

**Board of Selectmen's Meeting
September 16, 2019 – 7:00 PM
Sanford Hall
155 Village Street**

Present: John Foresto, Chair; Glenn Trindade, Vice Chair; Dennis Crowley, Clerk; Richard D’Innocenzo, Member (7:12PM); Maryjane White, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Jeff Lynch, Fire Chief; Barbara Saint Andre, Director, Community and Economic Development; Dave D’Amico, Director, Department of Public Works (DPW); Peter Pelletier, Deputy Director, DPW, Doug Havens, Affordable Housing Coordinator; Sandy Johnston, Communications Director.

Others Present: Susan Jacobson, Affordable Housing Director, Town of Norfolk and Representative of Medway Green; Mike Tudino, Chair, Deb Rossi, member, Parks Commission.

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

Public Comments: None

Approval of Minutes

The Board reviewed the draft minutes of September 3, 2019 Joint Meeting with Library Trustees and Selectmen’s Meeting.

Selectman Trindade moved that the Board approve the minutes of the September 3, 2019 Joint Meeting with the Library Trustees. Selectman White seconded. No Discussion. VOTE: 4-0-0.

Selectman Trindade moved that the Board approve the minutes of September 3, 2019. Selectman White seconded. No Discussion. VOTE: 4-0-0.

Approval: Affordable Housing Regulatory Agreement for Medway Green

The Board reviewed the Affordable Housing Regulatory Agreement for Medway Green.

Town Administrator Boynton stated that anytime there is a 40B project, there are requirements that need to go into the immediate sale as well as long term obligations for example the unit(s): (1) can never be sold at the current market rate, (2) need to remain an affordable unit, and (3) need to remain on the subsidized housing listing.

Ms. Jacobson stated there is one affordable unit in the development and the developer has hired her to manage the marketing, advertising, and closing. This agreement will ensure this remains an affordable unit in perpetuity. She further noted that the condo fee is equally dispersed.

Mr. Havens stated this agreement is: (1) between the State, developer and the Town, (2) a pro-forma document as far as the Department of Housing and Community Development (DHCD) is concerned, and (3) has been reviewed by Town Counsel.

Selectman Trindade moved that the Board vote to authorize the Chair to execute the Affordable Housing Regulatory Agreement for Medway Green as presented. Selectman White seconded. No Discussion. VOTE: 4-0-0.

Selectman Crowley asked what constitutes household assets. Ms. Jacobson stated financial assets such as savings, checking accounts, certificates of deposit, individual retirement accounts, etc. Selectman Crowley asked about seniors specifically. Ms. Jacobson stated they must be in an over 55 community to qualify. Selectman Crowley asked for confirmation that if a senior owns a house in an over 55 community and sells it for \$300,000 and they are over the \$250,000 threshold that they would not qualify. Ms. Jacobson confirmed. Selectman Trindade asked what happens if they don't find someone to purchase/qualify. Ms. Jacobson stated that after a certain amount of time, the property can open up to a non-qualified buyer but there are still some income limits and the unit still remains deed restricted at time of selling. It was noted that when it is only one unit, it is difficult for the developer. Selectman Trindade asked for the in lieu language to be provided to the Board. Selectman Crowley asked for confirmation that if the developer has 40 units and marketed them for two years, he can petition to take them out of affordable status. Ms. Jacobson stated they can take them out for asset and salary restrictions but not deed restrictions. Selectman Crowley stated they were told differently. Ms. Jacobson will verify this information and provide it back to the Board. Selectman Crowley asked if the developer sells the property at full market value, who gets the delta difference between the affordable price and full market price. Ms. Jacobson will provide this information back to the Board.

Appointment Consideration: Capital Improvement Planning Committee – Brett Fagan

The Board reviewed the (1) e-mail of interest from Brett Fagan dated August 22, 2019, and (2) letter of recommendation from Capital Improvement Planning Committee Chair Mitchell dated September 11, 2019

Selectman Foresto requested that Mr. Fagan review his background and interest in this role.

Mr. Fagan stated he lives on 12 Stable Way and found out about the opening on the Town's website. He has lived in Town for eight years and is now finally finding time to be involved. He has fifteen years of experience in software development in product management.

Selectman Trindade moved that the Board appoint Brett Fagan to the Capital Improvement Planning Committee for a term expiring on June 30, 2020. Selectman White seconded. No Discussion. VOTE: 4-0-0.

Authorization to Expend Grant Funds: Assistance to Firefighters Grant for Station 1 Fire Sprinklers - \$100,000

The Board reviewed the (1) Notice of Grant Award, (2) e-mail notification of Grant Award dated August 30, 2019 from the Department of Homeland Security/Federal Emergency Management Association (FEMA), and (3) grant submission document.

Town Administrator Boynton stated Chief Lynch has been working with FEMA on this grant noting 5% of the amount is the Town's responsibility. He reported that \$50,000 was appropriated at Town Meeting as it was unclear at that time of the success for obtaining this grant. He reported the towns of Plymouth, Acton, and Mansfield have so much in equipment in vehicles that they caught fire in their fire stations.

Selectman Trindade moved that the Board authorize the expenditure of the Assistance to Firefighters grant in the amount of \$100,000 as discussed. Selectman White seconded. Discussion: Selectman Crowley asked who wrote the grant. Chief Lynch stated it was a group effort. Town Administrator

Boynton stated the Chief will work with DPW to develop the scope of work and if there will be a need to put a bid package together. **VOTE: 5-0-0.**

Authorization to Expend Grant Funds: Green Communities Competitive Grant - \$216,550

The Board reviewed the (1) Notice of Grant Award, (2) grant award letter dated August 28, 2019 from the Department of Energy Resources (DOER) Green Communities Division, and (3) contract.

Town Administrator Boynton reported that a couple of years ago through Mr. D'Amico's efforts, we created a Compliance Officer position. In addition to Green Community compliance, this role also manages stormwater compliance, well, water, and sewer compliance as well as other duties. Since this position has been filled, we have received over half a million dollars in grant funding. Mr. Boynton then detailed this specific grant expenditures. Selectman Foresto noted that the Town has both applied for and received this grant for two consecutive years. He further noted that we have received close to \$1million in grant funding since we became a Green Community and commended DPW for their efforts.

Selectman Trindade moved that the Board authorize the expenditure of the Green Communities Competitive grant in the amount of \$216,550 as discussed. Selectman D'Innocenzo seconded.

Discussion: Selectman Crowley stated he wanted to make sure that everyone realizes that this is not what the Compliance Officer, Stephanie Carlisle does full time and asked Mr. D'Amico what percentage of time she spends on grant funding opportunities. Mr. D'Amico stated 5-10%. **VOTE: 5-0-0.**

Discussion: Electronic Vehicle Charging Stations Usage to Date

The Board reviewed the (1) memo dated September 16, 2019 from Stephanie Carlisle, and (2) EV Charging Stations PowerPoint Presentation.

Town Administrator Boynton stated the Board requested this be brought back as an action item to review usage and costs. He reported to date on the existing two charging stations: (1) \$1,200 has been spent in electricity costs, (2) 77 unique vehicles have utilized these stations, and (3) there have been 412 different charging sessions. He noted we cannot track who the users are or where the users are from. We do know that the Town usage cost was approximately \$500. Mr. Pelletier reported that we should be able to more accurately track Town usage once we have both of the electronic vehicles up and running. The question before the Board is do we want to try to recover any of that \$1,200 cost. Selectman Foresto noted that in order to recover the \$1,200 in costs, we would need to license software at the cost of \$1000/year. Selectman Foresto asked if want to spend \$1000 as the Town use is around \$500 of the \$1200 cost to date. Mr. Boynton stated he does not expect a huge change or spike in cost. Selectman Foresto noted we should wait another six months, leave this on the action item list, and relook at the usage and costs in February of next year.

Discussion: Dog Policy Update

The Board reviewed the memo dated September 11, 2019 from Julie Harrington.

Mr. Tudino stated the Parks Commission discussed this last month and their concern is that a committee would overrule or supersede an existing Town by-law. There was further concern that if an untoward event or injury occurred, this would open the Town up to liability. Ms. Rossi, stated it was discussed six months ago as well and the Commission has not changed their mind noting it is really to protect the Town's interest. Town Administrator Boynton stated that liability is a major issue as well as the enforceability of a policy versus the existing Town by-law. He further noted that the By-Law Committee is working on an update right now so this could be incorporated into this update. Selectman Crowley asked where we go from here. Mr. Tudino recommends the by-law be reviewed by the By-Law Committee. Selectman Trindade requested samples of other policies and by-laws from surrounding

towns. Mr. Boynton noted the other option is to leave the Town by-law as is. Ms. Rossi stated another issue is animal waste on the fields. Town Administrator Boynton requested recommendations from the Parks Commission and the school be provided to the By-Law Committee.

Discussion: Main Street Banner Options

There were no materials for the Board to review.

Selectman Foresto stated there has been discussion on who can participate related to a perceived conflict of interest. Selectman Foresto stated he signed a disclosure form and will remain silent during this discussion noting Selectman Trindade will run this section of the meeting. Selectman Crowley stated he will not recuse himself, will offer comments, also signed a disclosure form, but will not be voting. Selectman White stated she signed a disclosure form as well but will participate in both the discussion and vote.

Ms. Saint Andre reminded the Board of the past presentation and showed additional options in the Town of Franklin. She reviewed side by side the original options from the committee and additional ones provided after the last meeting. The Board then discussed, reviewed, and voted on each of these options.

Selectman Trindade moved that the Board approve Welcome to Medway option number two with the following changes: (1) the font from option 1 will be used in option 2 and (2) the word “to” be included after the word “welcome”. Selectman D’Innocenzo seconded. No Discussion. VOTE: 3-0-2. (Selectman Crowley and Foresto abstained)

Selectman Trindade moved that the Board approve Support Medway Business option number two with the following changes: (1) remove the circles and (2) “#SHOPMEDWAY” should be in all capital letters. Selectman White seconded. No Discussion. VOTE: 3-0-2. (Selectman Crowley and Foresto abstained)

Selectman Trindade moved that the Board approve Seasonal – Spring, Summer, Fall option number two. Selectman White seconded. No Discussion. VOTE: 3-0-2. (Selectman Crowley and Foresto abstained)

Selectman Trindade moved that the Board approve Seasonal – Winter Version 1 option number two. Selectman D’Innocenzo seconded. No Discussion. VOTE: 3-0-2. (Selectman Crowley and Foresto abstained)

Selectman Trindade moved that the Board approve all of the Right To Farm Community options noting that the Banner Committee will determine the background color. Selectman D’Innocenzo seconded. No Discussion. VOTE: 3-0-2. (Selectman Crowley and Foresto abstained)

Selectman Trindade moved that the Board approve the Green Community option noting that the Banner Committee will determine the background color. Selectman White seconded. No Discussion. VOTE: 3-0-2. (Selectman Crowley and Foresto abstained)

Discussion/Vote: Snow Blower Purchase for Route 109 Sidewalks

The Board reviewed the (1) memo dated September 12, 2019 from Dave D’Amico and (2) the quote dated March 20, 2019.

Town Administrator Boynton stated this went before the Capital Improvement Planning Committee last week who approved this purchase. He stated the option is to continue to rent the equipment at a cost of \$10,000 per year or to purchase it at the state contract price of \$23,000. He noted this is not just for use on the Route 109 sidewalks.

Selectman Trindade moved that the Board approve the purchase of the snow blower for the Route 109 sidewalks funded through the fiscal year 2020 snow and ice budget as discussed. Selectman D’Innocenzo seconded. Discussion: Town Administrator Boynton stated there was discussion about funding this purchase via a transfer from free cash but it was decided that it makes sense to fund the purchase from the snow and ice budget. He stated that if we need more funds in the snow and ice budget, we can address a transfer to the budget at that time. Selectman Crowley asked for clarification about the difference of cost in the memo versus the quote and asked if the width of the Route 109 sidewalk will remain plowed at the 36 inches all winter? Mr. D’Amico clarified the cost difference noting the quote as accurate and that initially, the sidewalks will be at 36 inches but will be cleared further once time allows. Selectman Crowley asked for confirmation that all of the light poles are ADA compliant. Town Administrator Boynton stated that all were measured and confirmed as ADA compliant noting the reason for the location is due to utility lines and private property issues. **VOTE: 5-0-0.**

Approval: Contract with Medway High School Boosters Inc. for the Operation of the Coakley Concession Stand

The Board reviewed the contract.

Town Administrator Boynton stated we extended the contract with no substantive changes.

Selectman Trindade moved that the Board authorize the Chair to execute the contract Medway High School Boosters Inc. for the operation of the Coakley concession stand as presented. Selectman D’Innocenzo seconded. Discussion: Selectman Crowley stated the address of where the concession stand is located is not noted in the contract. Ms. Potter stated this is stated in the Request for Proposal that is an attachment to the contract. Selectman Crowley asked who is on the new Board of Directors. Ms. Potter reported Lorraine Cottone, Andrea White, Beth McHallam, Carolyn Regan, and Andrea McCarthy. **VOTE: 5-0-0.**

Approval: License Agreement with Medway Oil for Environmental Testing

The Board reviewed the (1) license agreement and (2) site plan.

Town Administrator Boynton stated this was presented by Mr. Mushnick noting there was a spill of a petroleum product some time ago on their property and they have an obligation to test their property. They were notified that they also need to test the adjoining property. Town Counsel worked on this license agreement. Medway Oil has access to and is responsible to mitigate for any petroleum based items found in this area.

Selectman Trindade moved that the Board authorize the Chair to execute the license agreement with Medway Oil & Propane, Inc. for the purpose of completing environmental testing as presented. Selectman D’Innocenzo seconded. Discussion: Town Administrator Boynton stated this is a parcel that Medway Oil approached the Town to purchase in the past noting it may be prudent to revisit this. Selectman Foresto stated the problem was the use of a path to Holliston Street. Selectman Crowley stated the Town’s appraisal was \$100,000 and Medway Oil’s appraisal was \$38,000. Selectman Crowley

asked about the possibility of an easement being provided. The Board decided to continue a dialog regarding the potential for purchasing the property. **VOTE: 5-0-0.**

Discussion/Approval: Common Victualler and Automatic Amusement Licenses – Papa Gino’s

The Board reviewed the common victualler and automatic amusement license applications

Selectman Trindade asked why we are addressing this. It was noted due to a change in the corporate owner of the business.

Selectman Trindade moved that the Board approve the Common Victualler and Automatic Amusement Licenses as presented. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Consideration of Public Event Applications: Monster Mash 5K – October 26, 2019; Shamrock Shuffle 5K – March 7, 2020

The Board reviewed the (1) Monster Mash 5K Public Event Application, (2) Chief Tingley’s letter of approval dated August 27, 2019 of the Monster Mash 5K, (3) Beth Hallal’s letter of approval dated September 10, 2019 for the Monster Mash 5K. (4) Shamrock Shuffle 5K Public Event Application, and (5) Chief Tingley’s approval of the Shamrock Shuffle 5K.

Selectman Trindade moved that the Board vote to approve the public event permit for the Monster Mash 5K Road Race to be held on October 26, 2019, subject to the Police Chief’s recommendation 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 Shamrock Shuffle 5K Road Race to be held on March 7, 2020, subject to the Police Chief’s recommendation and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.

One-day Liquor License Application

The Board reviewed the Police Chief’s and Lieutenant’s recommendations for the Lila Swenson

Selectman Trindade moved that the Board approve the one-day liquor license as presented subject to the Police Chief’s recommendation and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.

Vote: Close and Adopt Fall Town Meeting Warrant

The Board reviewed the draft fall town meeting warrant.

Town Administrator Boynton noted there are no expenditure articles included and briefly reviewed the content of the warrant. There was discussion on Article 4, a new Noise By-Law presented by the Planning and Economic Development Board (PEDB) noting a host of issues and concerns with the current content, most notably the enforceability. Selectman Foresto requested that it be removed and that we ask the PEDB for a revision. There was discussion about the volume of warrant content from the PEDB versus the Town. Selectman Trindade noted that one issue not addressed is the zoning on Route 109 that allows sales of automobiles. Selectman Foresto requested that this be added to the next agenda for discussion.

Selectman Trindade moved that the Board vote to close the November 18, 2019 Fall Town warrant. Selectman D’Innocenzo seconded. Discussion: Selectman Crowley asked that the PEDB make sure to clearly identify all of the changes in their warrant articles. **VOTE: 5-0-0.**

Action Items from Previous Meeting

The Board reviewed the Action Items dated September 3, 2019.

Route 109 Project: Town Administrator Boynton stated they are still paving street approaches and driveways and will then complete line painting. Line painting will occur overnight.

DPS Facility Building Project: Town Administrator Boynton reported a project delay and the need for an update from Compass Project Management.

Unaccounted for water loss status report: Selectman Crowley requested that the Water Superintendent provide an update to the Selectmen at their next meeting on October 7th.

Medway Plaza Redevelopment: Town Administrator Boynton stated he is working with the Fire Chief and plaza management on an update on the driveway.

Town Administrator’s Report

There were no items for the Board to review.

Household Hazardous Waste Collection – Coalition??: Town Administrator Boynton stated we are one of the few communities that does this alone so we only have one day per year at a cost of \$13,000. The question before the Board is if we want to be involved in a collation. If we do this with the neighboring Towns, this allows residents to obtain a permit at a cost of \$50-\$60 that allows them to drop off items at other locations than our Recycling Center at an additional cost when dropping off items. Selectman Crowley stated he does not like a Medway resident paying at other Town’s locations and suggested adding another date.

Anti-Tank Gun – Military Wants It – Or Request It To Stay: Town Administrator Boynton stated the Army contacted the Town about the cannon balls and Howitzer from the VFW that are now located at the Recycling Center and are requesting that they be returned or that we request to continue to borrow them. Selectman Trindade requested that we complete the paperwork in order to keep them in Town.

Choate Trail Washout Update: Town Administrator Boynton stated there was a meeting last Friday with DPW and the Conservation Agent where they decided to try a geo-tech stabilizing material across the trail to try to stabilize the washout.

Oakland Trail Update: Town Administrator Boynton stated construction started today.

Oakland Basketball Courts Update: Town Administrator Boynton stated the base was put down last week, poles were examined and are in good shape, and we will purchase and install appropriate backboards once the work is completed. Selectman Trindade stated fiberglass backboards should be utilized.

Net-Zero Filing – Cost & Timing: Town Administrator Boynton stated there is a \$1,200 application process for net-zero filing. He noted there are benefits after showing twelve months of net-zero usage

and that the architect stated he is willing to share this cost. There is a 9 month delay without this application and this adds 3 months more. The Board agreed to move forward with this filing.

Rossetti Corner Dedication – October 19th 9:00AM: Town Administrator Boynton reminded all that this is scheduled for October 19th at 9am.

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

- Tuesday, September 17 – Winchester Assessment Center
- Thursday, September 19 – MMMA Meeting – Devens—Mr. Boynton explained this is a management boot-camp noting the communications component was newly added and he and the Communications Director will be teaching this component.
- Friday, September 20 – Personal
- October 19-23rd – ICMA Nashville – Carol Pratt, Acting Town Administrator

NEXT Selectmen's Meeting – Monday, October 7, 2019

Selectmen's Reports

There were no items for the Board to review.

Selectman Foresto remind all that tomorrow is the Burke school playground ribbon cutting at 3pm and 3:30pm on Thursday is the McGovern school playground ribbon cutting. He reminded all that this weekend is the Town wide yard sale. This has been ongoing for six years with great participation.

At 8:35 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] and to vote to approve and release Executive Session Minutes Under Exemption 3: to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and 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 with no intention of returning to open session. The Chair so declared. Selectman d'Innocenzo 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