

**Board of Selectmen's Meeting  
August 6, 2019 – 8:00 AM  
Town Administrator's Conference Room  
155 Village Street**

**Present:** John Foresto, Chair; Dennis Crowley, Clerk; Maryjane White, Member.

**Absent:** Glenn Trindade, Vice Chair; Richard D'Innocenzo, Member.

**Staff Present:** Michael Boynton, Town Administrator; Carol Pratt, Finance Director; Dave D'Amico, Director, Department of Public Works (DPW); Peter Pelletier, Deputy Director, DPW.

**Others Present:** Tim Bonfatti and Chris Kenney, Owner's Project Manager, Compass Project Management.

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At 8:01 AM Selectman Foresto called the meeting to order and led the Pledge of Allegiance.

**Vote: Approval of Interconnect Service License Agreement with Eversource for the solar panel system at the new DPW Facility**

*The Board reviewed the license agreement.*

Town Administrator Boynton stated this is the first step in the process with the next being the application for the smart block grant. He noted that on two occasions, Eversource stated the need to complete an impact study. However, after multiple calls, we have been told an impact study will not be required. This agreement was forwarded to the Board last evening, was sent to Town Counsel as well, and is Eversource's boiler plate contract.

**Selectman Foresto moved that the Board to approve the interconnect service license agreement and authorize the Chair to execute the interconnect service license agreement with Eversource for the solar panel system at the new DPW facility. Selectman White seconded.** Discussion: Selectman Crowley asked if Town Counsel has reviewed the agreement. Mr. Boynton reiterated it was sent to Town Counsel last evening and we have not received feedback as of yet but he does not anticipate any as this is Eversource's boiler plate contract. Selectman Foresto asked what we would do differently if Town Counsel had the opportunity to review this. Mr. Boynton stated we would address any comments from Town Counsel but he again does not anticipate any as this is a boiler plate contract. He further noted that the content of the contract includes protection to the Town. Selectman Crowley requested an explanation for what this is. Mr. Boynton explained the interconnect agreement allows the electrical contractor to file for the smart block grant program. He explained the efforts he has made to date with Eversource to move this agreement forward in order to allow the Town the best possible grant funding opportunities. **VOTE: 3-0-0.**

Selectman Crowley asked the anticipated timeframe of notification of receipt of any grant funding. Mr. Boynton estimated two months as long as the application is in order. He stated Mr. Kenney knows of the need to work closely with the electrical contractor to move this process forward. Selectman Crowley requested this be added to the action items listing with an update due the end of October.

**Vote: Construction Change Directive Number 1 for the New DPW Facility**

*The Board reviewed the Construction Change Directive Number 1 for the New DPW Facility dated July 26, 2019.*

Town Administrator Boynton explained the documents provided by Ms. Pratt detail the project financing and expenditures to date. He explained that the southwest wall of the garage is built into the hillside abutting the cemetery, looking at the facility, it would be the back right hand corner. The contractor must build a retaining wall in order to construct this back wall. The architect was responsible to have a surveyor lay out the limits and scope of work for this retaining wall with the expectation for safety purposes to include a sloping of the land on the southwest corner. There was a question from the contractor, Colantonio, on how this work was to be completed. The architect, HKA, stated that this is a process issue. Colantonio stated that specific area may have graves located in it. Following meetings with the cemetery and completion of ground penetrating radar, it looks like the specific area closest to where we need to complete the slope easements may not contain any graves. The intent of this change directive is to have both the architect and the Town direct Colantonio to move forward with the project and not wait for an absolute answer on how to get the sloping easement completed. Mr. Kenney stated that the contractor disagrees with the architect on the scope of work required to address this issue. The contractor assumed they could just regrade the area but because of the issue with cemetery, additional engineering work was required. The contractor has come up with an alternative process to address this issue. This change directive allows the contractor to proceed with the project work while we work through who is responsible for this additional work. All site work had stopped. Selectman Foresto asked for the risk and dollar impact. Mr. Kenney stated the original amount was between \$200-300,000 and an additional six weeks. The alternative process the contractor has come up with is estimated to cost \$75,000-100,000. It is not clear if this is the Town or the contractor's exposure as this work is out of the scope of the previously defined construction scope. Selectman Foresto asked for the impact. Mr. Boynton stated this may be determined towards the end of the project. Selectman Foresto asked for the total project contingency. Mr. Boynton stated \$600,000. Selectman Foresto asked what happens if the Board does not approve this. Mr. Kenney stated that all project work stops. This directive states the contractor will continue work under protest. Selectman Crowley asked if there is a no cost time extension associated with this. Mr. Kenney stated the original estimate was six weeks. Mr. Bonfatti noted the need to get the project moving forward stating the contractor has not asked for anything or put a real number associated with this additional work. He further stated this directive does not ask for a time extension. Selectman Crowley asked for the down side of doing this as time and materials. Mr. Bonfatti noted that we are stating this is the contractor's issue but they have come back to state it is the architect's issue. There was a need to change the design as the surveyor did not pick up this issue with the cemetery. There was further discussion on the lack of knowledge of the impact on the total cost resulting from this issue. Mr. Boynton noted he has not heard back from Roger Cummings of the cemetery. Selectman Crowley asked if there is there any legal definition of work under protest and the difference of a time and materials change order. Mr. Bonfatti stated time and materials commits payment from the town and this directive does not. Selectman Crowley asked if the problem with the steel could possibly cause a delay in the project and if we should we put them on notice. Mr. Bonfatti stated we should not put them on notice at this point. Selectman Crowley asked what the anticipated delay is and if it is documented. Mr. Kenney stated the delay is anticipated to be four weeks and noted this is documented in minutes of their meetings. Selectman Crowley's last question was if there has been a change in the response provided. Both Mr. Bonfatti and Kenney stated no.

**Selectman Foresto moved that the Board authorize Town Administrator Boynton to execute construction change directive number 1 for the New DPW Facility. Selectman White seconded. No Discussion. VOTE: 3-0-0.**

**Vote: Approval of License Agreement with Eversource for Electric Service to new DPW Facility**

*The Board reviewed the license agreement.*

Town Administrator Boynton stated this is simply approving the authorization to put a pole in. Mr. D'Amico stated Eversource needs to install one additional pole. The other pole on sight is the property of Verizon.

**Selectman Foresto moved that the Board authorize the Chair to execute the license agreement with Eversource for electric service at the new DPW facility. Selectman White seconded.** Discussion: Selectman Crowley asked for the cost of this and if it is included in the project or if this is an additional cost to the town. Mr. D'Amico confirmed these costs are included in the budgeted expenses. **VOTE: 3-0-0.**

**Vote: Approval of License Agreement with Medway Community Farm**

*The Board reviewed the license agreement.*

Town Administrator Boynton stated this agreement has been provided and reviewed by Town Counsel. In 2009, this lease was approved by Town Meeting for a duration of ten years. He stated we do not have the authorization to extend the lease but do have authorization to execute a license agreement. The only changes to the original lease is the additional requirement of yearly reporting to the Board in April and that they are responsible for maintenance of area. This is a thirty-six month license agreement. There was discussion on the efficacy of continuing with a license agreement versus a lease agreement noting the leasing option requires the town to go to RFP. Selectman Crowley noted that they were supposed to report yearly to the Board but have only reported once. He asked that they provide a financial status report prior to next April.

**Selectman Foresto moved that the Board authorize the Chair to execute the license agreement with Medway Community Farm. Selectman Crowley seconded.** Discussion: Selectman Foresto stated he participated in the event held on July 17<sup>th</sup> and was impressed with the new team of people noting the new Director of the Board is a gifted public speaker. **VOTE: 3-0-0.**

**At 8:42 AM Selectman Foresto moved to adjourn. Selectman White seconded. VOTE: 3-0-0.**

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