

**Board of Selectmen's Meeting
December 21, 2020 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Glenn Trindade, Chair; Maryjane White, Vice-Chair; Richard D’Innocenzo, Clerk; John Foresto, Member.

Staff Present: Michael Boynton, Town Manager; Barbara Saint Andre, Community and Economic Development Director; Sandy Johnston, Communications Director.

Participated Remotely: Dennis Crowley, Member; Margaret Perkins, Library Director.

Others Participated Remotely: Mark Reich, Town Counsel; Susan Rorke.

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

The Selectmen acknowledged Selectman White’s birthday tomorrow.

Public Comments: There were none.

Approval of Minutes: December 7, 2020

The Board reviewed the draft minutes of December 7, 2020.

Selectman D’Innocenzo moved that the Board approve the minutes of December 7, 2020. Selectman White seconded. Discussion: Selectman Crowley asked for an explanation of page eight, line 379, and requested it be reworded. Mr. Boynton reworded as follows: “It is being allowed in neighborhoods of need and, since it is not allowed in Medway, home delivery would not be allowed.” **It was so voted by roll call vote: Crowley- aye; D’Innocenzo - aye; Foresto - aye; Trindade - aye; White - aye. VOTE: 5-0-0.**

Discussion: Process Options for Name Change to Select Board

The Board reviewed the e-mail from Mark Reich, Town Counsel

Mr. Boynton noted that Town Counsel Mark Reich is available to address this agenda item. Mr. Boynton stated the Selectmen approved the change in name to Select Board at their last meeting, which was approved by the residents at Fall Town Meeting and, once approved by the Attorney General, they would also like the Charter updated to reflect this change. Attorney Reich will review the options on how to move forward with the charter changes. Ms. White confirmed we have not heard back from the office of the Attorney General.

Attorney Reich stated that this is an unofficial official change in name noting the Selectmen for general purposes can call themselves Select Board however all legal references must reflect Selectmen until the Charter, which is the legal document, is changed. Attorney Reich then reviewed the potential avenues to pursue implementation of the change to the Town Charter and explained the process for each: 1. under General Laws Chapter 43B, Section 10, which is the most complicated process to implement this change, requiring a 2/3 vote at Town Meeting, then submission to the Attorney General and the Department of Housing and Community Development, and lastly must go before the first Town election

following State approval, 2. via special act charter, which requires the same 2/3 vote at Town Meeting and presentation at a Town election, or 3. via a Governor's Bill, which is the most efficacious requiring the Town's legislative delegation to file this bill directly with the Governor. Selectman Trindade asked if the Governor's Bill can be signed and approved without the need for legislative approval. Attorney Reich stated the bill would still require legislative approval.

Mr. Boynton requested Town Counsel draft the appropriate language to allow us to move forward with a blanket amendment to the Charter. Attorney Reich agreed with the blanket amendment for the Charter change. Selectman Foresto asked if this needs to be done at Annual Town Meeting or can be done at any Town Meeting. Attorney Reich confirmed it could be accomplished at any Town Meeting. Town Manager Boynton noted that the last charter change occurred at Fall Town Meeting and expressed concern about scheduling a Special Town Meeting to approve this change. Selectman Trindade stated that the Governor's approach would be the most expeditious and requested the Selectmen's opinion. The Selectmen agreed with this approach as the most efficacious. Attorney Reich recommended direct communication with the legislation to notify the Governor about this change and then reviewed the necessary steps.

Selectman Crowley stated he is neutral on this subject and leaned towards the Governor's approach asking how the other towns with charters handled this change. Attorney Reich stated most have been completed through the special acts process as their changes were more extensive than a name change only, noting there is not a wrong or correct process as this is more a policy decision by the Selectmen. Attorney Reich stated the rationale for consideration of the Governor's approach is there was already robust action taken at a Town Meeting. Selectman Crowley reported that he has been approached by residents to put a warrant article on the next Town Meeting warrant to reverse what happened at the Fall Town Meeting and his concern that they may contact the Governor with their petition. There was further discussion about Selectman Crowley's concern with a citizens' petition and the impact of that on pursuing the Governor's Bill route. Attorney Reich noted that the language prepared for a Governor's Bill could also be used should the need to pursue the charter change via the special act route occur. The timeframe of moving forward with the Governor's Bill was then discussed. The Selectmen were all in agreement with moving forward with the Governor's Bill process. Selectman Crowley stated his respect for the residents that secured the signatures for the petition for the warrant article at Fall Town Meeting noting that those who are not happy with this decision have the same right to submit a petition for consideration at a future Town Meeting.

Selectman Foresto moved that the Board authorize Town Counsel to work with the Town Manager to develop the Governor's Bill to replace the language in the Medway Charter of Selectmen with Select Board and to authorize the chair to sign said letter upon completion. Selectman D'Innocenzo seconded. No discussion. It was so called by roll call vote; Crowley- aye; D'Innocenzo aye -; Foresto - aye; Trindade - aye; White - aye. VOTE: 5-0-0

Selectman Trindade moved to authorize the Town Manager to contact the Town legislators to facilitate this change with the Governor. Selectman White seconded. No discussion. It was so called by roll call vote; Crowley - abstain; D'Innocenzo - aye; Foresto - aye; Trindade - aye; White - aye. VOTE: 4-0-1

Ms. Rourke noted that we can now move forward with the name change according to Town Counsel. Selectman Trindade stated only upon Attorney General approval, which is still pending. However, the Selectman plan to implement the changes once the Governor's Bill is passed for ease of implementation.

Deed Acceptance: 13 and 15R Populatic Street

The Board reviewed the (1) settlement statements, and (2) deeds.

Mr. Boynton stated this is the property adjacent to the current well site and was approved for purchase at Town Meeting, noting it took time due to the involvement of land court.

Selectman Foresto moved that the Board accept the deeds to 13 and 15R Populatic Street and to authorize the Chair to execute any and all documents necessary to effectuate the acquisition of both properties. Selectman D’Innocenzo seconded. No Discussion. It was so called by roll call vote; Crowley - aye; D’Innocenzo - aye; Foresto - aye; Trindade - aye; White - aye. VOTE: 5-0-0.

Ms. Saint Andre reminded the Selectmen that there are two separate properties therefore two deeds and settlement statements must be signed.

Gift Acceptance/Authorization to Expend Gift: Paul R. and Lenore B. Wilson Charitable Remainder Unitrust

- **Town Hall Maintenance - \$37,342**
- **Town of Medway Library - \$56,014**

The Board reviewed the (1) donation letter from attorney Stephen Pisini, and (2) notice of donation/authorization to spend forms for Town Hall and the Library.

Mr. Boynton stated he received a call from Attorney Pisini that with Lenore’s passing there was money in her will for donation to the Town. He was shocked at the amount and very appreciative of their generosity. He stated there are no current plans for the Town Hall funds but is sure that the Library could expend these funds for their programming efforts. Selectman Trindade explained Mr. Paul Wilson’s extensive service to the community and of his experience with Mrs. Wilson’s historical stories shared at a church anniversary celebration. Selectman Crowley noted that the funds used for the Town’s previous purchase of the Wilson property went into this trust. Selectman Trindade requested that the library not use the money for infrastructure updates to the building but for library programs. The Selectmen agreed. Selectman Foresto stated the Library Board of Trustees has the control of these funds. Ms. Perkins concurred with using these funds for programming and the Maker Space.

Selectman Foresto moved that the Board vote to accept and to authorize the expenditure of the gift from the Paul R. and Lenore B. Wilson Charitable Remainder Unitrust for Town Hall maintenance in the amount of \$37,342 and the Medway Library in the amount of \$56,014 as presented. Selectman D’Innocenzo seconded. No Discussion. It was so called by roll call vote; Crowley - aye; D’Innocenzo - aye; Foresto - aye; Trindade - aye; White - aye. VOTE: 5-0-0.

Selectman Foresto requested a thank you letter be crafted for the Selectmen to send to the family.

Approval of VFW Lease

The Board reviewed the VFW lease.

Mr. Boynton stated this is the lease that was negotiated to extend the tenure of the VFW at the 123 Holliston Street location and modifies the amount due to them. The final payment to them from the Town was to be \$400,000 and they were to pay \$5,000 per month. They have instead agreed to pay \$2,500 per month and the Town will be paying \$350,000. The funds for the VFW purchase was already allocated so will need to be repurposed.

Selectman Foresto moved that the Board vote to authorize the Chair to execute the VFW lease as presented. Selectman D’Innocenzo seconded. No Discussion. It was so called by roll call vote; Crowley - aye; D’Innocenzo - aye; Foresto - aye; Trindade - aye; White - aye. VOTE: 5-0-0.

Selectman Crowley asked if this is a 2-year agreement. Mr. Boynton confirmed. Selectman Crowley stated his concern about the length of time the VFW will stay in the building as this is the last payment from the Town and they will need to take cash out of their pocket for future payment. He is concerned about the potential for the building to be vacant and would like to have a committee constituted to determine the future use of this building and land. Selectman Foresto stated this is part of the facility study workshop discussion scheduled for January 23rd. Mr. Boynton confirmed that the first step is to review this as part of the town wide facilities study report and, if the use is not addressed at that time, the need to begin planning would be in the June/July timeframe. Selectman Crowley requested this be added to the action item list.

Action Items from Previous Meeting

The Board reviewed the (1) action items dated October 19, 2020, and (2) status of Water Treatment Facility Project.

Selectman Crowley stated his concern that some of the action items on the list remain unaddressed.

Street Acceptance Progress & Performance Security: Town Manager Boynton stated this is reported to the Board on a yearly basis.

Unaccounted for water loss status report: Town Manager Boynton stated this is on the January 19th Selectmen’s agenda.

Report to BOS Strategic Plan for making fields more viable for youth sports: Town Manager Boynton stated COVID has impacted the progress on this specific action item.

Conservation Restrictions for Town Owned Land: Town Manager Boynton stated we can leave this on or remove this, but we have no one who is willing to take this on. Selectman Trindade stated there may be upcoming legislation that will impact our ability for funding if we do not address this. Mr. Boynton reiterated that we have been unable to find anyone to take this on and the major companies that handle this are price restrictive. He further stated that this has been discussed at many legislative breakfasts; when we take land as open space with conservation restrictions it is the intent to remain as open space and it could be addressed by legislation. Selectman Trindade stated we should begin investigating the cost. He also stated we need to spend money to investigate all Town properties to ensure there is no encroachment.

Report to BOS usage of Electronic Vehicle Charging Station: Town Manager Boynton stated this is scheduled for an updated report in April.

Status on Grant Funding for Solar at New DPW Facility: Town Manager Boynton stated we are in step 6 of 8 and he should have an update on this soon.

Assess Efficacy of Signage throughout Medway: Town Manager Boynton asked what the intent for this was. Selectman Foresto stated there is an abundance of signage in Town, some from old projects, and we need someone to see which are still viable. He stated the location of the signs entering Town should be addressed. Mr. Boynton was told that some of the Route 109 project signs were requested to be

removed. He stated specifically the ones located in the sidewalks will remain as those are in a concrete base and are part of a uniform traffic control program. Selectman Crowley stated there are multiple signs on Route 109 that need to be reviewed as there are too many. Mr. Boynton stated he will work with Mr. D'Amico to evaluate the current signage and report back to the Selectmen in April.

Charging Fees for Fire Systems Testing for New Construction: Town Manager Boynton stated this will be presented to the Board on January 19, 2021.

Battery Storage at New DPW Facility: Town Manager Boynton requested that this be removed as it has been addressed. The Selectmen agreed.

Town Manager's Report

There were no items for the Board to review.

COVID Update:

- 67 Active Cases -Town Manager Boynton stated there are 67 active cases in Medway. We continue to review these on a daily basis along with the Health Agent, Fire Chief, and Public Health Nurse. Health Agent Hallal is in contact with State Department of Public Health regarding the data. Mr. Boynton commended Dr. Pires on his management efforts for the education and planning needed due to COVID-19. He further recognized Parks and Recreation Director Julie Harrington's efforts on coming up with creative ways to keep the community active, Human Resources Coordinator Katherine Bird's efforts handling all the employment issues for both the Town and School, and Communications Director Sandy Johnston's efforts on keeping all residents well informed and up to date with the Town's COVID-19 status.
- VNA Cost Increase - Town Manager Boynton stated the VNA has an increase in cost due to increased efforts related to COVID. He stated we will work with them to come up with those costs to present to the Selectmen noting we may apply for CARES Act funding.

Selectman Foresto asked if there was any information about funding from the Federal Emergency Management Agency (FEMA) and CARES Act. Mr. Boynton stated that Representative Jeff Roy indicated the State will fully reimburse the towns for funds expended and he does not expect FEMA to make any changes. Mr. Boynton thanked Representative Roy on taking the lead on this effort on behalf of the Town. He reported that the latest Federal stimulus bill does not include any state or local funding. Selectman Foresto asked about the vaccine schedule for essential workers. Mr. Boynton reported that we do not have a schedule yet and are not sure how the vaccines will be released for implementation. He reported that the State has allowed all EMS providers to administer vaccines, but it looks it like may be a regional effort. Chief Lynch has been working with his colleagues in the Norfolk County Fire Firefighters Association on this effort.

Holiday Town Offices Schedule??: Town Manager Boynton stated Town Hall is closed as follows:

- December 24 & 25 – Closed
- December 31 – Closing at 12:30pm
- January 1 - closed

2020 Reflection: Town Manager Boynton stated this has been very trying time for all sectors of Medway and we are able to get through it through the leadership from the top down, especially the Selectmen. The Town of Medway has been ahead of the curve each step of the way. This current surge has been a difficult time for all, and he requested that we all stay vigilant and continue to wear masks, wash hands, use hand sanitizer, and limit gatherings. He stated his pride in the people who work for this Town and

their approach to the day to day operations, including the efforts of all the Boards and Committees to continue to move our endeavors forward. On behalf of all the employees, he wished all a happy new year.

Town Manager Out of the Office: Town Manager Boynton stated he has nothing scheduled.

NEXT Regular Selectmen's Meeting – Monday, January 4, 2021.

Selectmen's Reports

There were no items for the Board to review.

Selectman D'Innocenzo wished everyone a happy holiday season.

Selectman Foresto asked if there has been any interest in the Diversity Committee. It was noted that we have had two residents submit notice of their interest.

Selectman Crowley stated the best vote he has ever taken was to hire Town Manager Boynton. He thanked Michael for all his efforts. Selectman Crowley asked if there are any funds left in the Route 109 project. Mr. Boynton stated \$40,000. Selectman Crowley asked if those funds can be used to replace the American flags on Route 109. Selectman Crowley reported that varsity basketball is starting, and parents are not allowed in the gym. He has been working with Selectman Foresto and Medway Cable to see if they can live broadcast these events. Selectman Foresto stated they are testing out the system in the gym.

Town Manager Boynton announced two future retirements: (1) Town Clerk Maryjane White effective March 1st, stating what a great loss it will be, noting he will fill the position but not replace the person and (2) Department of Public Works Director Dave D'Amico. He stated they both have amazing talent and experience and devoted a tremendous amount of time to Medway and thanked them for their efforts.

Selectman Trindade stated that we need to acknowledge these retirements in an appropriate manner. He wished all happy and safe holidays.

At 8:28PM, Selectman Foresto moved to adjourn, Selectman D'Innocenzo seconded. It was so called by roll call vote; Crowley - aye; D'Innocenzo - aye; Foresto - aye; Trindade - aye; White - aye. VOTE: 5-0-0.

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