

**Board of Selectmen's Meeting Minutes
April 18, 2017 -- 7:00 PM
Sanford Hall, Town Hall
155 Village Street**

Present: Maryjane White, Vice Chair; Dennis Crowley, Member; John Foresto, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; David D'Amico, DPS Director, Mary Becotte, Communications Director.

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

Public Comment

There was none.

Public Hearing – 155 A Village Street – Nuisance or Dangerous Structure

The Board reviewed the following information: (1) Memo from Allison Potter, Assistant Town Administrator; (2) Notice of Hearing Letter; (3) Survey Team Correspondence; (4) Building Commissioner Correspondence

Mr. Foresto moved, seconded by Mr. Crowley, to open the hearing on the declaration of a nuisance or dangerous structure at 155A Village Street. It was so voted: 3-0-0.

Mr. Boynton reviewed the process that has taken place to get to this point. The Board is being requested to declare the structure dangerous and order its removal.

Mr. Foresto moved, seconded by Mr. Crowley, to close the hearing. It was so voted: 3-0-0.

Mr. Foresto moved, seconded by Mr. Crowley that the Board declare the building located at 155A Village Street a dangerous structure and order the building be razed as soon as possible. No discussion. It was so voted: 3-0-0.

Discussion/Presentation - ClearGov

This item was postponed to the next meeting.

Approval – Entertainment License Request– T.C. Scoops – 104 Main Street

The Board reviewed the following information: (1) Entertainment License Application

Ms. White asked what hours T.C. Scoops wants to have entertainment. The application states that the request is to have entertainment during any hours that the store operates. Mr. Crowley asked where the landlord's permission was and why the federal ID number was not provided, both of which are application requirements. He stated that he was not mentioning this as anything against T.C. Scoops, but because he wanted to make sure that the application requirements are consistently applied to all prospective licensees. These would be requested from the applicant.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board approve an annual entertainment license for T.C. Scoops subject to submission of the requested documentation and approval from the Fire Department.

Discussion – 2017 Road Work Repair Plan

The Board reviewed the following information: (1) Memorandum from DPS Director David D'Amico; (2) 2017 Road Work Repair Plan

Mr. D'Amico shared the proposed 2017 road repair plan with the Board. He stated that the new handout corrects a calculation error. It was noted that some projects were moved to the next construction season so as not to further complicate the temporary traffic pattern changes that will accompany the Route 109 construction project. Mr. D'Amico did not want to impact any east to west travel.

Mr. Crowley said he would prefer to see more sidewalks on the proposed plan. Mr. D'Amico said that he tries to schedule sidewalk work to coincide with the road resurfacing. Mr. Foresto thought the top end of Lovering St also needs attention. Mr. Boynton said that he and Mr. D'Amico can take another look at the plan and offer some recommendations that may align more with the Board's interests. It was noted that Trotter St should be milled, but will only be overlaid due to the pending Urban Renewal Plan. Mr. Crowley asked for an approximate linear foot cost for sidewalks, granite versus cement and cement versus asphalt.

Discussion/Vote – Exelon HCA & PILOT Agreements

The Board reviewed the following information: (1) Memorandum of Agreement; (2) Host Community Agreement; (3) Amended Host Community Agreement; (4) PILOT Agreement; (5) Amended PILOT Agreement

Mr. Boynton reviewed the various agreements presented to the Board for its review and approval. He stated that Exelon has requested a certificate proceeding from the Energy Facilities Siting Board (EFSB) to combine the permitting process into one approval that would be issued by the EFSB. The Town has sought protections should the EFSB grant this certificate. He noted that Exelon has also sought to modify its project by eliminating the need to procure water from the Town of Millis. Mr. Boynton stated that there are changes in the permitting dynamic, revenue structure and project valuation that led to a conversation and resulting agreements with Exelon to address these.

Mr. Boynton began with the side letter of agreement regarding Exelon's pre-construction activities. He stated this ensures the Town will receive payments from Exelon according to the Host Community Agreement (HCA) with the commencement of pre-construction, anticipated in May or not long thereafter. He then addressed the Memorandum of Agreement (MOA), which was negotiated with Exelon to address the overall certificate process. This also results in changes to the HCA and the Payment In Lieu of Taxes (PILOT) Agreement, including the schedule of payments and protections should the EFSB not grant Exelon permission to remove the Millis water requirement from the project. Those amendments, which the Board had already seen, are also presented to the Board for approval. Mr. Boynton stated that the Town would receive through the MOA a \$350,000 permit payment no later than August 1. It would receive \$50,000 for legal and technical services by May 1 and two payments of \$700,000 for community improvement and to otherwise address lost revenue. The PILOT amendment changes the date of the first payment to February 1, 2019 and would then follow the original payment schedule. Exelon has signed these documents.

Mr. Foresto moved, seconded by Mr. Crowley to approve the Memorandum of Agreement with Exelon regarding updates to the Host Community Agreement, PILOT and potential connections with Millis water. It was so voted: 3-0-0.

Mr. Crowley asked why there are two Exhibit A's. Mr. Boynton clarified that the first Exhibit A relates to the Host Community Agreement. The second relates to the Memorandum of Agreement.

Mr. Foresto moved, seconded by Mr. Crowley, to approve the first amendment to the Host Community Agreement. It was so voted: 3-0-0.

Mr. Foresto moved, seconded by Mr. Crowley, to approve the first amendment to the PILOT, as presented. It was so voted: 3-0-0.

Mr. Foresto moved, seconded by Mr. Crowley, to approve the side letter concerning preconstruction activities, invoking the Host Community Agreement, and to authorize the Chair to sign the agreement. It was so voted: 3-0-0.

Mr. Crowley asked if the first payment of \$700,000 would be available for allocation at the November 2018 Fall Town Meeting, assuming free cash is approved. Mr. Boynton confirmed it would be.

Mr. Boynton briefly reviewed the Town's recent activities with respect to Exelon and the EFSB. He stated he would be testifying before the EFSB on May 4 via a video phone call. He assured the Board that the Town will be involved in the oversight of the construction project and stated that the EFSB is the mechanism for streamlining this project. Mr. Boynton reported that the March BCK invoice is \$11,000, which is a reflection of how much the Town has remained involved in this matter. He said the \$50,000 for legal and technical services will be used to pay legal bills. He thanked Attorney Jeff Bernstein and Town staff that have been working with him to move this forward.

Mr. Boynton reviewed what will be taking place at Exelon in the near future. He said there is some work going on right now to make access upgrades to the driveway. He noted that there is a separate ongoing project off West St, which is the Eversource security fencing project. He stated that, assuming the EFSB grants Exelon's pre-construction request, land clearing will then begin on property. Payments will be triggered and the HCA provisions will be monitored. Exelon pre-construction may begin in early June and actual EFSB approvals on the certificate proceeding will not happen until the summer. Major construction would begin in the late summer or early fall. November 2018 is the target date for completed construction.

Mr. Foresto asked about the outcome of the situation with Millis water. Mr. Boynton responded that Exelon has asked the EFSB to allow them out of that requirement, but he does not think the EFSB has made a decision about that yet. Exelon intends its primary water source to be an onsite well. Between that and onsite storage, the company would have sufficient water. Mr. Crowley mentioned that the water volume requirement has also been reduced.

Discussion/Vote – Special Town Meeting Warrant Article 1 and Annual Town Meeting Warrant – Articles 7, 23 and 24

The Board reviewed the following information: (1) Articles 23 and 24

Mr. Boynton asked the Board to consider addressing Article 1 on the Special Town Meeting warrant, which funds the snow and ice deficit. He stated that the request will be to transfer \$120,000 in free cash. He asked the Board to approve that article.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board approve Article 1 on the Special Town Meeting warrant. It was so voted: 3-0-0.

Mr. Boynton then asked to address Article 7 on the Annual Town Meeting warrant, which is the free cash article for capital items. He said that the road and sidewalk repair amount is now known due to the fact the snow and ice deficit amount has been tallied. The request for the road and sidewalk repair will be reduced from \$445,000 to \$325,000. He asked the Board to approve this article for a total of \$1,717,954.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board approve Article 7 on the Annual Town Meeting warrant. It was so voted: 3-0-0.

Mr. Boynton asked the Board to consider approving Articles 23 and 24 of the Annual Town Meeting warrant. These are land acquisition articles for the new DPS Facility. He stated that he is requesting \$4,500 to fund the acquisition cost associated with Article 23 and \$19,500 for Article 24. Mr. Crowley asked that these amounts somehow be reflected on the warrant so that Town Meeting can be made aware that the Town is not seeking large sums of money to accomplish these acquisitions. They agreed to note it in the article description.

Mr. Foresto moved, seconded by Mr. Crowley, to approve Article 23, with an amount not to exceed \$4,500. It was so voted: 3-0-0.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board approve Article 24, with an amount not to exceed \$19,500. It was so voted: 3-0-0.

Approval - Special Event Permits

The Board reviewed the following information: (1) Christina Genco Mother's Day Memorial Ride – May 14, 2017 application and Police Chief's Recommendation; (2) Rooney's Trail Run 5K – June 3, 2017; (3) Annual CF Cycle for Life Ride – October 7, 2017 and Police Chief's Recommendation.

Mr. Crowley expressed reservation about approving the Rooney's trail run without knowing the route. Mr. Boynton responded that the Chief would not give his approval without having the route identified.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board approve special event permits for the Christina Genco Mother's Day Ride, Rooney's Trail Run and the Cycle for Life events to be held on May 14, June 3, and October 7, 2017, subject to Police Chief's recommendations. It was so voted: 3-0-0.

Approval of One-day Liquor License Requests for Events to be Held at Thayer Homestead

The Board reviewed the following information: (1) Wendy Krauss's application and Police Chief's recommendation; Theresa McEachern's application and Police Chief's recommendation; (3) Jessica Friswell's application and Police Chief's recommendation (4); Jonathan Dick's application and Police Chief's recommendation.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board approve one day liquor licenses for Wendy Krauss, Theresa McEachern, Jessica Friswell and Jonathan Dick for events to be held at Thayer Homestead on April 30, May 6, May 7, and May 13, 2017 subject to Police Chief's recommendations and proof or appropriate insurance coverage. It was so voted: 3-0-0.

Action Items from Previous Meeting

Mr. Crowley asked if the Urban Renewal Plan had been submitted to the state yet. It was not known for sure and Mr. Boynton said he would confirm. Mr. Crowley also asked for cost estimates and timeline for implementing the plan.

Approval of Minutes

This item was postponed to the next meeting.

Town Administrator's Report

Solid Waste and Recycling

Mr. Boynton said that the Board will be asked to approve changes to the solid waste and recycling program at its meeting on May 1. There will be a change in how white goods are handled. Mr. Crowley wants the Town to actively publicize the changes so that residents will not be surprised by them. Plans

for doing so were shared with the Board and Ms. Becotte offered to provide the Board with a copy of the fact sheet she is preparing with the Dept. of Public Services.

Temporary Signs for Route 109 Businesses

Mr. Boynton addressed the need to allow for temporary signage for businesses impacted by the Route 109 construction project. He said that some businesses want to advertise special hours depending on whether the work is directly impacting them one day and not another, etc. He would like to grant the Building Commissioner the latitude to approve these temporary signs. The Board was in agreement with the need to help business owners, but did not want to put the onus on the Building Commissioner as to what can and what will not be approved. The Board asked for recommendations on the parameters for managing the temporary signs that it could vote at its next meeting. Staff would work on this. Ms. Becotte stated that the Town can work with businesses to advertise hour changes and the like through its social media accounts.

Mr. Crowley moved, seconded by Mr. Foresto, to ask the Building Commissioner to develop guidelines for temporary signs for the Route 109 construction.

It was asked that the Community and Economic Development Director, the Planning and Economic Development Coordinator, and the Medway Business Council be involved.

Topsfield Fire Chief Search

Mr. Boynton stated he would be participating in the Community Peer Review for the Topsfield Fire Chief search on April 28.

Officer Steve Mitchell Promotion

Mr. Boynton announced that Officer Steve Mitchell is being promoted to Sergeant. Once the swearing in ceremony details are finalized, the Board would be extended an invitation.

Out of Office

Mr. Boynton stated he would be out of the office on April 21 (personal day), 25 (MEMA training) and 27 (MMMA meeting).

Selectmen's Reports

Mr. Crowley announced there would be a Selectmen's candidate debate on Wednesday, April 19, at 7:30 PM in the High School auditorium. The candidates are sharing the auditorium rental cost. It will be broadcast by Medway Cable.

Ms. White announced that there would be a candidates' night sponsored by the Democratic Town Committee on April 28.

Mr. Foresto moved, seconded by Mr. Crowley, that the Board enter into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; the topic is review/approve the amendment to the Fire Department contract. Ms. White so declared. It was voted by roll call: Forest – aye; Crowley – aye and White – aye; 3-0-0.

The Board returned to open session at 8:30 PM.

Mr. Foresto moved to adjourn, seconded by Mr. Crowley, and voted unanimously: 3-0-0.