

**Board of Selectmen's Meeting  
April 17, 2018 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Absent:** Glenn Trindade, Member.

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Chief Lynch.

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

Town Administrator Boynton requested all present to maintain a moment of silence to reflect on the ultimate sacrifice of Yarmouth K-9 Officer Sean Gannon and to keep in our thoughts the Yarmouth Police Department along with Officer Gannon’s family and friends as well as the Town of Medway Police Officers.

**Public Comments:** None

**Approval of Minutes: April 2, 2018 and April 11, 2018**

*The Board reviewed the draft minutes of April 2<sup>nd</sup> and April 11<sup>th</sup>, 2018.*

**Selectman Foresto moved that the Board approve the minutes for April 2, 2018. Selectman D’Innocenzo seconded.** Discussion: Selectmen Crowley asked for confirmation on page 2, line 37 that the Brentwood Drainage project was indeed completed using Federal Emergency Management Association (FEMA) funds and that these funds were exhausted. This was confirmed. Selectman Crowley noted on page 6, line 29 that he stated he would “consider the price increase”. Mr. Boynton reported that Mr. Venincasa contacted his attorney and it was confirmed that he had the authority to approve the easements to the Town. Mr. Boynton is awaiting written confirmation before putting this item back on a Selectmen’s meeting agenda. **VOTE: 4-0-0.**

**Selectman Foresto moved that the Board approve the minutes for April 11, 2018. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Reappointment Considerations: Board of Registrars – Judith Lane and Florence Mucci**

*The Board reviewed the April 5, 2018 e-mail notification from Maryjane White for both Candidates.*

**Selectman Foresto moved that the Board reappoint Mrs. Lane and Mucci to the Board of Registrars for three year terms. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Approval: Contract with Stay Green Irrigation for Thayer Homestead Irrigation Installation - \$14,844**

*The Board reviewed the (1) April 17, 2017 memo from Dave D’Amico and (2) the contract.*

Town Administrator Boynton reported Stay Green as the lowest qualified bidder for this irrigation and dust control project for Thayer House.

**Selectman Foresto moved that the Board authorize the Chair to execute the contract with Stay Green Irrigation for Thayer Homestead Irrigation Installation in the amount of \$14,844. Selectman D’Innocenzo seconded.** Discussion: Selectman D’Innocenzo asked if there would be any need to return to this project for a future change. Selectman Foresto stated no. **VOTE: 4-0-0.**

**Approval: Fiscal Year (FY) 2019 Enterprise Funds Indirect Cost Allocation Agreement**

*The Board reviewed the Fiscal Year 2017 Enterprise Funds Indirect Cost Allocation Agreement.*

Present: Carol Pratt

Finance Director Pratt explained the same model has been used for many years now with the modification of adjustment to each enterprise fund based on the actuals for FY2017 once that information is available. She reminded all that the only change in FY2019 is that we are no longer allocating the full time indirect employee costs to these funds, just the part time employees working at the Recycling Center are included. Selectman White asked how the percentages are derived. Ms. Pratt stated the percentage proportions are based on the FY2019 budgeted values.

**Selectman Foresto moved that the Board authorize the Chair to execute the Fiscal Year 2019 Enterprise Funds Indirect Cost Allocation Agreement. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley stated that he will vote against this as he is in disagreement with the percentage allocations noting that the actual numbers are spot on. He will put off further discussion regarding this for the FY2020 budget discussions, specifically the \$26 million School budget allocations as part of the indirect cost allocation. Ms. Pratt noted that if the school numbers were removed, the percentages would be much higher. She directed the Board to the section in the budget book for the Department of Public Services (DPS) labor distribution noting those numbers were utilized to determine the allocations. Selectman Foresto noted that in order to get a true percentage, we would need to change how we are tracking this data and we currently do not have this data tracking capability. He is not sure how we could obtain the data that Selectman Crowley requested. Selectman Crowley stated he wants to change the current Budget process moving forward and obtain this information ahead of time to facilitate discussion. **VOTE: 3-1-0. (Selectman Crowley voted against)**

**Discussion/Vote Inter-Municipal Agreement with Town of Montgomery – Transfer of Used Fire Truck**

*The Board reviewed the (1) Medway Fire Notice of Availability – 1990 Fire Truck and (2) inter-municipal agreement.*

Present: Chief Lynch

Town Administrator Boynton explained that following the Board’s approval for the contract for the new engine, the Town no longer has a use for this fire truck. He stated the selling price would be \$1500 and the scrap price would be \$2500. Mr. Boynton reported the truck served the Town exceptionally well, we no longer have a use for it and it does not meet the National Fire Protection Association (NFPA) standards. He stated the Town of Montgomery has two fire trucks and that the older one requires repairs that they cannot fund. They are in need of assistance. The inter-municipal agreement presented to the Board tonight has a clause stating that the Town would have first right of refusal should they

decide to sell it in the future. Mr. Boynton reported there are no liabilities to the Town and Montgomery came down last weekend and put the fire truck through its paces.

**Selectman Foresto moved that the Board approve the inter-municipal agreement with the Town of Montgomery, Massachusetts for the transfer of a used 1990 Pemfab/FMC fire truck. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley asked about the clause related to stripping it prior to turning it over to Montgomery. Chief Lynch stated the Medway specific equipment only would be removed. Selectman Crowley asked for clarification regarding the discussion at the last Selectmen’s meeting regarding apartments greater than six units requiring fire alarms and sprinklers. Chief Lynch reported he believes this is specific to fire alarms only and that those who installed home-resident quality alarms would be grandfathered in. Those who were not grandfathered in are expected to address this immediately. He stated there was no specifically identified implementation time plan requirement and he will work with the proprietors impacted by this law. Selectman Crowley requested that Chief Lynch provide confirmation that this was just fire alarms and not sprinkler systems. **VOTE: 4-0-0.**

**Approval: Amendment to the Host Community Agreement with CommCan, Inc. for a Registered Marijuana Dispensary Cultivation and Processing Facility (addresses non-medical cultivation and processing)**

*The Board reviewed the (1) Host Community Agreement with CommCan, Inc. and (2) Amendment to the Host Community Agreement with CommCan, Inc.*

Town Administrator Boynton explained the issue with the ambiguous last paragraph of the current contract signed in 2016 regarding the cultivation and processing of non-medical marijuana. He noted CommCan, Inc. will be going to the state commission for approval to enter the recreational cultivation and processing arena. Town Council recommended an amendment to the initial contract to provide clarity on the non-medical marijuana cultivation and processing language noting the original contract was drafted prior to the final language of the state law. There is further clarification provided in the amendment related to the payment to the Town of their gross sales revenue. It was also noted that this amendment extends the contract out beyond the timeframe of the initial contract. If the Board approves the amendment, Mr. Boynton will work with CommCan, Inc to complete its execution which then clearly states they have a Host Community Agreement with the Town relative to non-medical marijuana which is needed for them to pursue state approval.

**Selectman Foresto moved that the Board authorize the Chair to execute the amendment to the Host Community Agreement with CommCan, Inc. as presented. Selectman D’Innocenzo seconded.**

Discussion: Selectman Foresto asked where the funds specified in this amendment go. Mr. Boynton stated to general municipal needs and any planned expenditures of funds would go before the Board for approval. There was further discussion of any specific state directives for the use of these funds and the rationale for directing them to general municipal needs. Mr. Boynton stated he was appreciative of the partnership with Ms. Rosenfeld. Selectman Crowley requested confirmation that this amendment extends the original contract one additional year. Mr. Boynton confirmed. Selectman Crowley noted there is no clause for arbitration if there is no agreement at time of renegotiation. Town Administrator Boynton noted the content of this amendment is based on what can currently be done given the structure of the existing state laws. Selectman Crowley requested that the Board recommend Mr. Boynton compose a letter regarding this issue to the appropriate state governmental body. **VOTE: 4-0-0.**

**Vote: Discontinue Public Way – Portion of Alder Street referenced in Article 21 of the May 21, 2018 Annual Town Meeting Warrant**

*The Board reviewed the (1) Article 21 of the May 21, 2018 Annual Town Meeting Warrant and (2) map of Alder Street Cul-de-sac.*

Town Administrator Boynton explained this is a procedural follow up step required to what was previously discussed when the Board reviewed the May 21, 2018 Annual Town Meeting Warrant. Selectman Foresto requested confirmation that this places the responsibility back on the Planning and Economic Development Board. Mr. Boynton confirmed. Assistant Town Administrator Potter read the warrant article language to the Board.

**Selectman Foresto moved that the Board vote that the proposed portion of Alder Street be discontinued as a public way as it is no longer needed for public use and to refer the matter to the Planning and Economic Development Board for a report and recommendation back to the Board. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley stated he will vote against this as this is being discontinued not for the benefit of the Town but for the property owner and the Town should have been compensated. **VOTE: 3-1-0. (Selectman Crowley voted against)**

**Vote: Amendment to Article 8 of the May 21, 2018 Special Town Meeting Warrant**

*The Board reviewed Article 8 of the May 21, 2018 Special Town Meeting Warrant.*

Town Administrator Boynton explained this is another past Fiscal Year unpaid bill for vehicle repair and legal services.

**Selectman Foresto moved that the Board approve Article 8 of the May 21, 2018 Special Town Meeting Warrant as presented. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

Selectman Foresto requested that Finance Director Pratt look at the Thayer revolving account and determine if the planned \$50,000 funding will be sufficient for FY2019. Ms. Pratt will investigate this and determine if this number should be adjusted.

**One-day liquor License Applications**

*The Board reviewed the Police Chief’s recommendations for Marie Kadlik, Robert Deliago and Ashley Hedberg, Jaia Burrill and Christine Richards, Tracey Twamley, Jenice and Elliott Oven, and Kathryn Bakalars.*

**Selectman Foresto moved that the Board approve the one-day liquor licenses for Marie Kadlik, Robert Deliago and Ashley Hedberg, Jaia Burrill and Christine Richards, Tracey Twamley, Jenice and Elliott Oven, and Kathryn Bakalars for the events to be held at the Thayer Homestead on May 6<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, and 26<sup>th</sup> and June 19<sup>th</sup> and 29<sup>th</sup> 2018 respectively, subject to the Police Chief’s recommendations and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the Action Item List dated March 5, 2018.*

**Street Acceptance Progress:** Town Administrator Boynton reported meeting with Ms. Potter and Affleck-Childs to review the spreadsheet provided to the Board noting that almost all those streets listed

have something that needs to be addressed. He further noted these issues are ones that are not easily addressed including for example developers who have walked away from these locations. The plan is to review these with Barbara Saint Andre for strategizing and prioritization noting some may require full takings. He stated there is work to be done along with associated costs with addressing these items.

DPS Facility Building Project: Town Administrator Boynton stated the screening team met with the final three prospective designers and further narrowed the selections down to two. Members of committee will be touring two more facilities in Hingham and Berlin before making their final recommendation.

Unaccounted for Water Loss Report: Selectman Crowley noted this was to be provided to the Board by the end of March. Town Administrator Boynton stated he will get this report to the Board this week.

### **Town Administrator's Report**

Curbside Brush Collection – This Week (and Recycling Center Option): Mr. Boynton stated that his initial thought that this would take one week was severely underestimated. He reported that multiple crews are continuing to work on this noting we are unable to enlist the help of private contractors as they are straight out as well. He reported it will take some time to complete all areas of Town and requested patience noting he will provide status updates as we move forward. He does not anticipate suspending this activity. Selectman Crowley requested this information be place on the Town of Medway website. Mr. Boynton reported that Kelly Millette has been updating the progress on the Town website.

FY2018 Snow & Ice – Deficit of \$176k: Town Administrator Boynton reported that due to Sunday night and the need to purchase more salt, the current deficit is now at \$176,000. The deficit will be funded as follows: (1) \$150,000 out of the storm water account and (2) \$26,000 out of the health insurance surplus account. Selectman D’Innocenzo requested specific information on the DPS equipment repair costs provided on the handout.

Housing Choice Program: Mr. Boynton is requesting that the Board allow the Chair to sign this application. He explained this is a Department of Housing and Community Development (DHCD) application allowing the Town to be designated as Housing Choice which then allows the Town to apply for various state grant funding opportunities and technical support to achieve affordable housing goals.

**Selectman Foresto moved that the Board authorize the Chair to sign the Housing Choice Program Application. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley stated he was opposed as this is yet another example of the state using our tax dollars and forcing the Town to complete paperwork and expend effort that has no true benefit. **VOTE: 3-1-0. (Selectman Crowley was against)**

Street Acceptances Update: This item was previously discussed.

Police & Fire Training – Medway High School: Town Administrator Boynton commended the Police and Fire department staff who took part in the active shooter scenario training at the High School today. This training introduced new concepts as each situation is slightly different resulting in the need to be able to address a wide variety of scenarios. Mr. Boynton commended Sergeant Brennan and his team from Synergy noting the Town is fortunate to have his and his team’s expertise.

Mr. Boynton noted that the incident in Yarmouth truly hits home as that can occur in any community. It was discouraging that someone who has that much familiarity with the criminal justice system is not still

incarcerated noting the system let us down. The system needs to think about how to make streets safer versus rehabilitation. He further commended and appreciated each and every police officer serving the Town of Medway recognizing their fine performance and the daily dangers they face.

#### Town Administrator Out of Office – Monday, April 23<sup>rd</sup>

#### **Selectmen's Reports**

Selectman Foresto reminded all that 2018 Clean Sweep is scheduled for April 28<sup>th</sup> from 8-11am. He noted we are still looking for volunteers and recommendations for any locations requesting that residents look at the currently identified locations posted on the Town website.

Selectman Crowley requested that the street acceptance information be posted to the Town website for availability to the residents. He voiced his agreement with Mr. Boynton stating that rather than spending approximately \$20million on the MS4 and these housing projection plans, that we spend 50% of that money on those items and the other 50% on public safety and the drug epidemic. Selectman Crowley asked for a status on his question to Barbara Saint Andre regarding holding the water and sewer capacity for Timbercrest. He reminded all residents that if they received a notice about delinquent taxes, there is a final meeting scheduled on April 23<sup>rd</sup> to review these parcels. On April 24<sup>th</sup>, these tax liens are going out for auction. All the Town is asking is for residents to come in to make arrangements for a payment plan. Lastly, he stated that he and Selectman White will be manning the Selectmen's Booth at Medway Pride Day.

Selectman D'Innocenzo reported spring sports has started and requested that all please support our teams.

Selectman White reported receiving multiple complaints regarding Senior Center parking due to the cordoning off of the parking lot for the Oakland Park improvement project. Selectman Crowley requested that a temporary solution be investigated including the potential of moving the fence back a bit to open a few more spaces. Selectman White reported that the Housing Authority position will not be on the ballot this year noting the Selectmen would do a joint appointment joint with Housing Authority. She requested that we make it known we are looking for candidates preferably Housing Authority residents at Kenney Drive, Lovering Heights, Mahan Circle. A letter of interest should be submitted to the Board of Selectmen by Thursday, May 10<sup>th</sup>.

**At 8:02 PM Selectman Foresto motioned to adjourn. Selectman D'Innocenzo seconded. Vote: 4-0-0.**

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