

**Board of Selectmen's Meeting
September 17, 2018 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Dennis Crowley Chair; John Foresto, Vice Chair; Richard D'Innocenzo (at 7:25), Clerk; Glenn Trindade, Member; Maryjane White, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Barbara Saint André, Director of Community and Economic Development; Rich Boucher, Information Services Director; Sandy Johnston, Communications Director.

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

Public Comments: Town Administrator Boynton addressed an issue that has surfaced on the Friends of Medway Facebook page relating to PJ's Smoke N Grill. He stated there is misinformation on it, noting that the Town takes pride in trying to be as accommodating as feasible with both residents and businesses. The owner of PJ's Smoke N Grill posted on Friends of Medway the Town's lack of accommodation to the issue related to the smoker outside not meeting the zoning code. Mr. Boynton stated the Town was not made aware of the existence of the smoker prior to the time of the opening but became aware of it when a resident living nearby voiced a concern. After investigation, it was noted this is a zoning code violation and the owner had the option of going before the Zoning Board for a variance, but chose not to do so. Mr. Boynton noted the Town did not shut down the restaurant nor did it require the restaurant to stop using the smoker. He said the restaurant's second option was to build an enclosure for the smoker. Selectman Crowley asked if they were in violation at the opening. Mr. Boynton confirmed, yes, noting we have worked with owner for one year with the hope to reach a mutually agreed upon solution. Mr. Boynton reported receiving a letter from the owner's lawyer stating, "Thanks to you and Jack (Building Commissioner) for your patience and willingness to be so accommodating...". Mr. Boynton stated the Town was notified in January that the owner retained an architect who developed a site plan to address the issue, noting the cost to implement it would be considerable. The plan was provided to the Town on May 24th and it was approved by the Planning Board on June 1st with seven conditions noted and filed with the Town Clerk on June 4th. Mr. Boynton then reviewed the specific conditions. Selectman Crowley asked if: (1) the owner's architect submitted these plans, (2) how long they have been in operation and (3) have they been operating in violation since opening. Mr. Boynton responded that: (1) yes the owner's architect submitted the plans, (2) they have been in operation since last October and (3) they have been in violation since opening, noting everything other than the fire suppression system was part of the owner's architect's plan. Mr. Boynton stated we did not say no to the plan but requested the owner come up with a plan that makes him compliant with the zoning code. He also reported the Town did not force out Anne's Market from the plaza and the owner can confirm this statement. Selectman Foresto stated that what we learned is we should have closed them from the beginning. Mr. Boynton stated the Town did not try to set them up for failure but tried to work with them to resolve the zoning issue. Selectman Crowley noted if there is a zoning by-law that prohibits the smoker, the owner can go to the Planning Board and ask for the by-law to be amended. He also reiterated they had the opportunity to try to get a variance from the Zoning Board but, along with their attorney, decided not to pursue that option. There was discussion about any further complaints and what other towns do with this type of business. Selectman Trindade stated that

the idea that we are trying to drive business from the Plaza is far from true noting we have tried for many months to work with the owner. Mr. Steve Burke of Ohlson Circle Medway asked if there was a fire from the smoker, is there a risk of liability to the Town. Mr. Boynton stated yes noting the Fire Chief did request a fence be placed around the smoker until a final solution is determined. Mr. Boynton stated the Town is willing to work with the owners, that we wish them success and will still do our best to work with them to resolve the issue. He noted the fire suppression system is the same as any required for a commercial kitchen.

Approval of Minutes: May 10, 2018 and September 10, 2018

The Board reviewed the draft minutes of May 10, 2018 and September 10, 2018.

Selectman Trindade moved that the Board approve the minutes of May 10, 2018. Selectman Foresto seconded. No Discussion. VOTE: 3-0-1. (Crowley abstained as he was not present at the meeting)

Selectman Trindade moved that the Board approve the minutes of September 10, 2018. Selectman White seconded. No Discussion. VOTE: 4-0-0.

Appointment Consideration: Water and Sewer Commission - Steve Burke

The Board reviewed the (1) E-mail of interest dated September 4, 2018, and (2) resume.

Selectman Crowley noted that this is a three member Commission with two recent resignations. It was noted that Mr. Burke is the only respondent to date interested in filling one of these two vacancies. Mr. Burke reviewed his background noting he ran for this position in the past and the importance of water related issues. He has been a resident since 1976 and would like to give back to the Town. He does not have any specific water related experience but experience with waste treatment and has worked with others on difficult issues. Selectman Crowley asked that the Board take his interest in this position under advisement. He requested that Mr. Burke meet with Town Administrator Boynton who can provide the specific information on the five-year \$13-\$15 million capital plan to determine if he feels he has the experience to handle this type of project.

Discussion/Vote: Acceptance of Easement, Millstone Village, Cobblestone Trailhead Parking

The Board reviewed the (1) easement document and (2) plan document.

Ms. Saint Andre reminded the Board of the easement already accepted for the Trail reporting the owner requested to move the parking spaces over to Cobblestone Drive for trail access. She reported that both the Planning Board and Conservation Commission (ConCom) have approved this.

Selectman Trindade moved that the Board approve the Conservation Commission's acceptance of the gift of an easement from Millstone Builders, LLC, on and across a portion of the property located at 129R Lovering Street (Millstone Village) for vehicular parking, conservation and passive recreation purposes. Selectman Foresto seconded. Discussion: Selectman Trindade asked why the easement is going to ConCom. Town Administrator Boynton stated that in order for this to go as quickly as was needed, this needed to go through ConCom. Selectman Trindade provided the viewing audience with the background on this over 55 development and the need to obtain an easement from the owner as we were unable to obtain one from the utility company for the extension of this walking trail. He further explained the length of the planned trail noting this parking is much safer for those intending to utilize the trail. Selectman Trindade stated his concern if there is a need to change this moving forward, that it has at times been difficult addressing issues with ConCom. Town Administrator Boynton stated he

understood the concern but noted that ConCom has been very accommodating relative to these easements. **Vote: 4-0-0.**

Discussion: Charter Update

There were no materials for the Board to review.

Town Administrator Boynton stated there is no further information at this time as the Charter Review Committee is still working on the specifics of the Water and Sewer Advisory Board with Town Counsel.

Discussion/Vote: Approval of Comcast Cable Television License

The Board reviewed the (1) Executive Summary and (2) license.

Selectman Foresto stated this is the second phase of the two part process noting the first was negotiating the Verizon renewal contract and the second is the Comcast renewal, which the Advisory Committee has been negotiating this last year and is similar to Verizon's. The committee included Shelley Wieler, Glenn Trindade, Rich Boucher, and Robert O'Neill along with himself. Selectman Foresto reported an increase in funding from Comcast for Medway Cable Access. He stated that the Town's Cable Counsel did a good job, as the last time we were in negotiation with Comcast, it ended in a stalemate.

Selectman Trindade move that the Board grant the ten-year cable license to Comcast Communication Management, LLC, dated September 1, 2018, a copy of which has been reviewed and approved by the Town's Cable Advisory Committee and by the Town's Cable Counsel. Selectman White seconded.

Discussion: Selectman Crowley asked about the fifty cents per subscriber noted on page three, Roman numeral nine. Selectman Foresto explained there are two sets of fees. The Town receives fifty 50 cents per subscriber and the State gets one dollar per subscriber. He further noted the annual operating support increased from 4% to 4.5% reporting that Verizon is currently at 5% so will need to be reduced to 4.5% as both contracts must be equivalent. This translated into about \$24,000 but the net from both companies to Medway Cable Access (MCA) is \$250,000. Selectman Foresto provided examples of how MCA supports the schools and provides original programming, including providing stipends for program development. There are three courses provided which include: (1) a basics course, (2) how to utilize the actual equipment and (3) how to develop content. MCA also live broadcasts and streams all school sports programs noting they are all cataloged for future access. He also stated MCA provides access to original programming through the movies at the Thayer Homestead every the summer. **VOTE: 5-0-0.**

Vote: Designate Medway Cable Access to Receive Comcast Cable Quarterly Franchise Fee Payments per New License Section 6.4

The Board reviewed the Comcast license.

Selectman Foresto explained the current process. Comcast sends these payments to the Town, the Town processes the payment and then processes a payment to Medway Cable Access. Verizon's payment is via a direct electronic payment to MCA. The Town's Cable Counsel requested the Board vote to designate MCA to receive the funds directly.

Selectman Trindade moved that the Board designate Medway Cable Access to receive the Comcast Cable quarterly franchise fee payments as the Issuing Authority's Designee, pursuant to Section 6.4 of the new Comcast license. Selectman D'Innocenzo seconded. No Discussion. VOTE: 5-0-0.

Vote: Adoption of the Town of Medway Hazard Mitigation Plan 2018 Update

The Board reviewed the (1) Hazard Mitigation Plan 2018 Update dated September 12, 2018 and (2) Plan adoption form.

Town Administrator Boynton reported this was previously presented to the Board at a Public Hearing by the Town's consultant for the plan update, the Metropolitan Area Planning Council (MAPC), noting this has gone to both MEMA and FEMA. FEMA approved this plan and now the Board needs to vote to adopt the plan. This allows the Town to apply for federal funding.

Selectman Foresto moved that the Board approve the Town of Medway Hazard Mitigation Plan 2018 Update as presented and to authorize the Chair to execute the certificate of adoption. Selectman Trindade seconded. Discussion: Selectman Foresto stated the report contains a lot of useful information and asked how this will be addressed moving forward. Assistant Town Administrator Potter stated it has been recommended that the Town create an implementation team. Selectman Crowley asked if this is a FEMA requirement. Town Administrator Boynton confirmed noting this plan allows the Town eligibility to FEMA funding. Selectman Crowley asked what this plan cost. Ms. Potter stated \$20,545. **VOTE: 5-0-0.**

Discussion: November 19, 2018 Fall Town Meeting Warrant Articles

The Board reviewed the draft November 19, 2018 Fall Town Meeting Warrant.

Selectman Crowley requested that revisions of this document be highlighted moving forward and stated that he will ask the Board if they have any questions on each Article. Only those articles discussed follow.

ARTICLE 3: (Fund Trail Infrastructure): Selectman White asked if this needs to come from the Community Preservation Committee (CPC) and the specifics of the request. Town Administrator Boynton stated the request came from the Open Space Committee but will require CPC approval. Selectman Trindade stated there are two waterways once you cross the David Hoag Bridge on this trail. One will be addressed as an Eagle Scout project and this funding is for the engineering of the second bridge. Selectman Crowley asked if this needs to be expanded to address any other identified issues to this trail. Selectman Foresto stated this should address the full amount needed to address this walking trail. Selectman Trindade stated the Medway Trail Club is a group of volunteers that completes a lot of work and effort on the trail systems and reported this will be addressed at the CPC meeting this evening.

ARTICLE 4: (Repurpose CPC Funds to Trail Improvements): Selectman White had the same question as to what the specific plans are for the repurposed funds.

ARTICLE 7: (Free Cash Appropriation: Capital and Other Items): Selectman Crowley would prefer Article 8 to be included in Article 7. The remaining twelve Automated External Defibrillators (AEDs) will be added here as well, as the current units are not compatible with those located in the ambulances. Selectman Foresto requested that the Fire Chief confirm no other additional AEDs are needed for any other public buildings or spaces. Selectman Trindade explained for the benefit of the viewers that this is related to the upgrade to Advanced Life Support Services and the need for compatibility with the resulting new equipment in the Town ambulances.

ARTICLE 8: (Free Cash Appropriation: Choate LCD Sign): This article will be combined into Article number seven.

ARTICLE 9: (Fund Elementary School Playgrounds): Town Administrator Boynton stated this is related to the work to determine a plan and price to improve the Memorial and McGovern School playgrounds, anticipating the price will be in the \$400,000 to \$500,000 range and noting this would be a summer project. There was extensive discussion regarding: (1) if this should be postponed to the May Town Meeting, (2) if the postponement would impact the ability to secure a project contractor, (3) if any funding leftover from the current Parks Improvements Project could be reallocated, (4) would the CPC be willing to provide some of this funding, and (5) if the School should propose this project versus the Selectmen. It was noted there will not be a need to go out to bid as the Town can utilize the State contract listing and a meeting is scheduled this week with O'Brien and Sons to confirm pricing. A majority of the Board was in agreement to wait until May Town Meeting to be able to determine the cost and availability of funding. Selectman Trindade said this is an issue due to the reconfiguration of grades at both these schools; the playgrounds are no longer age appropriate for the students at these locations. Selectman Trindade reported the following funding raised to date: (1) \$40,000 from the PTO, (2) \$5,000 from Medway Extended Day, and (3) \$1,000 from a private individual. Selectman Crowley stated his concerns that: (1) this is a school issue, (2) this should have been addressed with the Capital Improvement Planning Committee (CIPC) within the capital planning process, and (3) the impact on the CIPC project priority list of school roofs, gutters, the senior center walking trail, etc. The potential to utilize the \$350,000 funding from the State earmarked for Choate was also discussed.

Selectman Crowley moved that the Board delete Article #9 as this may be brought up for May Town Meeting. Selectman White seconded. Discussion: Selectman Foresto asked if this can be added back onto the warrant if we delete it and the School or CIPC subsequently requests it. It was noted yes as long as it is added prior to the final vote of the Board and the Finance Committee public hearing. **Vote-4-1-0. (Selectman Trindade opposed)**

ARTICLE 10: (Fund Street Acceptance Account): Town Administrator Boynton stated this is the need to redo the Island Road and Candlewood Drive street acceptance as action was not taken in 120 days and now requires a public hearing due to eminent domain procedure. He reported we may be pulling the Bond on one developer if an issue cannot be resolved. Selectman Crowley asked of the \$30,000, how much money can be recouped. Mr. Boynton stated none noting all the funds will not be spent as this account was set up to allow the Planning Board to work on street acceptances. This is replenishing this account. Selectman Crowley asks what the funds are specifically spent on. Mr. Boynton stated mostly for Town Counsel services. Selectman Crowley requested Ms. Affleck-Childs report to the Board the exact expenses related to this account.

ARTICLE 16: (Charter Amendment: Board of Selectmen): Selectman Foresto asked if any other Town Board is called the Executive Board. Mr. Boynton stated no. Selectman Crowley suggested to then leave the current name as is.

ARTICLE 23: (Grant Utility Easement: 76 Oakland St): Town Administrator Boynton reported there is a \$21,000 change order in process to widen the driveway. The Board asked for the anticipated completion date for all three of the sites that are part of the Parks Improvements Project.

The Board requested the Ms. Affleck-Childs be present at the next discussion of the Fall Town Meeting Warrant to address all of the zoning articles.

Approval: Special Event License with Medway Plaza for the Town Wide Yard Sale: 9/22/2018

The Board reviewed the special event license with Medway Plaza.

Selectman Foresto moved that the Board approve the Special Event License with Medway Plaza for the Town Wide Yard Sale to be held on September 22, 2018 conditioned upon Town Counsel's approval of the license. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.

One-day liquor License Applications

The Board reviewed the Police Chief's recommendations for Jo Hunt & Karen Sibilio, Raj Tirur and Anne Marie Lynch.

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

Action Items from Previous Meeting

The Board reviewed the Action Items dated September 10, 2018.

Comcast cable license renewal (lic. exp. 7/13/18): This action item can be removed as it was voted and completed at this meeting.

Final decision on EMS into Fire Budget: This action item can be removed as it is part of the Fall Town Meeting Warrant.

Gray Squirrel Matter: Town Administrator Boynton reported there are still filing issues and the as built are not done.

Idylbrook Fencing/Field Protection: This action item can be removed as it is part of the Fall Town Meeting Warrant.

Town Administrator's Report

There were no items for the Board to review.

Town Administrator Boynton reported that he met with the Fire Chief and DPS regarding the conversion of the Town buildings to the wireless Fire Alarm System noting these funds were approved at Town Meeting. He stated that the Board needs a policy on the appropriate conversion timeline for existing town businesses that are tied into this Town system. Selectman Foresto asked about a maintenance fee, as other Towns require this. Mr. Boynton stated he is not sure that is needed since this is a wireless system. Selectman Crowley noted the existing businesses must take out their mechanical systems and replace with this wireless system at their own expense.

NEXT Regular Selectmen's Meeting – October 1, 2018

Selectmen's Reports

There were no items for the Board to review.

Selectman Crowley asked Assistant Town Administrator Potter for a status on the Ide House/158 Main Street RFP and if the requirements were met by the submitters. Ms. Potter stated Selectmen White,

Trindade and she will meet to evaluate the single response this week and the requirements of the RFP were met.

At 8:11 PM Selectman Trindade moved to adjourn. Selectman D’Innocenzo seconded. VOTE: 5-0-0.

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