hours increased thus reaching more seniors
- Selectman Williams proposed that the program be amended to accommodate more seniors. Selectman Williams moved to raise the tax work off abatement from \$500 to \$750 beginning fiscal year 2004, as of July 1, 2003; no second; however, Selectman Rozanski accepted the motion. The vote: Selectman Williams—aye; Selectman Rozanski—aye; Selectman Musmanno—nay; Selectman Dziczek—abstained; Passed (2-1-1).
- Selectman Musmanno moved to amend Selectman William's motion to amend the number of seniors from 65 to 90; seconded by Selectman Dziczek. Considerable discussion took place on the issue of increasing the number of participants. Selectman Dziczek recommended the Board consult with the Council on Aging before taking any votes this evening. Selectman Musmanno's motion to amend did not pass, therefore; the original vote was not changed.

9. Action Items—

- Selectman Musmanno will represent comments and questions by the Board of Selectman at the next Planning Board meeting relative to the Rules and Regulations for Submission and Review of Site Plans and also suggest that the Planning Board be specific relative to questions presented to Town Counsel. Selectman Musmanno has also suggested that the Planning Board submitted the two proposals as separate issues; however, the Planning Board feels differently.
- The Board of Selectmen discussed the November 25, 2002, memorandum from the Planning Board requesting Town Counsel's opinion relative to Subdivision Plans and Private Ways. Selectman Rozanski suggested that the Planning Board's request needed to be more specific and therefore, would follow up directly with all parties.

10. Communications/correspondence and information items:

- Town Administrator, Mr. Balukonis, brought to the Board attention a memorandum from the Planning Board regarding the status of a Town Engineer and Planner. Mr. Balukonis, reported that he is still in the process of gathering information and that the positions would have to be included in the Town's budget and further, he mentioned that it would be helpful to get some direction/idea of what the Board position is regarding the Town Engineer and Planner due to recent correspondence received from interested individuals.
- Selectman Musmanno suggested that the Town Administrator continue to collect as much information as possible before the Board makes any decision relative to the position and further stated that once the Town Administrator completes this task a future meeting should be scheduled to discuss such with the appropriate parties.
- Town Administrator, Mr. Balukonis stated that he would need a minimum of at least one month to gather more pertinent information.

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- Selectman Williams supported Selectman Musmanno's suggestion that the Town Administrator continue to gather information relative to position.
- Selectman Rozanski instructed the Town Administrative Services Assistant place the consideration of a Staff Town Engineer Position on the Board's future agenda items list.

11. Discussion of letter from Paul DeSimone relative to the Public Works Director.

- It was suggested that the Board refer the matter to the Town Administrator for review and that he take appropriate action as warranted and report the results to the Board of Selectmen at a future meeting.
- Selectman Williams thought it was unfair to refer such to the Town Administrator since the letter submitted was not specific in nature.
- Selectman Musmanno suggested that the Town Administrator contact the individual for his response relative to the correspondence if the Town Administrator feels it warrants further action.
- Selectman Dziczek stated that the correspondence should not be addressed because it does not refer to a named, specific individual and that the letter is referring to past incidents that have been addressed under another Town Administrator's term and that letter of this type should be handled primarily by the Town Administrator and should not be addressed at Selectmen's meetings.
- Selectman Rozanski agreed with Selectman Musmanno's suggestion.
- Town Administrator, Mr. Balukonis, stated that he would address the matter and report back to the Board at a later date.

9:40 p.m. There being no further business to discuss, Selectman Musmanno moved that the Board of Selectmen's meeting be adjourned and seconded by Selectman Williams; All ayes 4-0-0.

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 9, 2002

Present: Selectmen Joseph Musmanno, Joseph Dziczek, Mary O'Leary, Raphaela Rozanski, and John Williams, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson. .

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant:*

- Selectman Williams moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$2,212,284.43 (\$774,905.51—Town bills; \$322,106.92—Withholdings; \$276,023.40—School Department); Selectman Dziczek seconded; All ayes 5-0-0 (voted).

2. *Approval of Minutes:*

- Selectman Williams moved to approve regular meeting minutes of November 18, 2002; Selectman O'Leary seconded; All ayes 5-0-0 (voted). Selectman Williams moved to approve regular meeting minutes of November 25, 2002, with amendments; Selectman O'Leary seconded; All ayes 5-0-0 (voted).

3. *Public Information Meeting—Thomas Steeves, Local Initiative Program concerning housing development at Elm/Evergreen*

- Attorney, Michael Healy approached the Board of Selectmen and stated that he represented Mr. Thomas Steeves, a resident of Bellingham, who was very interested in constructing a housing development under the Local Initiative Program Chapter 40B. Attorney Healy mentioned that Mr. Steeves had performed due diligence relative to the project and was appearing before the Board for their support and that Mr. Steeves was also present to address the Board and residents with any questions they might have.
- Mr. Steeves stated that he recently meet with the Housing Authority's Affordable Housing Committee and discussed his project idea. Mr. Steeves stated that he also met with Officer Jeff Watson as part of his due diligence to get Officer Watson's review and suggestions pertaining to traffic issues and that he had also met with a consultant (Michael Jacobs) to review the project. Mr. Steeves mentioned that he thought the location was an ideal area for the project and felt that Medway would benefit more from this project than erecting a bank at the location as previously entertained. Mr. Steeves showed the Board of Selectmen his plans for the housing development which indicated that two buildings would be constructed; one twelve unit and one eighteen unit each with 1 and ½ baths and 2 bedrooms, each unit would also be allotted 2 parking spaces and eight units would be considered affordable housing units and Medway residents would be given first preference for each unit. Mr. Steeves mentioned that based on a State formula, the units would be charged \$1300 per month including utilities and the affordable housing units would be charged \$995 per month plus utilities. Mr. Steeves reported that he designed the project to compliment the environment.

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- Several residents had concerns regarding existing traffic issues of the area and how the new project might impact such. Mr. Steeves stated that he had consulted with Officer Watson for suggestions and he would address other design alternatives to address the traffic concerns and that he was willing to meet with residents and anyone he needed to in order to accomplish this task. More traffic and other safety issues were discussed among the parties concerning a more in-depth traffic study, sidewalks and installation of traffic lights.
- Mr. Healy mentioned that the plans before the Board and residents that evening were not final that they were preliminary and that his client would have to return with more formal presentations and that his client was also willing to do whatever was needed to get support from the Board of Selectmen and the residents relative to development of this project.
- Mr. Coakley voiced his concerns relative to water drainage/run off and how close the project would be to his property. Mr. Steeves indicated that no change to the existing body of water would be made and gave an explanation of where the project plot was located.
- Selectmen O'Leary asked if an area would be reserved to accommodate guest parking. Mr. Steeves mentioned that 60-spaces were allotted which accommodated two spaces per unit; and if needed, a study would be performed to see if the property location could allow for extra parking. Selectman O'Leary mentioned that she was also a member of the Affordable Housing Committee, in addition being on the Board of Selectmen, that she supports the project because there is a need for more affordable housing in the Town; however based on what was presented she thought it might be a good idea to construct one building rather than two due to concerns relative to the number of units that would have to be rented, which might also assist with the parking concerns.
- Mr. Coakley asked if the project conflicted with Zoning Bylaws. Selectman Rozanski explained the zoning conflict and the Board's role. A brief discussion followed among the Board members and other parties present.
- Selectman Musmanno asked Mr. Steeves to expand on the rental factors for the proposed project. Mr. Steeves stated that the figures quoted are based on a state formula; however he would like to keep all the units at the affordable housing figure of \$995.00 per month in order to rent quickly; however, due to his debt service he would not be able to.
- Selectman Rozanski stated that a Public Hearing would have to be scheduled before going forward and that the Board could not vote on any thing presented this evening as this was an informational meeting and based on what was discussed several issues and concerns were brought up that required further due diligence
- Selectman Musmanno requested that the Town support the project and schedule a public hearing before going forward.

MINUTES OF THE SELECTMEN'S MEETING
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- Selectman Rozanski directed the Town Administrator's office to schedule the Public Hearing for Monday, January 13, 2003, at 7:15 p.m. in Sanford Hall.

4. *Consideration of Park Commission Appointment:*

- Park Commissioner, Virginia Calapa, appeared before the Board of Selectmen to discuss appointing a candidate to fill the unexpired Park Commission term. Commissioner Calapa mentioned that she met with an interested candidate, Mr. Gary Dumas, who applied for the appointment and showed great interest in the Park Commission's role for the Town of Medway. Commissioner Calapa also mentioned that based on her conversation with Mr. Dumas, that she strongly felt he would prove to be very beneficial to the Park Commission and asked the Board of Selectmen to approve the appointment of Mr. Dumas as soon as possible.
- Town Administrator, Mr. Balukonis, verified that Mr. Dumas had applied for the vacant Park Commission appointment.
- After a brief discussion, Selectman O'Leary moved that the Board of Selectmen approve the appointment of Gary Dumas to the unexpired Park Commission term expiring May 2003; seconded by Selectman Dziczek; All ayes 5-0-0 (voted).

5. *Report of the Town Administrator:*

- Town Administrator, Mr. Balukonis, reported that he accepted the resignation letter of the Town Accountant, Cherie Beando, and effective February 4, 2003. Mr. Balukonis further stated that Cherie is leaving to pursue other career opportunities and that immediate action was taken to post and advertise the Town Account's position.
- Town Administrator, Mr. Balukonis reported that he responded to a letter received from the Department of Revenue regarding the Town's Schedule A which was due on October 31, 2002, said Schedule A will be submitted no later than December 23, 2002. Mr. Balukonis stated that receipt of such correspondence was unfortunate since the State no longer offers assistance and is quick to criticize whenever a deadline is missed. Selectman Rozanski mentioned that she is concerned with the threat of the State withholding funds and asked that the Town Administrator keep the Board up to date. Selectman Williams requested that the Administrative Services Assistant place "*Town Accountant Search Process*" as an agenda item at the next Board meeting.
- Town Administrator, Mr. Balukonis informed the Board that the FY'04 budgets are due to the Town Administrator in two weeks and that all departments were asked to submit level dollar and service budgets. Mr. Balukonis further stated that Budget meetings with the Board of Selectmen will commence in late January and that he will provide a balanced budget recommendation to the Board and Finance Committee.
- Town Administrator, Mr. Balukonis reported that the work on the Town's solid waste and collection RFP was completed and the Town went out for bid.

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Competitive proposals are due on January 6, 2003, and will be evaluated by a Screening Committee, including critical input by the Board of Health. It is anticipated that the new solid waste contract is due to commence no sooner than February 2003. Selectman Musmanno asked the Town Administrator if the contract was subject to appropriations. Town Administrator, Mr. Balukonis affirmed and mentioned that the Town might have surplus funds which would allow some flexibility.

- Lastly, Town Administrator, Mr. Balukonis, reported that the Metro Area Planning Council has accepted the Town's submittal seeking standing for the \$30,000 in Executive Order 418 funds. The Town must submit a Scope of Services in the next few weeks to include updates of Medway's Master Plan for housing, economic development, transportation and open space; when these tasks are completed, the Town will have more discretion on spending the grant funds.

6. Reports of the Selectmen

- Selectman Dziczek recommended that the Board move quicker to meet with the Finance Committee to discuss the potential budget crisis in an effort to assist the Town Administrator with impending decisions resulting from such. Selectman Rozanski supported Selectman Dziczek's position and commented that some discussions have occurred and that the FinCom Chair is also thinking ahead based on recent government cuts. All Board members voiced concerns relative to budget concerns and entered into a brief discussion.
- Selectman O'Leary reported that the Housing Authority has received a grant.
- Selectman Musmanno inquired as to the status of the Richard Road cleaning project. Town Administrator, Mr. Balukonis, reported that the work was completed today due to the snow storm last week.
- Selectman Williams highlighted "Today in World History" facts and "This Week in Medway History" facts.

7. Report of the Chairman.

- Selectman Rozanski inquired if the Town recently replaced any signs and if so, were the signs metric. Selectman Rozanski also gave a brief overview of 40B Project process and the Land Use Laws in Massachusetts accompanied by informational handouts.

9:05 p.m. Selectman Williams moved that the Board adjourn to enter into executive session with the intention of not returning to open session for reason #3 *"To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel"* and seconded by Selectman Musmanno; the vote: Selectman Dziczek –aye; Selectman O'Leary – aye; Selectman Williams – aye; Selectman Rozanski – aye; Selectman Musmanno – aye; All ayes 5-0-0

MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 9, 2002

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON

MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 16, 2002

Present: Selectmen Joseph Musmanno, Joseph Dzikczek, Mary O'Leary, Raphaela Rozanski, and John Williams, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson. (Selectman Dzikczek stated that he would also be back and forth between the Selectmen and the CPC meetings).

7:00 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant:*

- Selectman Williams moved that the Board approve and sign warrants for fiscal year '03 as read by Selectman O'Leary in the total amount of \$877,725.53 (\$154,612.82—Town bills;—School Department); Selectman Rozanski seconded; All ayes 5-0-0 (voted).

2. *Approval of Minutes:*

- Selectman Williams moved to approve additions to the regular meeting minutes of November 25, 2002; Selectman O'Leary seconded; all ayes 5-0-0 (voted). Selectman Williams moved to approve and release the executive session meeting minutes of November 25, 2002, with amendments; Selectman O'Leary seconded; all ayes 5-0-0 (voted).

3. *Public Hearing—Application for Package Store License at 141 Village Street, Shajanand Corporation—Ketan Patel, Manager:*

- The Clerk, Mary O'Leary, read the Public Hearing Notice.
- Attorney William Carroll, along with Mr. Patel, approached the Board and reported that he was hired by Mr. Patel to represent him relative to the package store license application. Attorney Carroll submitted the receipts of notices to the abutters, including St. Joseph's Church. Attorney Carroll represented that Mr. Patel is attempting to enhance his current business services to customers by adding beer and wine sales to his store. Attorney Carroll stated that Mr. Patel would not be adding additional space to his store that he would be adding two locked coolers, one for beer and one for wine, and that space would be allocated by removing stock items that have not sold; hours of alcohol sales would also be restricted according to the Board's wishes and that he and his wife are to only employees of the store. Mr. Carroll also stated that Mr. Patel had contacted the St. Joseph's Church relative to his application and desire to obtain a package store retail license. In closing, Attorney Carroll mentioned that he had represented Mr. Patel on other business matters and that he and his wife are both very hard working individuals with no criminal backgrounds and that they maintain a very honest business and plan on conducting their new service with as much diligence as they do now. (*It was acknowledged by several board members and the Town Administrator that Mr. or Mrs. Patel are always at the store*).

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- Selectman Rozanski noted that a list of fifty-six (56) people had been submitted in favor of granting the requested license. Selectman Rozanski inquired about the background of the applicant relative to a past application and also asked who Mr. Patel spoke to at the Church and whether or not he would be employing other individuals at his store.
- Mr. Patel stated that he had never applied for a liquor license before. The Patel in question was someone totally different and that he purchased his current business from this Patel, and they are not related. Mr. Patel indicated that he spoke to the white-haired gentlemen from the Church three to four months prior. Mr. Patel stated that he would not be hiring other people to work at his store; he and his wife solely manage the store and that if they go on vacation, they close the store and go together.
- Attorney Carroll stated that his clients can not afford to hire other store help, that they are both very hard working and prefer to manage the store themselves. They will also take the T.I.P.s class and everything else required in order to please the Board for their application approval. Mr. Carroll also submitted a diagram of the store plan to clarify where the coolers to store the alcohol would be located.
- Selectman Dziczek stated that he is not opposed to Mr. Patel selling beer and wine and understands that the applicant wants to compliment his business and provide a "one stop shopping" service to his customers but he has some concerns relative to the parking and traffic situations and the liquor establishment located adjacent to Mr. Patel's business and the hours of operation.
- Selectman O'Leary also mentioned that she had some safety concerns regarding traffic issues and the fact there is another liquor store down the street. Selectmen O'Leary also mentioned that she spoke to the Pastor at St. Joseph's church who indicated that he is most concerned with the Elm Club.
- Selectman Rozanski asked the other board members if they had any other questions before she opened the hearing for public comments; there being no further questions from the Board, Selectman Rozanski asked if anyone wished to speak relative to the public hearing.
- Mr. Steve Richardson came forward and stated that he was representing the Pastor of St. Joseph's Church. Mr. Richardson stated that the Pastor's main concern was the parking situation and the hours of operation.
- Mr. Jack Doven, Owner/Manager of West Medway Liquors, came forward and stated that he has been a Medway resident for the past thirty (30) years and has witnessed many changes though out the town. He also feels that there are several alcohol serving businesses in the area and does not feel that there is a need for another liquor establishment in that particular area. He stated that he was against the granting of Mr. Patel's application because he has concerns regarding the dangerous intersection and the fact that young people also do business in Mr. Patel's store.

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- Selectman Williams motioned to close the Public Hearing; seconded by Selectman Musmanno; all aye (5-0-0) voted.
- Selectman Rozanski stated that the Board would deliberate later in the evening and would notice Attorney Carroll of the decision.

4. *Public Hearing*—7:45 p.m. Tax Classification Hearing:

- The Clerk, Mary O'Leary, read the Public Hearing Notice.
- Selectman Rozanski acknowledged the presence of Mr. Harry Johnson, Chairman Board of Assessors; Mrs. Sandra Bennett, Member Board of Assessors; and Mr. Paul Keefe, Administrative Assessor/Appraiser. Messieurs Johnson and Keefe approached the Board. Mr. Johnson stated to the Board that the Assessors were in the process of submitting the Tax Base Levy Growth form (LA-13) to the State for approval of the new growth for FY 2003 and that the Tax Rate Recapitulation sheets (Recap sheet) would also be submitted to the Bureau of Accounts on Wednesday (12/18/03) for review and approval. The Assessment/Classification Report (LA-4) had also been submitted to the Department of Revenue. Mr. Johnson stated that Mr. Keefe was present to give his overview and to answer any questions the Board might have.
- Mr. Paul Keefe, Administrative Assessor/Appraiser presented the Board with handouts explaining the tax classification data that he would be presenting further supporting the adoption of percentages on local tax levy to be borne by each class. Mr. Keefe reported that the current FY03 combined percentage for the Commercial, Industrial and Personal (CIP) Property classes is 11.1041 percent which shows a decrease of 1.6308 percentage points from the FY2002 combined percentage, which has shown to be a continued trend since FY 1997. Mr. Keefe reported that the percentages shown on the handouts provided to the Board represent the share of the total tax levy to be borne by each class with a single tax rate called a Residential Factor One (1). Mr. Keefe explained the results of splitting the tax rate into Residential and CIP rates allowing the maximum shift of the Tax Levy to be 150 percent resulting in CIP classes paying 17.2100 percent of the Tax Levy instead of the current 11.4733 percent. The minimum residential factor would then become 83.5199 percent, which would mean shifting the tax levy to the CIP class resulting in the Residential class paying 93.5199 percent of what would have been paid under the single tax rate. Mr. Keefe stated that for every increase in the CIP Tax Rate of 10 percent, a decrease in the Residential Tax Rate of approximately 1.3 percent occurs.
- Question and answer session by the Board members as well as a brief discussion followed Mr. Keefe's introduction of the Tax Classification data supporting the Residential Factor One proposal.

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- Selectman Williams moved to adopt the Residential Tax Factor of One; seconded by Selectman O'Leary; all aye 4-0-0 (*Selectman Dziczek was not present for the hearing nor the voting as he was also attending the CPC meeting*).

5. Report of the Town Administrator:

- Town Administrator, Mr. Balukonis, reported that he has followed up with a letter and telephone call to Mr. James O'Brien, Vice President of the Exelon Generation Company requesting an update relative to the recent acquisition of the Sithe Plant.

6. Reports of the Selectmen:

- Selectman Williams highlighted upon "Today in World History facts.

7. Report of the Chairman:

- Selectman Rozanski noted the submission of the Planning Board's revised Site Plans Rules and Regulations. As a result of the brief discussion among the Board relative to the document submitted by the Planning Board, Chairman Rozanski asked the other Board members to submit their specific comments and areas of concern to the Town Administrator for review from Town Counsel

8. Action Items:

Approval of 2003 Licenses and Permits

- Town Administrator, Mr. Balukonis, submitted the Master List of Establishments requesting license and permit renewals and asked that the Board members indicate approval of the licenses and permits by signing each submitted license or permit. The Board members viewed the licenses and Selectman O'Leary moved to approve the 2004 licenses and permits as submitted; seconded by Selectman Williams; All aye 4-0-0 (voted).
- Selectman Musmanno moved to approve the application for a Wine and Malt sales license to Shajanand Corporation d/b/a Medway Mart, Ketan Patel, Manager subject to the successful completion of T.I.P. class by the owner/manager and all employees of Medway Mart and hours of alcohol sale between 8:00 a.m. and 9:30 p.m. in accordance with State law; seconded by Selectman Williams (3-0-1) voted. (*Selectman Williams commented that Mr. and Mrs. Patel are very hard working people who deserve a chance*).

9. Discussion Item:

Town Accountant Search Process

- Selectman Williams explained the reason for suggesting that a Town Accountant Search Committee be convened was to give assistance to the Town Administrator relative to the search, which was not meant to slight the Town Administrator in any way nor is it a reflection of his abilities. Selectman Williams proposed that a three-member search committee be convened to aide the Town Administrator with the search of a new Town Accountant and, said committee shall assist with reviewing

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all applications and resumes, choosing the candidates to interview and participating in the interview, and recommend the most suitable candidates. Further, the Town Administrator shall consider the committee's recommendations relative to his hiring decision but he shall retain any and all discretion, as the appointing authority, in whom to hire.

- Selectman Rozanski asked what the primary advantage of having a search committee would be. Selectman Williams responded to assist the Town Administrator with sorting out resumes and to provide him with other opinions regarding the candidates. *(9:10 p.m. Selectman Dziczek returned from CPC meeting).*
- Town Administrator, Mr. Balukonis, thanked Selectman Williams for proposing the Town Accountant Search Committee.
- Selectman Williams moved to convene a three-member Town Accountant Search Committee consisting of the Board of Selectmen Chairman or her designee, Chairman of the Finance Committee or designee and the Treasurer/Collector, to assist the Town Administrator with the Town Account search; seconded by Selectman O'Leary; All aye, 5-0-0 (voted).

Selectman Dziczek presented the Town Administrator with an Aerial map of the Town of Medway for future use.

9:20 p.m. There being no further business to discuss, Selectman Williams moved that the meeting be adjourned; Selectman Dziczek seconded; All ayes 5-0-0

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

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Present: Selectmen, Joseph Dziczek, Mary O'Leary, Raphaela Rozanski, Town Administrator, Greg Balukonis and Administrative Services Assistant, Celeste Hanson. Selectman John Williams and Joseph Musmanno were not present.

5:30 p.m. – Selectman Rozanski called the meeting to order in Sanford Hall of Town Hall. All stood for the Pledge of Allegiance.

1. *Approve and sign warrant:*

- Selectman O'Leary moved that the Board approve and sign warrants for fiscal year '03 as read in the total amount of \$949,874.46 (\$525,756.06—Town bills; \$172,350.23—Withholdings; \$76,935.22—School Department); Selectman Dziczek seconded; All ayes 3-0-0 (voted).

2. *Public Hearing—Tax Classification Hearing:*

- Selectman Rozanski acknowledged the presence of Mr. Harry Johnson, Chairman Board of Assessors; Mrs. Sandra Bennett, Member Board of Assessors; and Mr. Paul Keefe, Administrative Assessor/Appraiser. Messieurs Johnson and Keefe approached the Board. Mr. Johnson stated that the Board of Assessors were returning before the Board of Selectmen to secure signatures on form LA-5 (Massachusetts Department of Revenue Fiscal 2003 Tax Levy Limitation form) and by executing such, the Board acknowledges and accepts receipt of the figures as reported by Administrative Assessor/Appraiser, Paul Keefe.
- Selectman Rozanski acknowledged and accepted receipt of form LA-5 as prepared by Administrative Assessor/Appraiser, Paul Keefe for all present Board members to sign.
- Mr. Paul Keefe, Administrative Assessor/Appraiser presented the Board with the Department of Revenue Tax Rate Recapitulation sheet for FY 2003 and gave brief overview.
- Selectman O'Leary asked if there would be a Publication of the Tax Valuation Rate booklet available for residents.
- Chairman Johnson stated that the Board of Assessors chose not to go through the expense of printing booklets this year and preferred to get inquiries in writing then copies would be provided on an as needed basis.
- Selectman Rozanski asked if an evaluation book would be available at the Assessor's Office.
- Chairman Johnson stated that an evaluation book would be available and that if anyone wanted a copy, it would be provided upon request.
- Selectman O'Leary proposed that a copy be available at the Library.

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- Mr. Keefe, Administrative Assessor/Appraiser stated that he spoke to Mrs. Brennan, Library Director, and that she was in favor of keeping a copy at the Library.

6:15 p.m. There being no further business to discuss, Selectman O'Leary moved that the meeting be adjourned; Selectman Dziczek seconded; All ayes 3-0-0 (voted).

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON