

Board of Selectmen's Meeting
Monday, April 3, 2017 – 7:00 PM
Sanford Hall, Town Hall
155 Village Street

Present: Glenn Trindade, Chair; Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk (7:25 PM); Dennis Crowley, Member (7:04 PM); John Foresto, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Alan Tingley, Police Chief; Stephanie Mercandetti, Community Development Director; David D'Amico, Director, Department of Public Services.

At 7:02 PM Chairman Trindade called the meeting to order and led the Pledge of Allegiance.

Grant Expenditure Authorization – 2016 Emergency Management Performance Grant - \$3,200.

The Board reviewed the following information: (1) Grant Expenditure Form; and (2) Email Correspondence.

Chief Tingley explained that the department has applied several years in a row and we are given a list of items from which we can select. This year we have chosen barricades, directional arrows, and safety vests.

Selectman Foresto moved that the Board authorize the expenditure of the 2016 Emergency Management Performance Grant for purchase of additional traffic safety supplies including portable hi-visibility barricades, directional arrows, road closure arrows and hi-visibility safety vests, in an amount not to exceed \$3,220; Selectman White seconded. No discussion. VOTE: 3-0-0.

Approval - Public Event Permits

The Board reviewed the following information: (1) Request from Youth Baseball Parade for April 23, 2017 and associated recommendations from the Police Chief; and (2) Ride For Food Request for September 24, 2017 with associated recommendations from the Police Chief.

Selectman Foresto moved that the Board approve special event permits for the Youth Baseball Parade and the 6th Annual Ride for Food to be held on April 23, 2017 and September 24, 2017 subject to the Police Chief's recommendations; Selectman White seconded. No discussion. VOTE: 4-0-0.

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

The Board reviewed Applications and Associated Police Chief Recommendations for the following Thayer Homestead events: (1) Laurie Walker, April 15, 2017; (2) Tanya Abdilmasih – April 16, 2017; and (3) Megan Park– June 17, 2017

Selectman Foresto moved that the Board approve one-day liquor licenses for Laurie Walker, Tanya Abdilmasih and Megan Park for events to be held at Thayer Homestead on April 15, April 16 and June 17, 2017 subject to Police Chief's recommendations and proof or appropriate insurance coverage; Selectman White seconded. No discussion. VOTE: 4-0-0.

Approval - 2 Year Contract with CJP & Sons for Road Work Services - \$100,000

The Board reviewed the Contract.

David D'Amico, Director, Department of Public Works, reported this will be for small repairs and patching, not major road work. We have used this company previously and they did good work. Mr. Boynton added that the company performed some drainage work for the Town recently.

Selectman Foresto moved that the Board authorize the Chairman to execute a two-year contract with CJP & Sons Construction for road work services in an amount not to exceed \$100,000 for year one, and subject to funding in year two; Selectman White seconded. No discussion. VOTE: 4-0-0.

7:11 PM -- Hearing – Vote on Potential Revocation of Class II Dealers License – Ali A. Hodroj

The Board reviewed the following information: (1) Notice of Bond Cancellation from CNA Surety; and (2) various correspondence from the Town Administrator's Office. It is noted that the license holder has not responded to certified letters or phone calls leading up to this hearing.

Selectman Crowley moved that the Board open the hearing on the potential revocation of a Class II Dealers License currently held by Ali A. Hodroj; Selectman White seconded. No discussion. VOTE: 4-0-0.

Mr. Boynton reported that the former owner held onto the license to allow for the ability to sell vehicles there. In the end, that process did not happen.

Mr. Hodroj was not in attendance.

Chairman Trindade asked if there was any public comment. Seeing no public comment, at 7:12 PM Selectman Crowley moved that the Board close the hearing; Selectman White seconded. No discussion. VOTE: 4-0-0.

Selectman Foresto moved that the Board revoke the Class II Dealer's License currently held by Ali A. Hodroj for non-compliance of the bond requirements per MA General Law, Chapter 140, Section 58; Selectman White seconded. Selectman Crowley emphasized that the Town Administrator's office has reached out to Mr. Hodroj on numerous occasions. No further discussion. VOTE: 4-0-0.

7:14 PM -- Public Hearing – Review/Approval – Urban Renewal Plan

The Board reviewed the following information: (1) Resolution, Approved by Medway Redevelopment Authority 3/20/17; (2) Resolution, Approved by Planning & Economic Development Board 3/21/17; (3) Oak Grove Urban Renewal Plan – Final Draft; and (4) Resolution for BOS Approval.

Present: Stephanie Mercandetti, Community Development Director; Andy Rodenhiser, Chair, Planning and Economic Development Board; Russ Burke, Project Manager for BSC Group working to develop the Urban Renewal Plan.

Chairman Trindade explained for residents that the Redevelopment Authority has been working on this for a year. **Chairman Trindade moved that the Board open the public hearing on the Oak Grove Urban Renewal Plan; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Ms. Cindy Trainor, identifying herself as an abutter to the proposed development, asked if there was any notification to abutters for this hearing. Mr. Rodenhiser responded that individual abutters were not notified, adding that meetings have been going on for several months. Chairman Trindade asked if abutter notification was a requirement; Mr. Boynton responded it was not, but offered to check. The general requirement is that the hearing be advertised in a publication of general interest. Abutter

notification is not necessary. In this case, it was advertised in the Milford Daily News last week. It was noted that, if there were proposed construction, then there would be abutter notification. Mr. Rodenhiser clarified that every meeting is a public meeting. We have developed a Steering Committee who has met several times; there are subgroups as well as public forums. Ms. Trainor expressed concern that many abutters were not aware tonight's meeting was occurring.

Responding to a question from Selectmen Crowley, Mr. Burke stated that it will take a couple of weeks to assemble the documents and exhibits, and then the state has 60 days in which to respond. Documents will be posted online. Ms. Mercandetti stated that a public comment period was held for two weeks and publicized in the paper, online, on blogs, etc. Any additional comments can be made to Ms. Mercandetti and to the Town Administrator's Office. Mr. Burke added that all urban renewal plans have to go through review by the environmental agencies and there will be a comment period for that as well.

Mr. Rodenhiser explained that the Redevelopment Authority was established in 2014 in order to spark development in this area known as the "bottle cap" lots and listed the boundaries. The objective is revitalizing the Oak Grove area to manage the land and its future development. A Density by Design project began in 2007 which was later merged into the Town's Master Plan. He continued to describe the process and the entities involved. Approval by the Department of Housing and Community Development must be secured before the plan can move forward.

Discussion followed on the process which begins with an approval from DHCD within 60 days followed by the approval from MEPA. That piece of it could take two to three months. By mid-summer all the approvals should be in. At that time the Redevelopment Authority would be able to start pursuing the implementations identified in the plan, i.e., attracting potential investors, marketing plan, etc. The plan has a life of 20 years, and some components will take longer than others.

Mr. Rodenhiser explained how parcel groupings could occur. The idea of "in-fill" parcels means that each owner benefits by the contribution of their parcel toward combining into a larger parcel available for sale. There would then be an equitable distribution of the some of the sale prices to those who contributed. Mr. Burke pointed out that there are some lots whose ownership still need to be clarified or confirmed. Parcels can be acquired or disposed of, both of which can occur without going to bid. Discussion followed. Until the plan is adopted, nothing can happen. It was suggested that the project could be "shovel ready" within a couple of years.

Mr. Rodenhiser confirmed that the Planning Board voted in favor of it as did the Redevelopment Authority.

At 7:37 PM Chairman Trindade asked for public comment.

Ms. Trainor asked about eminent domain. Mr. Boynton responded that there is a short window during which someone can come forward, adding that the market value would be from one of the two required appraisals. He noted that there has been extensive title review up to now, and additional review would take place in any eminent domain taking. Chairman Trindade confirmed that a third party consultant with expertise in this area worked on this research.

Brief discussion followed on the Oak Grove Task Force Steering Committee and that an Oak Grove property owner served on that task force. Ms. Mercandetti noted she was not working in Medway at that time, noting that she believed Town Counsel was consulted when the Steering Committee was formed. Mr. Rodenhiser responded that Mr. Williams was initially approached because he was a stakeholder.

Mr. Bob Ferrari, identifying himself as Chair of the Affordable Housing Committee, asked if affordable workforce housing was still being considered. Are other types of housing being considered? Mr.

Rodenhiser responded that what is being considered now is a concept plan which will be utilized to write an agreement letter of intent. The idea has always been to have small scale buildings on the boundaries with more significant buildings further into the development. Whether it is rental property in condos or apartments or whatever will be up to the developer. Ms. Mercandetti added that any potential residential housing development is also subject to the Affordable Housing Bylaw. It was noted that the planning board would have a say in what those buildings looked like and if they meet design standards as specified in the Master Plan.

Ms. Sue Rourke, an Ellis Street resident, asked if there are target numbers for number of apartments. Will we have a say in how many units? Mr. Rosenhiser responded that a development proposal has not been submitted. Any application that comes to the Planning Board will have a public hearing.

Chairman Trindade commented that major players in this kind of market have likely been keeping an eye on this parcel and predicted there will be several proposals coming in once this land has been announced as available. Mr. Rodenhiser clarified that the RA has been talking to developers all along, especially those for hotels and apartments. The RA was advised that it is not a good idea for the Town to get too specific on what it is looking for as it limits the flexibility of development. Right now it is zoned for single-family residential unless a change is proposed and voted at Town Meeting. The DHCD will require that a developer enter into a redevelopment agreement; if a developer goes bankrupt, the successor is bound by the initial obligations.

Brief discussion followed relative to eminent domain during which it was noted that none of the existing homes will be affected with the exception of some properties owned by Mr. Williams. In an eminent domain process, the property owner is entitled to the fair market value of the property, and in some cases, relocation costs are paid for owners or tenants. The process would be incremental, determined by grouping of contiguous parcels. A property owner can also refuse to join the landpooling effort and negotiate with the developer themselves.

At 7:58 PM Selectmen Crowley moved that the Board close the public hearing; Selectmen White seconded. No discussion. VOTE: 5-0-0.

At this time, Chairman Trindade read aloud the motion as follows:

VOTED:

WHEREAS, the Town of Medway and Medway Redevelopment Authority have been investigating the use of urban renewal to revitalize the Oak Grove Area which has suffered from fragmented ownership; substandard lot sizes; and lack of infrastructure;

WHEREAS, the Town of Medway and Medway Redevelopment Authority have undertaken a multi-phase planning process with public informational meetings and, providing citizens and property owners an opportunity to comment since February 2011;

WHEREAS, the Medway Planning Board determined the Oak Grove Area Urban Renewal Plan is based on a local survey and is consistent with Medway's Master Plan, and approved said Oak Grove Area Urban Renewal Plan on March 21, 2017;

WHEREAS, the Medway Redevelopment Authority determined the area contained within the Oak Grove Area Project Boundary is decadent as defined by M.G.L. c. 121B, and is in need of revitalization and redevelopment, and approved the Oak Grove Area Plan on March 20 2017;

WHEREAS, the Medway Board of Selectmen seeks to further the goals and objectives contained in Oak Grove Area Urban Renewal Plan dated March 2017, to promote revitalization opportunities within the Oak Grove Area Urban Renewal Plan as defined in the plan.

NOW, THEREFORE, BE IT RESOLVED that the Town of Medway Board of Selectmen:

- 1. Finds that there is a clear need and necessity for an urban renewal plan for the Oak Grove Area;**
- 2. Approves the boundaries of the Oak Grove Area Urban Renewal Plan, as depicted in the Figure A-1: Project Location and URA Boundary, attached hereto;**
- 3. Finds that the area contained within the Oak Grove Area Urban Renewal Plan Project Boundary is decadent as defined by M.G.L. c. 121B, and is in need of revitalization and redevelopment;**
- 4. Approves the Oak Grove Area Urban Renewal Plan dated March 2017 prepared by BSC Group and Ninigret Partners;**
- 5. Requests Board of Selectmen Chairman Glenn Trindade to submit the Oak Grove Area Urban Renewal Plan dated March 2017 to the Massachusetts Department of Housing and Community Development for final approval; and**
- 6. Authorizes the Medway Redevelopment Authority to approve minor changes to the Oak Grove Area Urban Renewal Plan if such changes are recommended by the Massachusetts Department of Housing and Community Development.**

Selectman White seconded the motion. No discussion. VOTE: 5-0-0.

Public Comments:

A gentleman identifying himself as the President of Medway Youth Lacrosse reported that there have been some difficulties with the Parks Department. He noted that there are 184 children who participate on 15 different teams, both boys and girls. There was great excitement when the fields were developed, and yet he has trouble getting field time for youth groups. The Town does not need to make money on the fields at the expense of the local youth. He reported that he lost four days of field time to an out-of-town team who threatened to leave. He tried to offer two of his days back and that proposal was rejected. There is an additional cost when using grass fields as parents cannot afford all the equipment if paying the extra fees. He needs field time and he knows he won't get it. He continued, stating that he has been asked for a list of players, which is unacceptable. How the lacrosse program is run is none of their business. He cannot put more players on a field as he has to consider the safety of children and the number on a field at one time.

We know that there are also issues with soccer and softball. The youth sports are important, as our youth move up to the high school. Without the youth programs, the high school will have no one for their teams. It also involves a lot of volunteer hours by coaches and parents. We are worried that we are going the wrong direction with these fields. Medway residents paid for the fields, and the out-of-town clubs don't care about our fields. He noted that he even has to pick up the empty water bottles from the fields after they get in their cars and leave. There has to be a better balance. We are also being asked to pay a per player fee.

Brief discussion followed during which additional fields would help, but the protocol identified in the existing agreement identifies high school first then trickles down through youth and to clubs last. Mr. D'Amico clarified that the agreement is with the high school, noting the priority order is correct. Mr. Boynton pointed out that in 2014 a group of residents supported the project for turf fields. The payment will be made each year over the next 10-15 years. The prioritization of who uses those fields is tethered to

garnering enough revenue to pay for the replacement of the turf which is estimated at \$500,000 per field. Even if we put \$100,000 each year, it will help but not be enough. It boils down to a policy level question.

Selectman Foresto noted that the Parks and Recreation Commissioners are elected, and no one ever thought that board would have a fiscal responsibility. Do we need a Parks Department with a professional staff who has experience in this?

Selectman D'Innocenzo noted he likes the idea of the sequencing protocol. The further we get away from the EPFRAC group, things becomes more of a challenge. The whole idea of the Gale Study was that all the fields had to be used in order to make it work. There simply are not enough synthetic turf fields for everyone who wants to use them. What is being requested is a more definite policy on how the fields are to be used. Not everyone can have the fields at 6 PM.

Selectman Crowley summarized that a lot of things do come down to financial issues. Whatever revenue the clubs bring in would have to be made up somewhere else. Hopefully we can revisit some of these issues in the coming years. The Board has also discussed the possibility of a full time Recreation Director.

Annual Report – Medway Community Farm

The Board reviewed the 2016 Annual Report from the Medway Community Farm.

Present: Don Franzen, President; Devon Reed and Marcia Coakley, Board of Directors; Julie Infanger, Interim Treasurer.

Mr. Franzen reported that they had some significant investments in the Farm, some events, and were able to get through the drought while some farming operations struggled. We have tried to grow our Board and team, utilizing members in areas of expertise and educating people on organic growth. We have applied for a grant through the bank to help with the education portion. He noted that Ms. Coakley works a lot with outreach with Facebook and other social media. We are pleased with our current position. Our main concern is that of our lease which is long-term but will not last forever. At this time, Mr. Franzen asked if one of the requirements to extending the lease going to be a formal RFP?

Chairman Trindade stated that he was really proud of this effort, noting that he was the point person on this project when the community farm was started. We researched existing farms in other communities. This has been a success from day one. It is highly unlikely we would bring in anyone to replace you.

Selectman Crowley noted that he would like the lease question come to the Board six months before the expiration, adding that the Board will be happy to work with you.

Mr. Franzen noted that they had some people help us develop a business strategy. We have to figure out our plan, sell more shares, and determine a long-term strategy. We hope to prepare a plan with our general objectives and figure out how long a lease we need to accomplish those objectives. Chairman Trindade added that he sees the farm as an extension of the community. It helps make the town what it is, a source of pride. The Board can work with our Communications Director to help get the word out.

At this time, Mr. Franzen noted that the memberships extend beyond the town's boundaries as there are members from Norfolk, Millis and Ashland. People donate monetarily as well. Right now we have 145 return members, for spring shares we have 93, summer share number 52, and for summer parcel we have 100. There is room for more people to purchase shares.

Ms. Coakley explained that the renovation of the house on the farm was fundamental to helping us get started. Mr. Franzen added that there are retained earnings though we reinvested much of the revenue

from last year back into the farm. We have cash reserves. They are on their third Farm manager, and managing the learning curve well.

Please join us for the Farm to Fork event. Selectman Crowley suggested they participate in Medway Family Day, noting that several thousand people attend and it would be a great place to offer education and information.

Ms. Coakley added that this year they will have a fishery and this is the first year they will be plangent strawberries in a pick-your-own area.

Review/Approve - Annual & Special Town Meeting Warrants – (ATM Articles 2, 30 & 41-49, STM- New Article 9)

The Board reviewed the following information: (1) Memorandum from Susy Affleck-Childs, Planning and Economic Development Coordinator; (2) May 8 Annual Town Meeting Warrant; and (3) May 8 Special Town Meeting Warrant. Note: recommendation votes for referenced ATM articles needed; vote to approve addition of STM Article 9 and recommendation needed.

Mr. Boynton reminded Board members that several articles still carry a To Be Determined (TBD) designation. He asked that the Board vote recommendations on those articles.

Special Town Meeting – Article 9 extends the deadline for implementation of the Hazard Mitigation Plan.

Chairman Trindade moved that the Board add an article entitled Extend Expenditure Deadline – May 2016 Annual Town Meeting Article 8 – Hazard Mitigation Plan to the 2017 Special Town Meeting Warrant as Article 9; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0 – Selectman Crowley was out of the room at the time of the vote.

Annual Town Meeting

Article 2 – Appropriation: FY18 Operating Budget – Mr. Boynton reported that the dollar figure has been determined. **Selectman Foresto moved that the Board recommend Article 2; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 7 -- Free Cash Appropriation: Capital and Other Items – The Town does not have a final number on Snow and Ice expenses. This article will remain as TBD for the time being.

Article 8 –Free Cash Appropriation: Oak Grove Project – The Board is awaiting a presentation. **Selectman Foresto moved that the Board recommend Article 8 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

Article 18 – Appropriation: Community Preservation Committee – **Selectman D’Innocenzo moved that the Board recommend Article 18 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

Article 21 – Fund Open Space Master Plan – **Selectman D’Innocenzo moved that the Board recommend Article 21 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

It was decided to leave Articles 23 and 24 relative to land acquisition for a DPS Facility as TBD.

Article 30 -- Amend Zoning and General Bylaws – New Noise Bylaw – Mr. Boynton reported that the Planning Board took no action as they want to take a look at the existing bylaw. Ms. Potter reported that the proponent of the article is content with the Planning Board doing some evaluation. It’s possible that suggested changes could be incorporated into the existing bylaw. Discussion followed. Ms. Potter added

that, per statute, the Police Department has the ability to respond with or without the bylaw. Selectman Crowley expressed dismay that this article would not move forward at this time.

Chairman Trindade moved that the text from article 30 be deleted and leave Article 30 as a number that will not be utilized; Selectman White seconded. No discussion. VOTE: 4-1-0 - Crowley oppose.

Article 41 – Amend Zoning Bylaws: Affordable Housing – **Selectman Foresto moved that the Board recommend Article 41 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

Article 42 – Amend Zoning Bylaws: SECTION 8. Special Regulations. Add Section 8.10 Temporary Moratorium on Non-Medical Marijuana Establishments – Mr. Boynton clarified that this article will allow the Town to wait until the state regulations are finalized. Brief discussion followed. The Board had no issues or questions on the remaining articles.

Chairman Trindade moved that the Board recommend Articles 42-49 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.

Discussion – Pickup of Solid Waste/White Goods

The Board reviewed a document listing Proposed Changes to Medway White Goods Collection Program Submitted by DPS Director

Mr. Boynton reported that he and the DPS Director review the contract with Waste Management. Medway's collection of White Goods exceeds over 95% utilization, compared to 30% from neighboring communities, as too many items that were deemed eligible for this service. Initially, there was no charge but because of the volume, Waste Management is proposing to bill \$25 per item, at a projected cost of \$98,400 to the Town annually.

What is a “white good”? What is it costing us for the second or third recycling cart? Mr. Boynton reported that presently the Town is using \$160,000 in retained earnings just to balance the budget without increasing fees to the residents. He cautioned that it won't be long before the program will not be self-sustaining and suggested limiting the number of items per property address to eight items over the course of a year. Selectman Trindade announced that some homes had 42 items picked up during a year. Obviously friends and family in other communities bringing their items to Medway as it was a lower charge.

Selectman Crowley stated that the Town gets charged an annual fee of \$72 for the second cart whether or not it is emptied. We plan to come back to the Board with a plan on what we need to do, and a vote that night because the end of the contract is coming up. He noted that one of the biggest items of concern is TV sets, and they will propose that those have to go to the recycling center at no charge. Selectman Crowley suggested an annual fee of \$50 for the second container. Chairman Trindade theorized that some people will return the second one while others will be okay with the charge.

Authorization of Town Administrator in conjunction with Special Counsel to Respond to Requests for Information, to File Pleadings and submit Other Administrative Proceedings on Behalf of the Board of Selectmen in the Exelon Matter (EFSB 17-01) to the Energy Facilities Siting Board
There were no background materials.

Mr. Boynton reminded the Board that information had been previously sent to the Board, noting that departments are responding, and the deadline for response is Friday. We also have to ask Exelon for their plans, or their intent to submit plans.

Selectman Foresto moved that the Board authorize the Town Administrator to work on consultation with Special Counsel to respond to requests for information, file pleadings and carry out other administrative proceedings in the Exelon matter before the Energy Facilities Siting Board (docket # EFSB 17-01); Selectman White seconded. Brief discussion followed during which it was noted that there is presently tree trimming work at the plant in advance of the proposed expansion. No further discussion. VOTE: 5-0-0.

Action Items from Previous Meeting

Review of the Action Items List was postponed.

Town Administrator's Report

Mr. Boynton reported that the new Veterans District Director is Sarah Bateman who will be on board on April 24. Additionally, a part-time Veterans Agent, Michael Whelan, has been hired and he will begin work shortly.

Every seven years the Town Charter requires that a Charter Review Committee be formed to determine compliance with the charter. Representatives are required from the Board of Selectmen, School Committee, Finance Committee, Library Trustees and the Town Moderation to comprise a five-member board. Mr. Boynton asked the Board for permission to get started on forming the committee. Brief discussion followed.

Selectman Foresto moved that the Board direct the Town Administrator to initiate the process of forming a Charter Review Committee as discussed; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Town Offices will be closed on Patriots Day, April 17. The Board's next meeting is Tuesday, April 18.

Selectmen's Reports

Selectman Foresto announced that the Annual Clean Sweep will be held on Saturday, April 8. Interested individuals should report to the high school at 8 AM that day to join a team.

Executive Session

At 9:07 PM Chairman Trindade moved that the Board adjourn Public Session and enter Executive Session under Exemption 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (0R Crook St & 13R Chestnut St) & Exemption 3: To discuss strategy with respect to collective bargaining or litigations if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Energy Facilities Siting Board Legal Process) with no intent to return to public session. As Chair, Chairman Trindade did so declare. Selectman White seconded the motion. No discussion. Roll Call Vote: 5-0-0 (Crowley, aye; D'Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary