

**Board of Selectmen's Meeting  
August 12, 2019 – 7:00 PM  
Sanford Hall  
155 Village Street**

**Present:** John Foresto, Chair; Glenn Trindade, Vice Chair; Dennis Crowley, Clerk (remote participation); Richard D'Innocenzo, Member; Maryjane White, Member.

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Joanne Russo, Treasurer/Collector; Barbara Saint Andre, Director, Community and Economic Development; Courtney Riley, Director, Council on Aging; Dave D'Amico, Director, Department of Public Works (DPW); Julie Harrington, Director, Parks and Recreation; Jack Mee, Building Commissioner; Sandy Johnston, Communications Director.

**Others Present:** Paul Atwood, Chair, Agricultural Committee; Shirin Everett, Town Counsel; Jennifer Van Campen, Metro West Collaborative; Jessica Chabot, Chair, and Matt Hayes, Vice-Chair, Oak Grove Zoning Taskforce.

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

**Public Comments:** None

Joel Karsberg of 20 Azalea Drive represented a group of seventeen residents that are requesting the Town build dedicated pickle ball courts. He noted that it is a very popular sport and the indoor Community Education program is quickly filled so the group would like the Board to consider outdoor courts. Selectman Foresto explained that a process is in place to address prioritization of funding of athletic and recreational facilities. Selectman D'Innocenzo, Chair of Evaluation of Parks, Fields and Recreation Areas Committee (EPFRAC) explained the creation and purpose of this committee noting they recently developed a list of priorities for Town expenditure. It was noted that the group should present their request to EPFRAC. He asked how many dedicated courts they are requesting. Mr. Karsberg stated two but the attending group consensus was four. Selectman Crowley noted the Town of Franklin did four courts and requested that we reach out and obtain feedback on their usage. He stated he is very aware of the situation noting his wife pushed to mark the Middle School tennis courts for pickle ball in addition to tennis and that he will go before EPFRAC regarding this issue. He noted that the Town spent a lot of money on the parks but not on anything for ages 25 or older. He further reported he spoke with DJ Chagnon, designer for the Parks Improvements Project who estimated the cost of four courts without lighting at \$300,000-\$400,000 and, if bonded for 15 years, that would cost \$25,000-\$36,000 per year. He noted two issues: (1) that this may be a passing fancy and (2) determining the location where these can be built. He will forward the e-mail from Mr. Chagnon to Mr. Boynton. Selectman Foresto stated the Board is aware of the situation noting there is a process in Town to get this prioritized as a project. Parks and Recreation Director Harrington reported she has ordered four 4 pickle ball court nets and will offer an outdoor course starting next week. Ms. Heidi Trefonas of 40 Summer Hill Road stated: (1) she called around Town last year regarding pickle ball, (2) reiterated that the Community Education program fills up quickly, (3) noted that the Franklin courts are available only for Franklin residents along with Ward Park in Marlborough only available to those communities that directly abut the Town, (4) this is a family sport, and (5) the confusion of playing on tennis courts that are lined for both activities. Mary Slattery of 384 Village Street stated that she is a senior who plays

four times per week but needs to go with a friend in Franklin, that this can go deep into fall, and is a great physical activity for all. Selectman Trindade stated he and Selectmen D’Innocenzo have been discussing this for the past three to four months and is interested in how Franklin manages scheduling. He also noted that the location may need to minimize the impact on other sports. He also explained the capital planning process noting it may take a while to get this project addressed. The Board thanked the group for attending and discussing this issue.

#### **Approval of Minutes**

*The Board reviewed the draft minutes of July 8, 2019 and August 6, 2019.*

**Selectman Trindade moved that the Board approve the minutes of July 8, 2019. Selectman White seconded.** Discussion: Selectman Crowley asked for clarification on page 5, line 203, if the revenue is shown minus the 4% vendor fee. Mr. Boynton stated that 100% of the revenue is shown on the revenue budget line item and the 4% vendor fee is shown in the expense budget line item. Selectman Crowley asked if the stormwater site plan for the Medway Plaza was determined to be a major or minor review process. Mr. Boynton stated it will be a major process. Selectman Crowley disconnected the phone call from the meeting requesting a call back for the Oak Grove presentation. **VOTE: 4-0-0.**

**Selectman Trindade moved that the Board approve the minutes of August 6, 2019. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

Town Administrator Boynton reported that we are reviewing the back log of executive session meeting minutes to determine what can be released.

#### **Appointment Consideration: Agricultural Committee – Seth Terramane**

*The Board reviewed the (1) July 31, 2019 e-mail of interest from Seth Terramane and (2) July 30, 2019 letter of recommendation from Paul Atwood, Chair, Agricultural Committee.*

Selectman Foresto noted that Mr. Terramane is the Medway Community Farm manager, well known to the Board, and commended him and the group on a successful July 17<sup>th</sup> event with Congressman Kennedy.

**Selectman Trindade moved that the Board appoint Seth Terramane to the Agricultural Committee for a three-year term expiring on June 30, 2022. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

Chair Atwood shared that he would like to discuss two topics at the next Selectmen’s meeting: (1) Joint Farm Day with Holliston, and (2) right to farm signage similar to Holliston.

#### **Approval: Contract with Metro West Collaborative Development, Inc. and Glen Brook Way Apartments, LLC for 48 Permanent Affordable Housing Units at 33 West Street and 1 and 3 Glen Brook Way –\$2,000,000 (paid to date: \$650,000 [\$500,000 (AHT) \$150,000 (CPC)] amount remaining: \$1,350,000 (CPC)**

*The Board reviewed the (1) letter dated July 30, 2019 from Barbara Saint Andre, (2) consent and agreement letter from BlueHub Loan Fund, Inc. dated July 25, 201, (3) letter dated July 1, 2019 from Town Counsel, and (4) contract.*

Ms. Saint Andre introduced Shirin Everett, Town Counsel, who has been working on this agreement. She reported that in December of 2017, the Town entered into an agreement with Metro West Collaborative

and Glen Brook Way Apartments for phase one of the project. Since then, phase 2 of project has been approved along with a comprehensive permit for forty-two senior housing units. Last May, Town Meeting voted to spend \$1,000,000 on this project. The purpose of this agreement is to set parameters for the use of funding and will supersede the original agreement rolling both phase one and phase two into one agreement. The two items before the Board this evening include: (1) approval of the agreement for the \$2 million expenditure approved by Town Meeting, and (2) approval, consent and execution of the consent letter from BlueHub. She noted the need for this letter as there is also a mortgage on phase 1, therefore, this will allow for a second mortgage. She reported an additional letter from another lender will be forthcoming at a later date as there is also a mortgage for phase 2. She reported that they met with the Affordable Housing Trust, reviewed these documents with them as they are one of the signatories and they approved both of these documents. Selectman Trindade stated both the Affordable Housing Trust and Affordable Housing Committee voted unanimously to approve the project.

**Selectman Trindade moved that the Board vote to approve, and to authorize the chair to execute on behalf of the Board, the Funding Agreement with Metro West Collaborative Development, Inc., Glen Brook Way Apartments, LLC, GBW Senior Apartments, LLC, and the Medway Affordable Housing Trust, and the documents attached thereto, for Phase 1 and Phase 2 of the Affordable Community Housing at Glen Brook Way Apartments as presented. Selectman White seconded.** Discussion: Selectman Foresto asked how the Town is exposed if this does not happen. Town Counsel Everett explained that: (1) the Town's investment is protected by the mortgages and we are subordinate to both lenders, (2) the Town could enforce the lien, and (3) we have the contractual agreement for repayment of funds from Metro West. **VOTE: 4-0-0.**

**Selectman Trindade moved that the Board acknowledge, consent to, and authorize the chair to sign the Consent and Agreement letter from BlueHub Loan Fund, Inc. dated July 25, 2019, for the Glen Brook Way Apartments, LLC property. Selectman D'Innocenzo seconded.** Discussion: Selectman Foresto asked the status of the project as ground has not been yet broken. Ms. Saint Andre stated they will be applying again in September for funding for phase 1 and have applied and received the building permit for phase 1. Ms. Van Campen stated that by receiving the building permit, this keeps the Town's Safe Harbor intact. She reported they were invited to participate in a mini-round at the State noting ten were invited and eight will be funded with the decision expected by Christmas. Phase 1 should start late spring of 2020. They will not receive funding information for Phase 2 until 2021. **VOTE: 4-0-0.**

**Approval: Advance of Funds In Lieu of Borrowing For the Purpose of Payment to the Medway Veteran's Building Association per Purchase and Sale Agreement dated November 6, 2017 - \$400,000**

*The Board reviewed the (1) memo dated August 12, 2019 from Joanne Russo, and (2) advance of funds in lieu of borrowing report for the purpose of payment to the Medway Veteran's Building Association per purchase and sale agreement dated November 6, 2017.*

Ms. Pratt explained this form is to provide funds for the second payment to the Medway Veteran's Building Association as part of the Purchase and Sale. She reported they just met with S&P Global and the Town has a AAA and they believe we can keep that rating. Ms. Russo will be contacting the banks on the 29<sup>th</sup> of this month for the long term borrowing that will also include: (1) \$14,040,000 million for the new DPW facility, (2) \$350,000 to complete parks project, (3) \$600,000 to purchase Trotter Drive, and (4) \$1,224,000 for the water infrastructure projects.

**Selectman Trindade moved that the Board of Selectmen authorize the Treasurer to advance funds in lieu of borrowing in the amount of \$400,000 for payment to the Medway Veteran's Building**

**Association as stipulated in the purchase and sale agreement dated November 6, 2017 and authorized by Town Meeting under Article 10 at the November 13, 2017 Fall Town Meeting. Selectman D’Innocenzo seconded.** Discussion: Selectman Foresto asked Ms. Pratt to summarize the payments for the Medway Veteran’s Building Association. Ms. Pratt stated the final payment of \$400,000 is due next August 31<sup>st</sup>. **VOTE: 4-0-0.**

**Approval: Contract with Salmon Home Care, LLC for Public Health Nursing Services - \$14,150**

*The Board reviewed the contract.*

Mr. Boynton noted the cost for this contract is the same as last year and we have used this group for many years.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with Salmon Home Care, LLC for public health nursing services in the amount of \$14,150 as presented. Selectman White seconded. No Discussion. VOTE: 4-0-0.**

**Approval: Contract with Greater Attleboro-Taunton Regional Transit Authority (GATRA) for Transit Services**

*The Board reviewed the contract.*

Mr. Boynton noted this is the same contract that we do annually noting GATRA provides the vehicles and we provide the drivers for senior services for the Council on Aging and commuter services to the Norfolk Commuter Rail. He stated they meet annually with GATRA, with the most recent meeting having taken place four months ago. He reported an issue recently, which was a request for extension of elder bus services to nursing care facilities. He said that, due to liability issues, these have not been extended, but will continue to be discussed. Selectman Trindade asked how many commuters use the service. Ms. Riley stated the July total was 633 at an average of thirty per day, noting there are three trips in both the am and pm.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with the Greater Attleboro-Taunton Regional Transit Authority (GATRA) for transit services pending execution by GATRA as presented. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Approval: Contract with Katherine Tonelli, R.N. for Nursing Services for the Council on Aging – Not to Exceed \$5,880**

*The Board reviewed the contract.*

Ms. Riley stated this is a great service and is highly utilized by the seniors. She said that the nurse is able to answer a lot of their questions, limiting their need for primary care visits.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with Katherine Tonelli, R.N. for nursing services for the Council on Aging in an amount not to exceed \$5,880 as presented. Selectman White seconded. No Discussion. VOTE: 4-0-0.**

**Approval: Contact with Haley & Ward for On-Call Engineering Services**

*The Board reviewed the (1) memo dated August 12, 2019 from Dave D’Amico and (2) contract.*

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with Haley & Ward for on-call engineering services as presented. Selectman D’Innocenzo seconded.** Discussion:

Selectman White asked if this is a yearly contract. Mr. D'Amico stated they have been the Town's primary water and sewer contractor for many years and have provided very good service. Mr. Boynton explained this is in lieu of having an on call staff engineer. Selectman Foresto asked how much we have spent to date and if there is a limit. Mr. Boynton estimated we have spent \$100,000 but will provide the Board with the exact figure. Selectman Foresto asked if this is just for water and sewer or other services. Mr. D'Amico stated just water sewer. **VOTE: 4-0-0.**

**Contract with R. Bates & Sons, Inc. for Bridge and Roadway Repair (Walker & Wellington Street) - \$246,452**

*The Board reviewed the (1) memo dated August 12, 2019 from Dave D'Amico, (2) bid summary, and (3) contract.*

Mr. D'Amico stated bridge reports from Mass DOT for the Walker Street bridge show severe deterioration noting it is 25 years old. They will need to completely strip the deck and then install a membrane to prevent this from recurring. He has not worked with this vendor before but they had good references including references from Mass DOT.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with R. Bates & Sons, Inc. for bridge and roadway repair in the amount of \$246,452 as presented. Selectman D'Innocenzo seconded.** Discussion: Selectman White asked why there was a big difference in bids. Mr. D'Amico stated this is expected for this type of project especially as we are mid-way through the construction season. Mr. Boynton stated this was estimated at \$175,000 and we will utilize savings from other projects and, if need be, will adjust other projects to make up the cost difference. Selectman Trindade asked why Wellington Street was less. Mr. D'Amico stated that is more patch work. Selectman Foresto asked if any state funds were available. Mr. D'Amico stated if you use state funding, you must follow Mass DOT rules which are very stringent and expensive. Selectman Foresto asked if the standards we are building to are adequate. Mr. D'Amico confirmed. Mr. Boynton reported that this work cannot be done with the road open, will require a 45-60 day closure, and should be completed by the end of October. He noted the majority of the traffic impact will be from Franklin and that we will notify them. **VOTE: 4-0-0.**

Selectman Foresto asked when Main Street is scheduled for paving. Town Administrator Boynton stated the Sunday following Labor Day weekend and will require four nights of paving. He stated other outstanding work includes the final sidewalk from the Medway Plaza west, the conduit for signal upgrades at Holliston Street for pedestrian lights, and additional castings that need to be raised. He stated there were questions as to why the lines were painted if the paving still needs to occur. This was due to safety reasons and the lines are needed in order for the new traffic lights to activate. Selectman Foresto asked for a status on the road project. Mr. D'Amico stated all that were planned have been completed with seeding still needing to occur. There is still sidewalk work to be completed but the bidding came in too high. The area near Exelon is delayed due to a delay on their engineering. Selectman Trindade asked if the funding stays committed or falls to free cash for non-completed work. Mr. Boynton confirmed it stays committed. Mr. Boynton reported an issue on the sidewalk near Cumberland Farms noting we are working with the Conservation Commission. Village Street will be a future agenda item and we are looking at the budget as there are areas that may need to be addressed before the winter. Selectman Trindade reported the driveway at High School needs to be evaluated. Mr. D'Amico stated he is working with Mr. Kane on that issue.

**Approval: Contact with Northeast Collaborative Architects, LLC for a Historic Structure Report, 158 Main Street - \$19,500**

*The Board reviewed the contract.*

Mr. Boynton stated we anticipated the need to have this done to determine the required scope of work. This is a partnership effort and we have met with both the Historical Commission and Society. Mr. Boynton commended Ms. Potter on her efforts.

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with Northeast Collaborative Architects, LLC for a historic structure report for 158 Main Street in the amount of \$19,500 as presented. Selectman White seconded.** Discussion: Selectman Foresto stated this is the same organization with a different name that did the Thayer Homestead report and asked who is funding this effort. Ms. Potter replied this will be paid for with Community Preservation Act (CPA) funds. Selectman Foresto asked if Mr. Cerel agrees with this project and pricing. Ms. Potter confirmed noting he will be at the first meeting along with representatives of the Historical Society. Selectman Foresto commended Ms. Potter on her efforts. **VOTE: 4-0-0.**

**Presentation: Oak Grove Zoning By-Law Amendments**

*The Board reviewed the (1) PowerPoint presentation, (2) Oak Grove Sub-districts Map, (3) Table of Uses, and (4) Oak Grove Park District Proposed Zoning Amendments.*

Ms. Chabot reviewed the presentation provided in the Selectmen's packet noting the goal of including these zoning changes in the November Fall Town Meeting. She stated the purpose of these changes are to have a more diverse use, increased tax base, and different types of housing. She then reviewed the concept plan noting the creation of a much larger buffer zone to decrease the impact on existing homes. Ms. Chabot then reviewed Form Based Zoning noting it is geared towards density versus use and allows strict site and building standards for design noting all this zoning is based on existing town regulations. She then reviewed the public realm standards, each specific designated area, and the purposes of each area. Selectman Trindade commended the group on their efforts noting this has been ongoing for the past thirteen years. Selectman Foresto reported he attended the meeting at the Thayer Homestead and was impressed with the group noting that residents came away with the understanding that zoning helps the residents. He reported he requested a traffic study on Alder Street and Fox Run Road noting the 3-4pm run of traffic has changed since Cybex departed. Ms. Chabot stated this zoning and development should hopefully further minimize traffic. The Board commended the group on their efforts. Selectman Crowley reported that he has not been involved with this group, appreciates their work, and had many questions regarding the percentages of residential versus commercial and the impact on the tax base. Ms. Chabot pointed out the two residential areas and the restrictions relative to residential development noting that the existing zoning allows for more residential than this proposed zoning and the residential section comprises less than 10 acres of the total 80 acres. Ms. Chabot and Mr. Rodenhiser noted they requested a report from the Board of Assessors on the tax impact. This report will be forwarded to the Board. Selectman Crowley asked if the intent is to make these zoning changes at Fall Town Meeting. Mr. Rodenhiser confirmed noting that these still need to go through a Planning and Economic Development Board hearing which allows for comments from all boards. Selectman Crowley asked if we are doing anything with AR-II. Ms. Chabot stated AR-II would no longer exist.

**Consideration of Public Event Applications:**

- **Medway Police Chase Road Race – August 31, 2019**
- **Annual Cystic Fibrosis Cycle for Life – October 5, 2019**

*The Board reviewed the (1) Public Event Applications, and (2) Police Chief Recommendations.*

Selectman Trindade moved that the Board vote to approve the public event permit for the Medway Police Chase Road Race to be held on August 31, 2019, subject to the Police Chief's recommendations and proof of appropriate insurance coverage. Selectman D'Innocenzo seconded. No Discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board vote to approve the public event permit for the Annual Cystic Fibrosis Cycle for Life to be held on October 5, 2019, subject to the Police Chief's recommendations and proof of appropriate insurance coverage. Selectman D'Innocenzo seconded. No Discussion. VOTE: 5-0-0.

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

*The Board reviewed the Police Chief's and Lieutenant's recommendations for the Michelle Dwyer and Tanya Bouwman-Wozencraft.*

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 White seconded. No Discussion. VOTE: 5-0-0.

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

*The Board reviewed the Action Items dated July 8, 2019.*

DPS Facility Building Project: Town Administrator Boynton stated this is on budget, a bit behind schedule, however, the overall completion date is still on target. He noted issues with the back retaining wall, all which seem resolvable with no changes from the meeting last week. He reported the solar agreement was signed last week and the interconnect agreement is anticipated to be complete within the next couple weeks. There were no negative changes in the last week.

Medway Plaza Redevelopment: Town Administrator Boynton stated that this will require a major site plan as they are incorporating addressing stormwater into the existing site plan noting interdepartmental review and feedback was provided. They have implemented temporary markings to make the entry a bit safer.

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

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

State Earmarks: Town Administrator Boynton reported the budget has been signed by the governor and noted four dedicated earmarks for Medway including: \$170,000 for public safety upgrades (AEDs, Police radios, and a power structure for Ambulance 1, which is transferable to the next truck), \$135,000 for sidewalk repairs for Lovering Heights, \$100,000 for the school THRIVE program, and \$25,000 for the Medway Community Farm. Administration and Finance still needs to release these to the agencies which is not anticipated for a few months. Mr. Boynton noted that the changes to overall state funding was \$4,000 less due to school choice and charter school costs, all an educational hit. He noted funding for charter school students does not offset the total cost of students attending.

Brush Truck donation Advice: Town Administrator Boynton stated the Brush 1 truck is being replaced with the new truck anticipated in five months. The current Brush 1 truck is a 1997 model and the Town of Berkley would be able to use it and make in-house repairs. The Board was in agreement with giving this to the Town of Berkley. Selectman Crowley asked for the fair market value. Town Administrator Boynton stated \$1,500.

Charter Legislative Process Update: Town Administrator Boynton stated the charter has been reported out favorably from two committees and is moving quickly.

Small Cellular “Attachments” – Investigating Policy and/or By-Law Options: Town Administrator Boynton stated Ms. Potter is working on this project. Companies are now using small cellular attachments, typically attached to utility poles, to increase cellular service and to move to 5G. Some communities are developing policies by the Board of Selectmen to manage the process, and Burlington instituted a by-law. This project came out of the Norfolk County Managers meeting.

Library Vacancy – Joint Meeting September 3 to Fill: Town Administrator Boynton stated a joint meeting with the Library Board of Trustees is scheduled prior to the next Selectmen’s meeting to fill a vacancy. They are meeting tomorrow night.

ICMA Conference – October 19-23 – Nashville – TA, Assist. TA, HR Coord., Comm. Dir.: Town Administrator Boynton stated this is the only true professional development available annually. There are four staff from Medway attending: Mr. Boynton, Ms. Potter, Ms. Johnston, and Ms. Bird. Ms. Pratt will be acting Town Administrator during this time.

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

- August 19-23 - Vacation

NEXT Selectmen’s Meeting – Tuesday, September 3, 2019 – Holiday Week

### **Selectmen’s Reports**

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

Selectman Crowley asked for a status on the Appellate Tax Board cases. Mr. Boynton stated that Eversource lost the decision that came down five months ago and has appealed to the Supreme Judicial Court.

**At 8:36 PM, Selectman Trindade moved that the Board enter Executive Session Under Exemption 6: To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body and the Chair so declares [topic: Discussion of Possible Acquisition of Real Property – Lovering Street] with the no intention of returning to open session. The Chair so declared. Selectman White seconded, and it was so voted by roll call: 5-0-0 (Crowley - aye; D’Innocenzo – aye; Foresto - aye; Trindade - aye; White - aye).**

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