

**Select Board Meeting
October 4, 2021 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Maryjane White, Chair; Dennis Crowley, Vice-Chair; Frank Rossi, Clerk; John Foresto, Member.

Absent: Glenn Trindade, Member.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Stefany Ohannesian, Town Clerk; Pete Pelletier, Department of Public Works (DPW) Director, Sean Harrington, DPW Deputy Director; Police Chief Tingley; Police Lieutenant Matt Reardon; Police Sergeant Derek Harrington; Susy Affleck-Childs, Planning and Economic Development Coordinator; Sandy Johnston, Communications Director.

Other Participants: Susan Jacobson, Consultant; Todd Alessandri, Finance Committee Chair; Andy Rodenhiser, Planning and Economic Development Board (PEDB) Chair.

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

Public Comments: There were none.

Approval of Minutes: September 20, 2021

The Board reviewed the draft minutes of September 20, 2021.

Mr. Foresto moved that the Board approve the minutes of September 20, 2021. Mr. Rossi seconded.

Mr. Crowley requested on page 3 line 128 that “39 Main Street” be added preceding Host Community Agreement and on page 4 line 196 that “of \$93,100 from free cash to the fields stabilization fund for vote at Fall Town Meeting” be added to the end of that sentence to clarify what the Select Board was agreeing to. **VOTE: 4-0-0.**

Discussion/Vote: 2020 Re-Precincting Plan

The Board reviewed the (1) draft re-precincting maps, (2) block report with accompanying explanation, (3) certification of precincting vote.

Mr. Boynton stated this census took place in 2020 and part of the process is to look at all the voting districts. He noted there are two proposed changes made by the Secretary of State’s office. Ms. Ohannesian stated Precincts 1 and 3 are where the changes will occur due to an addition of approximately 360 more Town residents. She reviewed the sections to be moved from each of the impacted precincts. She explained the process that needs to be followed once approved by the Select Board noting these changes will be effective December 31st, 2021. She stated two notifications will go out to the impacted residents. Mr. Crowley asked about the specific number of impacted residents. Ms. Ohannesian stated 200 in Precinct one and 22 in Precinct three.

Mr. Foresto moved that the Board accept the 2020 Re-Precincting Plan for the Town of Medway as presented. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Approval: Contract with Larochelle Construction, Inc. for the Fire Station 2 Roof - \$36,500

The Board reviewed the (1) memo from Pete Pelletier, (2) bid results, and (3) contract.

Mr. Pelletier stated the roof has been leaking for some time, they have only done patching to fix the leaks, and this contract is a long-term solution. Mr. Boynton stated this is a garage and only staffed during extreme circumstances, i.e., COVID-19 and storms. To protect our investments, this roof needs to be addressed. Mr. Rossi asked if this vendor was used in past. Mr. Pelletier stated no, but they had good references. Mr. Foresto asked if this was a recommendation from the Facility Study. Mr. Pelletier confirmed. Mr. Crowley asked if there are funds in the existing DPW budget for this project. Mr. Boynton stated yearly, \$50,000 is put into the DPW capital budget for these types of projects. Mr. Crowley asked for the amount left in their capital budget. Mr. Boynton stated at least \$25,000.

Mr. Foresto moved that the Board authorize the Chair to execute the contract with Larochelle Construction as presented. Mr. Rossi seconded. VOTE: 4-0-0.

Approval: Contract with Woodard & Curran for On-Call Engineering Services

The Board reviewed the (1) memo from Pete Pelletier, (2) and contract.

Mr. Boynton stated we use Tetra Tech for on-call engineering services noting they have very busy lately and so we have encountered timing issues with some DPW projects. One project impacted was the Cassidy Field project. This provides more tools and options for DPW projects. Mr. Pelletier stated we are also using this firm for the water and sewer asset management plan and have used them on the geographic information system (GIS) side. They have extensive municipal experience and we have had a good experience and relationship with this vendor. Mr. Foresto asked if the pricing is comparable to Tetra Tech. Mr. Pelletier confirmed. Mr. Crowley asked if the allowance for these services is built into the DPW budget. Mr. Pelletier confirmed. Mr. Crowley asked if there is a specific line item in the budget. Mr. Boynton stated it would fall under “other professional services”. Mr. Crowley asked that we look into adding a specific line item to the budget for this in the future.

Mr. Foresto moved that the Board authorize the Chair to execute the contract with Woodard & Curran as presented. Mr. Rossi seconded. VOTE: 4-0-0.

Approval: Affordable Housing Regulatory Agreement - Evergreen Village

The Board reviewed the (1) memo from Susy-Affleck-Childs and (2) regulatory agreement.

Ms. Affleck-Childs explained Ms. Jacobson’s role in this project. She stated that this is a six condo unit, permitted by the PEDB, and there is a requirement for one affordable unit. This project was presented to the Board previously for approval of the Local Action Plan. This is the legal documentation to verify that unit will be affordable in perpetuity and is signed by the Town, Department of Housing and Community Development (DHCD), and the developer. Mr. Crowley thought the threshold was ten units to one affordable unit. Ms. Affleck-Childs said it is six units to one affordable unit. Mr. Crowley asked in reference to exhibit B if the condo fee is the same for both the fully priced and affordable units. Ms. Jacobson confirmed this fee is the same noting it is always her recommendation that it be the same as animosity can arise if the fee differs. Mr. Crowley asked if these legal documents confirm that these fees are the same. Ms. Jacobson confirmed and explained all the legal documents required for this process. Mr. Crowley asked if there is local preference for a Medway resident. Ms. Jacobson said you cannot for only 1 unit, but this can be implemented for five or more units. Mr. Crowley asked about the status of the completion of these units. Marie Verrichione stated three are completed. Mr. Crowley asked that the availability of this affordable unit be put out via social media. Ms. Jacobson explained the

process for notification of availability of affordable housing units. Mr. Rossi asked if we have any requirement for subsidized inventory in Town. Ms. Affleck-Childs stated the goal is 10% inventory in the Town to maintain Safe Harbor status. Mr. Rossi asked who completes the screening for income levels. Ms. Jacobson stated she does that process and then submits the application to the State who then reviews all criteria again noting the approval letter comes from the State.

Mr. Foresto moved that the Board authorize the Chair to execute the regulatory agreement as presented. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Vote: Intent to Layout the Following Roads as Public Ways:

- **A portion of Bramble Road**
- **Briar Lane in its entirety**
- **A portion of Fern Path**
- **A portion of Field Road**
- **Redgate Drive in its entirety**

The Board reviewed the (1) memo from Susy Affleck-Childs, and (2) Redgate subdivision plan.

Ms. Affleck-Childs stated this is one of the subdivisions that has been carried on the street acceptance list for many years. This subdivision was approved in 1986 for 28 lots. This has remained in limbo for 20 years due to a lawsuit filed by a neighbor on the developer and the lawsuit was dismissed in 2019. We were directed by Town Counsel to not take action on the street acceptances until this lawsuit was resolved. The developer approached the Town for the return of the \$13,060 remaining bond funds and acceptance of the streets. She explained the challenge of this subdivision acceptance is due to the age it is showing its wear and tear noting the legal work required to deal with the developer would be more than the \$13,060 remaining in the bond account. Mr. Rodenhiser stated the PEDB struggled with the developer wanting his money back and not wanting to do any work prior to the Town accepting these streets. He reported that the developer noted that the Town started the taking of a drainage parcel that he thought the Town owned. However, that taking was not completed and the developer still owns the parcel, which has unpaid taxes of approximately \$9,000. Mr. Crowley asked what the original bond amount was. Mr. Rodenhiser stated this predates him moving to Town noting this is not current PEDB practice. He stated the Select Board requested the PEDB resolve the unaccepted streets and they work on these yearly. Mr. Foresto asked if these are in the road and sidewalk plan. Mr. Pelletier stated they are not as only accepted streets are included in that plan. Ms. Affleck-Childs shared information provided by Mr. D'Amico back in August 2020 for costs related to these streets and sidewalks noting that the drainage at 19 Bramble Road was not built appropriately and his guestimate to address this was \$100,000. The sidewalk repairs would cost approximately \$80 per foot, the road repairs were estimated at approximately \$250,000. Mr. Foresto asked how many more unaccepted streets still need to be addressed. Ms. Affleck-Childs stated approximately ten more noting that some are not as old as the Redgate area. Mr. Rossi asked if we return the bond money will we receive the outstanding taxes. Mr. Rodenhiser stated the developer indicated he would take legal action if the Town attempted to obtain the taxes owed and, if the bond money is returned, the benefit is that the developer gives the Town the deeds. Mr. Foresto noted that the Select Board has a responsibility to the residents of this area. Mr. Rodenhiser stated that until the legislature addresses developers not completing this work and dumping it on the municipalities, these issues will continue. Mr. Rossi asked about the street acceptance process. Ms. Affleck-Childs explained this process.

Mr. Rossi moved that the Board express its intent to lay out as public ways a portion of Bramble Road, Briar Lane in its entirety, a portion of Fern Path, a portion of Field Road, and Redgate Drive in its entirety, all as shown on the Subdivision Plan of Land in Medway, MASS Red Gate Estates, dated

October 14, 1986, last revised December 17, 1986, recorded at the Norfolk County Registry of Deeds as plan number 613 of 1987 in Plan Book 354, and to refer this matter to the Planning and Economic Development Board for a report and recommendation. Mr. Foresto seconded. No discussion. VOTE: 3-1-0. Mr. Crowley voted against.

Mr. Crowley asked if the roads in the Timber Crest development are to be permanently private ways. Ms. Potter will obtain this information and disseminate it to the Select Board.

Discussion/Vote: Naming the Police Station – William David Lambirth Police Station

The Board reviewed the letter from Chief Tingley and Retired Chief Saleski.

Chief Tingley explained Chief Lambirth's background as a long-term resident and Police Chief in Medway, as well as his immense input in the building of the existing police station, and noting his retirement in 2002. Mr. Crowley would like to know the plans for the naming and requested that Chief Tingley present this to the Select Board once known.

Mr. Foresto moved that the Board approve the naming of the Police Station the William David Lambirth Police Station as discussed. Mr. Rossi seconded. VOTE: 4-0-0.

Review November 15, 2021, Fall Town Meeting Warrant and Refer Zoning Articles to the Planning and Economic Develop Board for Review and Recommendation

The Board reviewed the draft November 15, 2021, Fall Town Meeting warrant.

Ms. Affleck-Childs and Mr. Rodenhiser reviewed the zoning articles.

ARTICLE 9: (Amend Zoning Bylaw: Environmental Standards)

Ms. Affleck-Childs stated this goes back to 1975, is very outdated and difficult to enforce, noting the public hearing is next Tuesday and more changes are anticipated. Mr. Rodenhiser stated this represents a lot of thoughtful work and efforts noting the following people were instrumental in this update and knowledgeable in the topics including Tom Gay, the hired consultant, John Lally, Lee Knowlton, as well as Ellen Rosenfeld and her sound engineer. Ms. Affleck-Childs stated this provides the authorization for the building commissioner to obtain a noise consultant engineer for when a noise complaint is received. Noise standards are defined from industrial to industrial, industrial to residential, and cover all scenarios. Ms. Affleck-Childs stated most towns default to the State Department of Environmental Protection (DEP) standards, but we wanted a more Medway specific plan. The Select Board requested a Town-wide sound survey be completed and presented in the future.

ARTICLE 10: (Amend Zoning Bylaw: Battery Energy Storage Facility)

Ms. Affleck-Childs stated that May Town meeting directed the PEDB to study Battery Energy Storage System (BESS) facilities noting three proposals were received today. These are already allowed in the industrial resource district, but they were never defined and just allowed by-right. This defines a large and small BESS storage facility, only allowing a small one by special permit. Once the PEDB completes this task, the PEDB can make a recommendation for further bylaw revision. Mr. Crowley asked if we are setting up a precedence by defining this. Mr. Rodenhiser stated he does not want to use the word precedent noting that further knowledge, residents' preference, and the speed of these facilities evolving have driven this issue. This language was adopted originally based on State recommendations and now needs to be addressed more specifically.

ARTICLE 11: (Amend Zoning Bylaw: Schedule of Uses, Energy Resource District)

Ms. Affleck-Childs stated this came out of looking at BESS and therefore the need to look at all the items of uses in the energy resource district which are allowed by right. She reviewed the specific items to be removed from this listing.

ARTICLE 12: (Amend Zoning Bylaw: Housekeeping)

Ms. Affleck-Childs stated these are clarifications, for example, the Central Business District had combined purpose items and misnumbered items. The rest of the changes are tied to administrative site plan review plan by the PEDB or the Zoning Board of Appeals (ZBA) which are just clarifications, further definitional work on what a non-confirming use is, and a refined definition of an outdoor display.

ARTICLE 13: (Amend Zoning Bylaw: Construction Equip./Machinery Sales, Leasing, Rentals)

Ms. Affleck-Childs stated the new use this is putting forth is for construction equipment, machinery sales, leasing, and rentals as an addition to the use table only in the West Industrial District and by special permit by the PEDB and noted this was requested by property owner Paul Yorkis. Mr. Crowley stated this does not permit repairs and asked if repairs will be allowed. Mr. Rodenhiser stated they can only repair their own equipment that is being rented or leased.

Mr. Boynton then reviewed the rest of the warrant articles.

ARTICLE 1: (Prior Year Bills)

Mr. Boynton stated this is prior year bills.

ARTICLE 2: (Transfer to Fire Dept. Budget)

Mr. Boynton stated this was already discussed with the Select Board.

ARTICLE 3: (Free Cash Transfer to Facility Stabilization Fund)

Mr. Boynton stated we are awaiting certification of free cash and anticipate this will be higher than last year and, if it is higher, we would like to put more free cash into this stabilization fund.

ARTICLE 4: (Free Cash Transfer: Capital Items)

Mr. Boynton stated we know we need voting machines and the fencing and storage at \$50,000 is anticipated to be enough for the high school baseball fields noting we are awaiting information from the Parks Commission on the costs.

ARTICLE 5: (Free Cash Transfer: Athletic Field Stabilization Fund)

Mr. Boynton stated this was discussed last week.

ARTICLE 6: (Free Cash Transfer: BESS Study)

Mr. Boynton stated is to fund the consultant work associated with the Battery Energy Storage Systems (BESS) study including the legal work with ABLE Grid, the Energy Facilities Siting Board (EFSB), and potential battery storage facilities.

ARTICLE 7: (Transfer CPA Funds: 1964 Firetruck Restoration)

Mr. Boynton stated this number is at \$295,000. The Historical Commission is scheduled to discuss this on Wednesday night noting they would need to designate this firetruck as historically significant. The Community Preservation Committee (CPC) would then need to approve the expenditure of Community Preservation Act (CPA) funds, and this would then go before the Select Board.

ARTICLE 8: (Create Stormwater Special Revenue Account)

Mr. Boynton stated this was at the request of the Finance Director in order to maintain stormwater reserves as the Finance Director cannot otherwise hold these DPW fees from permits for land disturbance that are storm water related or MS4 connections. These funds fall to free cash and we would like to use these fees to reinvest in our stormwater infrastructure.

Ms. Affleck-Childs stated there is also an additional warrant article resulting from grant funding received from the Trails Program for the purpose of creating a handicap accessible loop trail at Adams Street. We have received \$50,000 and are short some funds and will be going before CPC on November 1st requesting \$65,000 of open space funds. She explained they are asking for more than was previously requested as quotes for this work were obtained last winter. Mr. Boynton noted there is \$278,000 CPA open space funding available.

Mr. Foresto moved that the Board refer the November 15, 2021, Fall Town Meeting warrant zoning articles to the Planning and Economic Development Board for review and recommendation. Mr. Rossi seconded. VOTE: 4-0-0.

Action Items from Previous Meeting

The Board reviewed the (1) action items dated September 20, 2021, and (2) September Water Treatment Facility status report.

Status on Grant Funding for Solar at New DPW Facility: Mr. Boynton stated we have the approval, but the panels are not generating enough to cover the use of electricity due to the lack of sunshine. He commended Mr. Pelletier, Mr. Harrington, and Ms. Carlisle for their efforts towards monitoring this. Mr. Crowley noted that the Town does not receive funds but credits toward our energy utilization.

Town Manager's Report

There were no items for the Board to review.

COVID Update – CARES Funding Status: Mr. Boynton stated we have seven COVID cases in Medway. We continue to move forward with additional planned flu vaccine clinics with one scheduled at the school and one at senior center. He explained the status of the CARES act funding noting that processing is slowed at the State level. Reimbursements to date were \$669,621. We are waiting for final approval of the \$349,685 submitted, and we have \$95,857 that is unallocated so still needs to be submitted. He reported that we have \$175,530.87 of FEMA funds pending reimbursement. He commended Ms. Pratt's efforts on this. He noted that final reporting was to be due in October but has now been pushed out to March. Mr. Crowley asked of the \$175,000, when we receive those funds, if

they were already expended would these funds fall to free cash. Mr. Boynton confirmed. Mr. Boynton stated we received \$705,000/50% of the American Rescue Plan Act (ARPA) funding. The Board would need to officially vote on the use of these funds. He stated that we would need to apply for the ARPA allotment from Norfolk County with specific projects noting he would like to apply for funding of the Water Treatment Facility project. He looked at the next phase of the infrastructure funding but did not see that we have any applicable projects. Mr. Crowley stated his concern about eligibility for funding if we are too far along with a project. He asked if that would hinder our ability to apply for funding noting we would need to look into this once the next phase has passed.

Fluoride & Public Drinking Water Update: Mr. Boynton stated there is a global shortage on fluoride and Medway will run out of our supply by the end of this week noting will notify the community via the Board of Health. He stated that fifty years ago, the Town decided to add fluoride in the water noting Town Counsel confirmed that if we are unable to add this to the water we will not be in violation. The Board of Health will address how we handle this long term. Mr. Crowley asked that we notify residents about why we cannot obtain fluoride.

Town Manager Out of Office: - October 14 &15 for Vacation

NEXT Regular Select Board Meeting – Monday, October 18, 2021.

There will be no quorum on October 18th so the next Select Board meeting will be November 1st.

Select Board's Reports

There were no items for the Board to review.

Mr. Foresto thanked those volunteers at the Master Plan Community Forum.

Mr. Crowley thanked the volunteers who put on the Town-Wide yard sale noting funds raised go the Christmas Parade. He requested printing water facility status reports on larger paper so it can be read.

At 8:55 PM, Mr. Foresto moved to adjourn. Mr. Rossi seconded. VOTE: 4-0-0.

Respectfully submitted,
Liz Langley
Executive Assistant
Town Manager's Office