

**Board of Selectmen's Meeting
January 7, 2019 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Dennis Crowley Chair; John Foresto, Vice Chair; Richard D’Innocenzo, Clerk; Glenn Trindade, Member; Maryjane White, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Barbara Saint André, Director of Community and Economic Development; Stephanie Carlisle, Compliance Coordinator; Sandy Johnston, Communications Director.

Others Present: Denise Legee, Vice Chair, Open Space Committee.

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

Public Comments:

Denise Legee stated Tina Wright, Chair of the Open Space Committee, asked that she request direction from the Board on how to address the action item on the Park and Recreation Plan to create a dog policy at the parks and on the trails. Selectman Crowley suggested the Open Space Committee develop a draft policy and work with Town Administrator Boynton to refine the draft and present it to the Board at a future meeting. Selectman Foresto asked what the approval process would be. Town Administrator Boynton stated if this is a policy only, the enforcement is difficult and, if the goal is to also have enforcement, then this would need to be a by-law. He would also include the Animal Control Officer and Police Chief’s input on this as well. Selectman Crowley stated his preference for a policy versus by-law. Selectman Foresto stated without enforcement it will be difficult to effect change. Mr. Boynton stated he will work on the development of the policy and expectations. Selectman D’Innocenzo stated that the Parks Commission should also be involved in this as well. Selectman Crowley requested that the draft policy be presented to the Board at their first meeting in April. Selectman Trindade noted the need for signage at all entry points to Choate Park regarding dogs not allowed as there is nothing noted when coming down the path from the High School and he also requested that we look at what other towns’ policies are when developing the one for Medway.

Approval of Minutes: December 17, 2018

The Board reviewed the draft minutes of December 17, 2018.

Selectman Trindade moved that the Board approve the minutes of December 17, 2018. Selectman Foresto seconded. Discussion. Selectman Crowley requested that “of Affordable Housing Units” be added following the 7% on page 2, line 97. Selectman Crowley asked for verification on page 3, line 124 that 10% of the units need to be 3 bedrooms per state regulations. This was confirmed. Selectman Crowley requested that “potentially” be added after “would” to read “we would potentially be in Safe Harbor until 2030” on page four, line 196. **VOTE: 5-0-0.**

Authorization to Expend Grant Funds: Fiscal Year 2019 MIIA Grant for Building Monitoring Equipment - \$1,400

The Board reviewed the (1) Notice of Grant Award, (2) Award E-mail from MIIA, (3) MIIA Grant Statement, and (4) MIIA Grant Submission Requirements.

Selectman Trindade moved that the Board authorize the expenditure of the Fiscal Year 2019 MIIA Grant in an amount between \$1,400 as discussed. Selectman White seconded. Discussion. Selectman Crowley asked for a brief explanation from Mr. Boynton. Town Administrator Boynton noted Ms. Carlisle was present to answer any questions noting this grant funding is to assist the building maintenance department to make more informed decisions regarding energy management choices. He further commended Ms. Carlisle on her efforts related to this grant funding. Selectman Crowley asked why the grant was from MIIA. Mr. Boynton stated MIIA is our insurer and provides grant funding for safety initiatives as well as building and maintenance performance. **VOTE: 5-0-0.**

Discussion: Cultural Council Budget Requests

The Board reviewed the Cultural Council funding requests document.

Selectman Crowley postpone this agenda item until Ms. Cataldo is present as he has specific questions regarding these requests.

Vote: Candlewood Drive, Island Road—Order of Takings

The Board reviewed the (1) As builts for Candlewood Drive and Island Road and (2) order of takings for Candlewood Drive and Island Road.

Selectman Trindade moved that the Board of Selectmen vote to adopt the Order of Taking for Candlewood Drive as presented; and further to determine that no persons will sustain damages in their property by reason of the taking; and further to authorize the Chairman of the Board to execute all documents related to such taking, including notices to be sent to affected land owners and mortgagees. Selectman Trindade further moved that the Board of Selectmen vote to adopt the Order of Taking for Island Road as presented; and further to determine that no persons will sustain damages in their property by reason of the taking; and further to authorize the Chairman of the Board to execute all documents related to such taking, including notices to be sent to affected land owners and mortgagees. Selectman Foresto seconded. Discussion. Selectman Crowley asked for a brief explanation from Ms. Saint Andre. Ms. Saint Andre stated that both roads were accepted as public ways at Town Meeting noting the orders of taking are for the purpose of easements to address drainage stating no land is being taken from the home owners. Selectman Trindade reminded all that this is part of the clean-up of long overdue streets acceptances of previously completed developments as public ways to allow the Town to maintain these roadways. **VOTE: 5-0-0.**

Vote: Acceptance of Deed for Pine Ridge

The Board reviewed the deed for Pine Ridge (Open Space Parcel A as shown on the plan entitled "The Village at Pine Ridge Definitive OSRD Development Plan in Medway, MA" dated September 6, 2006, Norfolk County).

Selectman Foresto moved that the Board approve the deed to the Pine Ridge open space parcel as presented. Selectman Trindade seconded. Discussion: Ms. Saint Andre stated this is related to the prior agenda item explaining this is the parcel of open space to be deeded to the Town. Selectman Crowley asked if this is the final item to settle all Pine Ridge outstanding issues. Ms. Saint Andre stated there is one more parcel that is going to the Conservation Commission which they will be accepting at their next meeting and then the Board will also need to accept this parcel. **VOTE: 5-0-0.**

Discussion/Vote: Local Initiative Program (LIP) Application 39 Main Street for proposed 190 apartments under chapter 40B

The Board reviewed the development agreement.

Selectman Crowley explained what has been happened since the last Selectmen's meeting at which a public hearing was held, including the development of a Memorandum of Agreement (MOA). He then explained how the discussion will proceed including (1) requesting that Town Administrator Boynton explain further the current status of the application and MOA, (2) the Board will then ask questions or make comments, (3) the Board will then take public questions and comments, and (4) the Board will vote on the application and MOA.

Selectman White recused herself from this discussion and vote as her cousin is the land owner.

Mr. Boynton stated these are challenging discussions as nobody likes the thought of potential disruptions, noting we would attempt to minimize and eliminate disruptions as much as feasible and make this a potential benefit to the community. He reminded all that the Town is not at the 10% threshold of Affordable Housing Units noting we are currently approaching 8% which does not allow us to stave off any unfriendly 40B developments long term. He reminded all that once the Town is out of Safe Harbor, we are open to any 40B application, friendly or unfriendly. He stated that when the Town has the ability under Safe Harbor to negotiate with the developer to understand each other's needs this is a much better situation for the Town than in a situation with a so-called unfriendly 40B. There have been comments made both during and outside of the last meeting and references made to a Medfield project. Mr. Boynton noted this is a different type of project and scenario than that in Medfield. In looking at what is proposed, we have found a mechanism to be able to protect some of the things that are important to Town including the following: (1) all 190 units would count towards affordable units and would put us over the 10% threshold and the residents would know that the Board has done its due diligence to protect the community, (2) it is mandated in the agreement that the units would remain affordable in perpetuity, (3) it is also mandated in the agreement that the Town would have review authority over any potential changes to that agreement and, if there are any, the Town would have the opportunity to weigh in on the changes, (4) we worked with the developer to ensure the application addresses all safeguards and impacts on the Town including traffic, financial and other community impacts, and (5) we worked with them on the impacts to the Town as a result of the immediate development including payment of \$2 million to the Town, although with the waiving of some fees we will not net that total amount. Of this amount, \$50,000 will go to the elementary school playgrounds, \$50,000 to an athletic facility at the High School, construction of a sidewalk up to the Walgreens plaza, funds for additional sewer capacity, and up to \$1million to address a water treatment facility. Mr. Boynton commended Ms. Saint Andre on her efforts, also noting the cooperation of the development team. He stated we are being proactive versus reactive in order to maintain our Safe Harbor after August of this year.

Selectman Crowley then asked for questions or comments from the Board. Selectman Foresto stated the end game is to get to Safe Harbor status to 2030 noting, in order to get there, a number of things still need to happen. Ms. Saint Andre stated following Board approval, the Department of Housing and Community Development (DHCD) must approve the application and then the application would go before the Zoning Board of Appeals (ZBA) for approval of a comprehensive permit. Selectman Foresto asked if the State is taking any action to address 40B developments. Mr. Boynton stated no. He pointed out additional steps would be needed if the ZBA approves the comprehensive permit such as building permits and the actual construction. Selectman Crowley asked if any residents reached out after the prior meeting as we had asked residents to contact the Town Administrator or Ms. Saint Andre if they

had any additional questions. No one contacted Mr. Boynton and Ms. Saint Andre stated one resident had a question that was forwarded to the developer and the resident acknowledged the developer's response. Selectman Crowley asked Mr. Boynton to explain what would happen if the Board does not approve the application. Town Administrator Boynton stated everything would go quiet, the developer would not go before the ZBA and when our Safe Harbor expires in August, the Town would be opened up to allow all 40Bs to apply. Selectman Crowley asked if three were to apply, could the Town take priority over any one of them. Mr. Boynton stated no, the Town would need to consider all who apply. There was discussion from Selectmen Trindade and Crowley regarding the current non-friendly 40B we are dealing with that has cost the Town thousands of dollars. Town Administrator Boynton explained his experience as the Town Administrator in Walpole dealing with a non-friendly 40B noting that appeals that make it to the Massachusetts Housing Committee do not get decided in the Town's favor. Selectman Crowley stated the best position for the residents is for the Board to support this application as a friendly 40B or we would not have any way to negotiate with the developer. He stated based upon State guidelines, he supports this going forward. Selectman Crowley reminded all that this is the beginning stage and that the residents can attend all the ZBA meetings to address their concerns. Selectman Crowley then requested residents to come forward with questions and comments.

Sarah Brady of 10 Lee Lane stated she hears what has been said this evening and is in agreement. Her major concerns are drainage issues in the area and that she has not received notification of these meetings. She stated there are drainage issues on Coffee Street along with her driveway. She also stated the traffic concerns need to be addressed. Town Administrator Boynton stated direct abutters were notified via certified mail and he will look into the specific drainage concerns she identified.

Julie Gorman of 10 Highland Street asked if this goes through, will that put the Town above the threshold and therefore others cannot come in to the Town? Selectman Crowley explained that if the 190 units at 39 Main Street and the 92 units at West Street - the Glen Brook Way project, go through by August of this year, we will have one more year of Safe Harbor until August of 2020. He then explained how the census in 2020 could impact this threshold noting we have done calculations and feel the Town will be in excess of the 10% with the 39 Main Street and Glen Brook Way projects and in Safe Harbor until 2030. Ms. Gorman asked about the rumors of other developments. Selectman Crowley stated they are not rumors and, as Mr. Boynton stated, there are three potential 40B developments in the Town, 39 Main Street, Highland Street, and Lovering Street. Those other projects have backed off to see the outcome of 39 Main Street. If the 190 units at 39 Main Street fail, these other two can come in and apply in August as we will no longer be in Safe Harbor. Ms. Gorman stated she has current issues with traffic already on Highland Street and asked what specific department deals with this. Selectman Trindade stated that we have hired additional staff on the Police Department specifically for traffic enforcement. He commented that the Town's ability to deal with this issue is undermined when residents post alerts about specific enforcement locations on the Friends of Medway Facebook page. Selectman Crowley asked if we have heard from the other 40Bs. Mr. Boynton stated not since November.

Jessica Cliff of 18 Milford Street asked if the 190 units is the minimum to get over the 10% or could it be less and stated her concern regarding the number of kids coming in and how will this affect the School, Police and Fire. Town Administrator Boynton stated 190 is the calculation that gets us over the 10% threshold and explained the impact to schools of this 190 unit development versus an 1100-1200 single development of single units which would be a larger impact on the schools. He noted that anytime there is an increase in population there will be an impact on the Town infrastructure. Selectman Crowley reported that in a meeting with the Superintendent earlier this afternoon, they have no concerns with space capacity but more with the student-teacher ratio impact stating the developer's

projection was 39 additional students coming in from this project. It was noted that the 99 units in Medfield of 100% low income housing on West Street resulted in 20 more kids in system. Mr. Boynton further noted that this is not as impactful on the schools and they come in over time and not all at once. Selectman Crowley noted that we are at sewer capacity and the State will say that we have to just find it. Selectman Foresto noted that the Hopkinton 40B development of 200 plus units had a much lower school impact than they anticipated. Town Administrator Boynton reiterated the impact of the 190 units Medway needs to address our Safe Harbor status.

Cathy Hardy of 12 Highland Street stated we are saying we really don't have a choice with this development. Selectman Crowley reiterated the need for West Street, Glen Brook Way and this project as well as if the 2020 census is where we think it will be, we would be in safe harbor until 2030. He stated that even though we don't want this, we do want this or it opens us up to something worse. Selectman Crowley further noted that this developer is willing to step up and work to protect the neighbors.

Gary Legee of 19 Broad Acres Farm Road asked what happens after 2030. Selectman Crowley stated another census will be undertaken and we are hoping to still be at the 10% threshold. Town Administrator Boynton reminded all that Town's zoning requires that any new multi-unit development must have 10% affordable units.

Selectman Trindade moved that the Board of Selectmen vote to approve the Local Initiative Program application for SLV Medway I, LLC, as submitted to the Board; and that the Board authorize the Chair to sign the application on behalf of the Town; and that the Board provide a letter of support for the LIP application to be signed by the Chair. Selectman Foresto seconded. No Discussion. VOTE: 4-0.

Selectman Trindade moved that the Board of Selectmen vote to approve the memorandum of agreement with SLV Medway I, LLC, dated January 7, 2019 as presented. Selectman D'Innocenzo seconded. No Discussion. VOTE: 4-0.

Selectman Crowley asked the MOA be posted on Website. Mr. Boynton stated this is already up on the Town Website on the Community and Economic Development page.

Vote to Open May 13, 2019 Special and Annual Town Meeting Warrants

The Board reviewed the Fiscal Year 2020 Budget and 2019 Annual Town Meeting Calendar

Selectman Foresto moved that the Board open the May 13, 2019 Special and Annual Town Meeting Warrants. Selectman Trindade seconded. Discussion. Selectman Crowley requested clarification on when the Town Election versus Town Meeting is scheduled. Selectman White stated that Town Meeting is the second Monday and the Town Election is the third Tuesday in May. She noted last year the date of the Town Meeting was changed due to the fact the second Monday and third Tuesday occurred within the same week. **VOTE: 5-0-0.**

Affirmation of Committee Appointments: By-Law Committee Designations (5): Glenn Trindade, Maryjane White, Ellen Hillery, Tom Gay, and Cynthia Sullivan

The Board reviewed the vote to create By Law Committee per the Town Charter from October 16, 2018 Selectmen's Meeting.

Town Administrator Boynton stated it is a Town Charter requirement that this committee be created noting its creation and constitution was voted on at a prior Board of Selectmen's meeting.

Selectman Foresto moved that the Board affirm the By-Law Committee Designees, the composition of which was voted on at the October 16, 2018 Selectmen's meeting per the Town of Medway Charter. The members are:

Selectmen's Designees: Glenn Trindade and Maryjane White

Finance Committee Designee: Ellen Hillery

Planning and Economic Board Committee Designee: Tom Gay

School Committee Designee: Cynthia Sullivan

Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.

Action Items from Previous Meeting

The Board reviewed the Action Items dated December 3, 2018.

DPS Facility Building Project: Selectman Crowley asked if this went out for bid and for a current status. Mr. Boynton stated the design is completed noting would like the DPS Facility Committee to come before Board to review the final design at their first meeting in February before it goes out to bid so the Board can see the layout and scope of the building. He noted there have been minor tweaks to the design including the rear wall and reducing the amount of work to the outer buildings. He spoke with the Chair of the Design Review Committee to request that no additional signage be added to the scope of contract. He stated he was impressed with Bryan Jarvis, Project Manager, from Compass Project Management, noting they are now completing the prequalification. He anticipated the review of the bids with the Board and Finance Committee to occur in the second and third week of April in preparation for May Town Meeting. Selectman Crowley requested to be able to talk about addendums and perhaps restructure some. Selectman Crowley reported he spoke with a resident regarding noise issues, specifically affecting the home behind the salt shed, and asked if this could be relocated to mitigate this issue. Mr. Boynton will investigate the opportunities to mitigate the noise issue.

Medway Plaza redevelopment: Selectman Crowley asked Town Administrator Boynton to report on the response received back from the Plaza to Ms. Saint Andre's letter. Mr. Boynton reported that Mr. Bendetson's letter stated his commitment to take a look at the stormwater issue and to complete his due diligence in a reasonable timeframe on all the items identified in Ms. Saint Andre's letter.

Town Administrator's Report

There were no items for the Board to review.

FY2020 Budget: Town Administrator Boynton stated the first round of the budget was provided to him by Finance Director Pratt noting there is some trimming to be done. We are on track to have the budget to the Board in early to mid-February in time for the March budget meeting. Selectman Crowley requested the budget be provided to the Board before February. Mr. Boynton stated they have been conservative with both local receipts and State local aid estimates, Exelon funding was carried forward as planned, and noted there is no new money to put towards budget line items.

Capital Budget Update: Town Administrator Boynton stated copies were sent out to the Board last week and he requested they contact him with questions and comments. He explained to the Capital Improvement Planning Committee the need to replace three heavy duty DPS trucks over next the next four years. Since we have the money available now, we need to purchase these now versus waiting. He also stated the financing for the facilities needs plan will also be moving forward.

Safe Routes To School Grant: Town Administrator Boynton commended Ryan Sherman from the School Department and Peter Pelletier from DPS for their efforts related to this grant funding initiated by the School Department for roadway, sidewalks, and signage improvements along Holliston Street. They will be submitting this application, which is due on the 10th of January.

Charging Stations – Installed Today: Town Administrator Boynton stated the installations are complete, available and ready for use by residents. He commended Ms. Carlisle on her efforts on this project. He noted this information will be posted to the Town website.

Martin Luther King, Jr. Holiday – January 21 – Town Offices Closed

Town Administrator Out of Office:
Friday, January 18 – Out of Office

NEXT Regular Selectmen’s Meeting – January 22, 2019

Selectmen’s Reports

There were no items for the Board to review.

Selectman Crowley stated he is still looking for back-up for unaccounted water loss percentage. Town Administrator Boynton stated this was e-mailed to the Board. Selectman Crowley commended the following students who were recognized and awarded for their Academic Excellence as follows: Mark Lannigan was awarded the Superintendent's Award for Academic Excellence, and Alexandra Cervantes and Nolan Donohue were awarded the National School Development Council (NSDC) Award.

At 8:12 PM Selectman Trindade moved to adjourn. Selectman White seconded. VOTE: 5-0-0.

Respectfully submitted,
Liz Langley
Administrative Assistant
Town Administrator’s Office