

**Board of Selectmen's Meeting  
June 17, 2019 – 7:00 PM  
Sanford Hall  
155 Village Street**

**Present:** John Foresto Chair; Glenn Trindade, Vice Chair; Dennis Crowley, Clerk; Richard D'Innocenzo, Member.

**Absent:** Maryjane White, Member.

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Peter Pelletier, Deputy Director, DPS; Barry Smith, Water Superintendent; Doug Havens, Affordable Housing Coordinator; Fire Chief Jeff Lynch; Sandy Johnston, Communications Director.

**Others Present:** Ann Sherry, Chair, Affordable Housing Trust; Jeff Segarra, Chair, Charter Review Committee; Jackson Lower, Medway High School Student; Aubrie Rojee, Medway High School History Curriculum and Instructional Leader, Brent Lowder, Medway High School Social Studies Teacher.

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

Selectman Trindade reported on the successful food drive over the weekend noting the purposeful timing due to limited resources over the summer. He reported that over 4,000 pounds of food were gathered noting less than 10% was outdated. He thanked and commended the organizers along with the Medway Lions noting the two food banks that benefited are at the Medway Community Church and Mahan Circle.

**Presentation from Medway High School Students**

*There were no materials for the Board to review.*

Jackson Lower presented his project about improving Medway's walking trails. The identified places along the trail that need improvements. He noted the benefits to both mental and physical health for residents. He shared the results of his survey of Medway High School students noting they more likely to use trails outside versus inside Medway with the most common uses being walking and running/jogging. Respondents were looking for trail improvements, additional trails, and readily and easily available information about the trails. He then reviewed specific areas for improvement: (1) signs to the Adam Street Meadow, the Choate trail, and the Boardwalk trail, (2) muddy areas on the Boardwalk, Choate and Summer Street trails, (3) foliage density on the Spur Trail making it unpassable, and (4) the need for signage at the left turn on the Idylbrook Trail. He then shared the issues with ticks and the ways for reducing this issue with Center for Disease Control signs and landscape management impacting tick proliferation. He then discussed the potential for leashed dogs on the trails and mitigating dog waste using waste stations, noting bags and containers cost \$200-\$300 and increase the likelihood of folks picking up after their dogs. Selectman Crowley asked for permission to put this information on the Town website. Selectman Trindade noted that the Medway Open Space Committee, Medway Trail Club, and Eagle Scouts have done most of the trail work to date. Selectman Crowley would like to continue these student presentations and sharing of their ideas and issues with the Board.

**Public Comments:**

Mendy Tarkowski of 82 Fisher Street stated she came to restart the conversation about changing the name of Board of Selectmen to something gender neutral. She shared a June 10<sup>th</sup> *Milford Daily News* article related to this change noting ten Towns have recently made the change to gender neutral terms. She shared a map that details what other Towns call their Boards. Selectman Foresto noted that eighteen months were spent reviewing the Charter by the Charter Review Committee and noted the Board will take this under advisement.

Susan Rorke of 34 Ellis Street stated the right to vote was given to women in 1920, that women need to be represented equally, and noted this is a small change to make a statement for equal representation.

**Approval of Minutes**

*The Board reviewed the draft minutes of June 3, 2019 and June 3, 2019 joint meeting with the Medway Housing Authority.*

**Selectman Trindade moved that the Board approve the minutes of June 3, 2019 joint meeting with the Medway Housing Authority and the June 3, 2019 Selectmen's Meeting. Selectman Crowley seconded. No discussion. VOTE: 3-0-1. Selectman D'Innocenzo abstained.**

**Appointment Considerations: Affordable Housing Trust (AHT): Jack Wolfe; By-Law Committee: Jeff Segarra; Historical Commission: McKenzie Ward**

*The Board reviewed the (1) biography of Jack Wolfe and e-mail recommendation dated May 31, 2019 from Affordable Housing Trust Chair, Ann Sherry, (2) e-mail resignation from Cynthia Sullivan from the By-Law Committee dated June 6, 2019, (3) e-mail of from Jeff Segarra dated June 4, 2019 noting the change in School Committee Representative to the By-Law Committee, (4) letter of interest from McKenzie Ward, and (5) e-mail recommendation dated June 11, 2019 from Chair, Jeanne Johnson.*

Ann Sherry, Chair, respectfully requested that Jack Wolfe be appointed to the AHT. Mr. Wolfe reviewed his background noting most of his experience is in business. He shared his employment history with General Electric and has been working in higher education leadership development and consulting with large businesses. He was a member of the Warrant Committee and AHT when living in Medfield noting he was a member of the Medfield AHT since its inception.

**Selectman Trindade moved that the Board appoint Jack Wolfe to the Affordable Housing Trust for a term expiring on June 30, 2021. Selectman D'Innocenzo seconded. No discussion. VOTE: 4-0-0.**

**Selectman Trindade moved that the Board appoint Jeff Segarra to the By-Law Committee replacing Cindy Sullivan as representative of the School Committee for a term expiring upon the report of the committee at the May 2020 Annual Town Meeting. Selectman D'Innocenzo seconded. VOTE: 4-0-0.**

Ms. Ward of 7 Karen Avenue explained her interest in this committee relating to her chosen college major, feeling this will help her with her historical research as she will be attending Framingham State in the fall. She noted her family has been in Medway since 1852.

**Selectman Trindade moved that the Board appoint McKenzie Ward to the Historical Commission for a term expiring on June 30, 2022. Selectman D'Innocenzo seconded. Discussion:** Selectman Crowley asked if she just graduated from Medway High School. Ms. Ward confirmed. Selectman Crowley asked that she reach out to her friends to join a committee as well. **VOTE: 4-0-0.**

**Approval: Fiscal Year 2020 Enterprise Funds Indirect Cost Allocation - \$517,703**

*The Board reviewed the (1) memo dated June 17, 2019 from Finance Director Pratt, and (2) Fiscal Year 2020 Enterprise Funds Indirect Cost Allocation Agreement.*

Ms. Pratt stated this is done every year to capture costs in the general fund that should actually be captured in the enterprise funds noting the methodology is identical to that utilized in the past. She reminded the Board there is no longer an EMS enterprise fund.

**Selectman Trindade moved that the Board authorize the Chair to execute the Fiscal Year 2020 Enterprise Funds Indirect Cost Allocation Agreement as presented. Selectman D’Innocenzo seconded.**

Discussion: Selectman Crowley asked where the costs in the EMS enterprise fund were moved to. Ms. Pratt stated to the General Fund. **VOTE: 4-0-0.**

**Authorization to Expend Grant Funds: Municipal Vulnerability Preparedness Grant - \$15,000**

*The Board reviewed the (1) Notice of Grant Award, (2) notice of grant award e-mail dated June 6, 2019 from Vallery Cardoso, Executive Office of Energy and Environmental Affairs, (3) letter dated June 12, 2019 from Peter Pelletier, and (4) contract.*

Mr. Boynton stated the Executive Office of Energy and Environmental Affairs is looking at how climate change is impacting communities. We applied for this grant in order to identify any concerns that may exist in Medway. He noted the state will assign someone to work with the Town to identify any issues. This will determine if there are larger costs that will impact the Town and allow the Town to apply for future state grant funding related to climate change.

**Selectman Trindade moved that the Board authorize the expenditure of the Municipal Vulnerability Preparedness grant in the amount of \$15,000 as discussed. Selectman D’Innocenzo seconded.**

Discussion: Selectman Foresto voiced his frustration of having to accept consultants from the state versus someone that the Town would select, understanding that this grant positions us for future state grant funding opportunities. Mr. Boynton stated we do not have to move forward on this, however, this allows us to be proactive versus reactive relative to any issues identified that will then allow further access to state funding if it becomes available. Selectmen Crowley and Foresto stated they do not appreciate the current state process. **VOTE: 3-1-0. Crowley opposed.**

**Approval: Contract with MTC OPS, LLC for Auction Facilitation – 12% of Final Sale Price of Each Sold Item**

*The Board reviewed the (1) Memo dated June 17, 2019 from Dave D’Amico, (2) bid summary, and (3) contract.*

Mr. Boynton reported the Town has used Municibid in the past noting this is a local company that he believes is a better option.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with MTC OPS, LLC for auction facilitation services in the amount of 12% of the final sale price of each sold item as presented. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley noted other towns have sold their old fire call boxes at auction and requested that Chief Lynch do the same once they have been removed. **VOTE: 4-0-0.**

**Approval: Contract with A.D. Paolini, LLC for Village Street Water Main Construction - \$658,898.89**

*The Board reviewed the (1) memo dated June 17, 2019 from Dave D'Amico, (2) bid summary, and (3) contract.*

Mr. Boynton stated this is the first phase of this project. Mr. Pelletier stated this involves running a raw water line from the Village Street water line to the Populatic Well.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with A.D. Paolini, LLC for the Village Street water main construction in the amount of \$658,898.89 subject to proof of insurance, performance bond, payment bond, and execution by the authorized manager, Angelo D. Paolini, Jr. Selectman D'Innocenzo seconded.** Discussion: Selectman Foresto noted that this price is just slightly below what was budgeted. Selectman Crowley asked if a contingency was built into this contract as it is just below the budget. Mr. Boynton stated he believes the contingency is five percent but will provide this information to the Board. Selectman Crowley stated if the contingency is built into this contract number, then this will actually be over the budgeted amount. He also stated his concerns regarding the costs of the itemized lists and asked if these costs have been confirmed. Mr. Pelletier stated the consultant, Haley and Ward, looked at these itemized costs to ensure this is not an unbalanced bid noting they were also less concerned due to the short project timeline. Selectman Crowley stated that he will look closely at any change orders requested relative to this project. Selectman Foresto requested that the Board be available to meet next Wednesday, at 7:30am to review the requested information and then be prepared to make a decision on this contract. Selectman Crowley requested a document from Haley and Ward signing off that these unit prices are correct.

**Discussion/Vote: Local Initiative Program (LIP) Application for One (1) Affordable Unit at Medway Greens**

*The Board reviewed the Local Initiative Program (LIP) Application.*

Mr. Havens stated he is requesting that the Board approve the LIP. Mr. Boynton noted the building has been completed and was permitted as multifamily housing.

**Selectman Trindade moved Board vote authorize the Chair to execute the Local Initiative Program application for one Affordable Unit at Medway Greens as presented. Selectman Crowley seconded.** Discussion: Selectman Foresto asked if the condo fees were the same for both affordable and market based units. Mr. Havens confirmed noting this is not normally the case but allows for equal shares in the condo vote, is fair for all owners, and results in less resentments. Selectman Crowley noted the lack of equality in condo fees for affordable versus market value units having caused numerous past complaints. Chair Sherry reported there was no discussion relative to these fees with the Affordable Housing Trust. **VOTE: 4-0-0.**

**Approval: Contract with Specialty Vehicles, Inc. for a Brush Truck - \$103,342**

*The Board reviewed the (1) RPF responses, and (2) contract.*

Chief Lynch stated this purchase is to replace the 1997 Brush 1 truck noting the utility body is rotted out, DPS has stated they can no longer repair the vehicle, and parts are very difficult to find and repair. Mr. Boynton stated the investigation into taking the existing body and just purchasing a new chassis was cost prohibitive.

**Selectman Trindade moved that the Board vote to authorize chair to execute the contract with Specialty Vehicles, Inc. for a brush truck in the amount of \$103,342 as presented. Selectman**

**D’Innocenzo seconded.** Discussion: Selectman Crowley commended the Capital Investment Planning Committee on their work relative to this purchase. **VOTE: 4-0-0.**

**Approval: Field Site Affiliation Agreement with FIRST RESPONSE Emergency Medical Education for Interns Field Rotations**

*The Board reviewed the Field Site Affiliation Agreement.*

Chief Lynch stated this is for Emergency Medical Technician students to complete a ride time as part of their training noting there is no cost to the Town.

**Selectman Trindade moved that the Board vote to authorize the chair to execute the Field Site Affiliation Agreement with FIRST RESPONSE Emergency Medical Education for intern field rotations as presented. Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

**Approval: Amended Host Community Agreement (HCA) with PhytoTherapy, Inc.**

*The Board reviewed the amended host community agreement (HCA).*

Town Administrator Boynton stated this is the second of the three cultivation facilities. This HCA was originally approved one year ago and they are now just beginning the state licensing process. They approached the Town to extend the contract. Due to Department of Revenue feedback on subsequent HCA’s, the Town needed to amend the allocation of the contracted amounts.

**Selectman Trindade moved that Board vote to authorize the Chair to execute the amended Host Community Agreement with PhytoTherapy, Inc. as presented. Selectman Crowley seconded.**

Discussion: Selectman Crowley requested that changed sections of these types of documents be bolded in the future. **VOTE: 4-0-0.**

**Discussion/Vote: Medway Town Charter – Home Rule Legislation**

*The Board reviewed the (1) Town Charter with comments from State Legislators, and (2) letter from the Board to State Legislators.*

Town Administrator Boynton stated there are multiple motions needed and will explain each one of these changes.

Mr. Boynton explained this first motion is based on the recommendation of the legislators to repeal the original legislation in light of the new legislation for approval of these Charter changes.

**Selectman Trindade moved that the Board of Selectmen approve the recommendation to repeal the prior legislation, Chapter 84 of the Acts of 2008, as part of the Legislative approval of these Charter changes. Selectman Crowley seconded.** Discussion: Selectman Crowley asked if this has been reviewed by Town Counsel. Mr. Boynton confirmed noting there has been no information back from Town Counsel and does not anticipate changes. **VOTE: 4-0-0.**

Mr. Boynton explained the discrepancy found on page 3, between what was approved in Article 13 at the Town Meeting and the Charter document provided to the state, specifically, a change from “selection” to “appointment”.

**Selectman Trindade moved that the Board of Selectmen approve the recommended change in Chapter 2, Section 2-5-2 changing the word “selection” to “appointment”. Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

Mr. Boynton explained the votes related to the home rule petition articles did not contain the “three members” for the Board of Health and the water and sewer advisory committee. “Three members of the” was missing in front of the parks and recreation commission. Lastly, the ministerial change of removing the words “town clerk” from the text of this section is needed as the position of town clerk was changed from elected to appointed as voted at Town Meeting.

**Selectman Trindade moved that the Board of Selectmen approve the recommended changes in Chapter 3, Section 3-1-2 relative to the election of “three members” of the board of health and “three members” of the water and sewer advisory committee. Further, the Board of Selectmen recommend and approve the ministerial addition of the words “three members of the” in front of “parks and recreation commission” as this is consistent with the vote of Medway Town Meeting in November of 2018 and additionally consistent with other changes in this section 3-1-2. Further, the Board of Selectmen recommend and approve the ministerial change removing the words “town clerk” from the text of this section as the position of town clerk was changed from elected to appointed by the Medway Town Meeting in November of 2018. Selectman D’Innocenzo seconded. Discussion:** Selectman Crowley wanted to ensure there are more changes related to the Town Clerk as the existing Town Clerk was to stay appointed until conclusion of their existing term. Mr. Boynton stated that is in a different section of the Charter. **VOTE: 4-0-0.**

Mr. Boynton stated these are strictly formatting and grammatical changes.

**Selectman Trindade moved that the Board of Selectmen approve the recommended formatting and grammatical changes found in Chapter 3, Section 3-4-2. Selectman Crowley seconded. No discussion. VOTE: 4-0-0.**

Mr. Boynton explained the specific words that needed to be changed to correspond with the votes at Town Meeting.

**Selectman Trindade moved that the Board of Selectmen approve the recommended changes in Chapter 3, Sections 7, 8 and 10, and Chapter 6, Section 2, where the words “board of selectmen” replace the words “executive board” as the proposed Charter amendment renaming the board of selectmen to executive board was defeated by Medway Town Meeting in November of 2018. Selectman Crowley seconded. No discussion. VOTE: 4-0-0.**

Mr. Boynton explained this is a formatting issue with the numbering schema.

**Selectman Trindade moved that the Board of Selectmen vote to approve the recommended formatting changes in Chapter 8, Section 2, by renumbering Sections 8-1-2 and 8-1-3 as Sections 8-2-1 and 8-2-2 respectively. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

Mr. Boynton explained the content of each of sections 3-8, noting the legislature wanted these moved outside of charter, but the Charter Review Committee and Board of Selectmen’s intent was for these to remain as part of the charter.

**Selectman Trindade moved that the Board of Selectmen recommend and approve the inclusion of Sections 3 through 8 of Chapter 8 as part of the actual Medway Charter and not simply outside sections of the act. Selectman Crowley seconded. No Discussion. VOTE: 4-0-0.**

Mr. Boynton explained this refers to the letter from the Board to Representatives Roy and Murray and asked if they wanted any specific changes and specifically pointed to the second to last paragraph in the letter regarding the process utilized. After further discussion, the Board requested that paragraph be removed upon the recommendation of Mr. Boynton.

**Selectman Trindade moved that the Board of Selectmen present these changes and our approvals in writing to Representatives Roy and Murray. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Selectman Trindade moved that the letter as prepared by the Town Administrator be approved with the deletion of the paragraph beginning “Please also note”. Selectman Crowley seconded.** Discussion: Selectman Crowley asked if anything in the letter could result in a delay by the state. Mr. Boynton stated no. Selectman Crowley asked for a timeline for state approval. Selectman Trindade stated the Joint Committee should meet and approve this by September or October of this year. **VOTE: 4-0-0.**

Selectman Trindade requested that the letter also be cc’d to Senator Spilka. Mr. Boynton stated the amended document in the Board’s packet, the approved minutes for this meeting, and the amended letter will need to be sent. He noted the need to vote the approval of tonight’s minutes at the meeting to be held next Wednesday at 7:30am.

#### **One-day Liquor License Applications**

*The Board reviewed the Police Chief’s recommendations for Dennis Crowley, Shannon Mele, Rhonda Doherty, Susan Nasca, Jessica Fotheringham, Dorothy Polatin, Bonny Grimes, and Shannon Dupiche-Carlista.*

**Selectman Trindade moved that the Board approve the one-day liquor licenses as presented subject to the Police Chief’s recommendation and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley noted that since he has a one day alcohol license for July 5<sup>th</sup> at Thayer Homestead, he will recuse himself from the voting. **VOTE: 3-0-1. Selectman Crowley abstained.**

#### **Discussion: Board of Selectmen Fiscal Year 2020 Liaison Designations**

*The Board reviewed Fiscal Year 2019 Liaison Designations.*

Selectman Trindade stated to remove the Charter Review Committee and add the By-Law committee with himself as liaison.

#### **Action Items from Previous Meeting**

*The Board reviewed the Action Items dated April 16, 2019.*

**Route 109 Project:** Selectman Crowley requested an update on this project. Town Administrator Boynton stated the paving is tentatively scheduled for the week of July 8<sup>th</sup> from Pond Street to the Franklin/Milford Street intersection. Selectman Crowley requested this information be placed on the Town of Medway website. Mr. Boynton reported that the issues with the sidewalks resulted in a disagreement as to the cause between the contractor who did the work and the Department of Transportation (DOT). The samples were sent to the state lab assigned by the DOT and have not come back yet. He stated the additional issue delaying the project is the design of the crosswalks at the two right turn lanes that do not have crosswalk signals noting this is the state design. Many years ago, it was determined there is a need to have a crosswalk to the middle island. There will need to be additional trench work to address this as this is both a safety and mechanical/technical issue. This will hopefully be completed this year. Mr. Boynton stated no final asphalt will be put into this section until the final conduit is in place. The final sidewalk will be installed at Choate this week. The Town can then proceed with the electronic sign installation. The clock will be installed and dedicated on July 20<sup>th</sup> at Medway Day. The legislation delegation will be invited to the completion ceremony in September.

Medway Plaza Redevelopment: Selectman Foresto requested an update. Town Administrator Boynton stated Chief Tingley had the safety officer review the parking space marking issues and is putting a report together that will go to the Board. The team putting the plan together for stormwater and the other identified site issues did not report back to the Town within the requested thirty days. Town Counsel has drafted a stern letter that will be sent to the property owner.

Follow up on Dog Policy/By-law update re: Allowing on Trails if on leash: Town Administrator Boynton stated the intent is to update the Board after the next meeting of the Parks Commission. Selectman Crowley requested the due date be changed to September of this year.

Mr. Pelletier reported that bridge number two on the Hoag Trail went out to bid.

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

*There were no items for the Board to review.*

Fiscal Year 2019 Close Out Update: Town Administrator Boynton stated we are in the process of closing out the fiscal year and no issues have been identified.

Independence Day Weekend – Holiday Thursday, Offices Closed Friday: Town Administrator Boynton reminded the Board of Independence Holiday schedule.

Town Administrator Out of Office: Town Administrator Boynton reported he will be out of the office as follows:

- June 19-30<sup>th</sup> – Vacation – Allison Acting Town Administrator

NEXT Selectmen's Meeting – Monday, July 8, 2019 – Regular Meeting

### **Selectmen's Reports**

*There were no items for the Board to review.*

Selectman Crowley reported that the boys baseball team won and will play Tuesday at 4pm in Lowell. He asked for the expiration date of the current trash contract as many residents are not pleased with their performance. Mr. Boynton stated they are entering their final year and quotes are expected to be obtained in the next two to three months with negotiations concluded by the end of this year. Selectman Trindade reported complaints from residents about the larger yellow bags. Mr. Pelletier stated this was an issue with a specific batch and Ms. LaPan is working with the vendor for resolution of the issue. Town Administrator Boynton stated he will schedule a meeting with Waste Management to discuss the performance issues. Selectman Crowley referenced the document provided to the Board regarding the water rates and requested that creation and amended dates be added to documents provided to the Board in the future as a reference point.

**At 8:35 PM Selectman Trindade moved to adjourn. Selectman D'Innocenzo seconded. VOTE: 4-0-0.**

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