



Town of Medway

FINANCE COMMITTEE

155 Village Street
Medway MA 02053

Tel: (508) 533-3200

Fax: (508) 533-3201

Wednesday, October 25, 2023 – 7:00 PM
Town Hall, Sanford Hall
155 Village Street

Members Present: Brian Cowan, Chair; Sue Segarra, Vice Chair; Ellen Hillery, Clerk; Bruce Carbone (exited meeting 8:30 PM); Nick Fair; Will Lane; Michael Schrader; Jim Sullivan.

Absent: Chris Lagan.

Staff Present: Michael Boynton, Town Manager; Carol Pratt, Finance Director; William Kingsbury, Police Chief.

Others Present: Glenn Trindade, Chair, Select Board; Dennis Crowley, Select Board; Nancy Charves, 4 Mallard Drive, petitioner; Kevin Moreau, 8 Mallard Drive; Michael Auler, 4 Winterberry Lane (remote)

Public Hearing

At 7:00 PM Chairman Cowan convened a public hearing for the purpose of hearing public input on articles in the 2023 Fall Town Meeting Warrant not addressed in other public hearings. He reminded participants that the overall goal is to make Medway the best Town it can be, and to conduct themselves with respect and civility. Remote access to the hearing was available via Zoom; one person was connected.

Mr. Kevin Moreau, 8 Mallard Drive, spoke briefly about the Citizens' Petition regarding firearm discharge. He emphasized that 500 feet is not acceptable in a residential area as the minimum distance from a dwelling. It is not a safe distance; it is disturbing the peace. Children are outside playing. He noted that his home as well as others are very close to a public roadway. Continuing, he indicated he is able to hear firearm discharges and bullet ricochets. There is a particular individual who purchased property in order to establish a firing range which is approximately 700 feet from a residential back yard.

Ms. Nancy Charves, petitioner, 4 Mallard Drive, noted that she and her neighbors could hear shooting out by the high wires on a Saturday. Within a half hour of the shooting, everyone was back in their houses for their safety. This is not why one moves to a smaller community. She reported that as of one half hour before she came to tonight's hearing, there were eight children playing outdoors. She noted that she does not have young children, but theorized that she is likely the person to find people injured because her home is at the end of the road. She encouraged those interested in shooting to do it responsibly.

Mr. Moreau noted that the current law allows shooting near a high school as it only restricts shooting 500 feet from a dwelling, but makes no mention of any other structure such as a school or a church. Children play on fields which can also fall within the 500 feet minimum distance.

Mr. Michael Auler, 4 Winterberry Lane, participating remotely via Zoom, identified himself as the owner of the property where firearms are being discharged. He theorized that, from a safety standpoint, no one has made a determination that he was not shooting safely. He reported that he was shooting into a berm [dirt] from about 25 feet away so there is no place for the bullets to go. He added that he has shot on only two occasions, and those were both in compliance with the current law.

At this time, Chairman Cowan asked if anyone else wished to speak to any of the other articles on the Warrant. There were none.

At 7:14 PM Mr. Schrader made a motion to close the public hearing; Ms. Segarra seconded. No discussion. VOTE: 8-0-0. The connection to the Zoom link was terminated.

Committee Meeting -- Call to Order

At 7:15 PM Chairman Cowan called the meeting of the Finance Committee to order with eight members present. Member Chris Lagan was absent.

At this time, Chairman Cowan took agenda items out of order and asked for a continued discussion of the Citizen's Petition relative to Firearm Discharge.

Discussion relative to Article 33 – Citizen Petition: Firearm Discharge

The committee reviewed a copy of the petition accompanied by a Memorandum from the Town Clerk outlining the details of the submission and relevant requirements for petitions.

Present: Michael Boynton, Town Manager; William Kingsbury, Police Chief; Nancy Charves, Petitioner; Kevin Moreau, resident.

Mr. Carbone asked if the minimum distance is a state regulation, also asking how it is handled in other communities. Chief Kingsbury noted that Arlington has a longer minimum distance. Mr. Boynton reported that he has reached out to the Attorney General's Office for additional information. This is a referendum as it stands, and would have to be amended on the floor to become a bylaw. Infractions would involve a civil fine but that information is not built into the bylaw.

Discussion followed during which it was noted that shooting ranges are exempt from the state law and therefore not regulated. Specifically, indoor ranges are exempt; outdoor ones are not covered by law. The owner of a dwelling can give permission to shoot on their property within the 500 feet restriction. It was also noted that a definition of "a shooting range" is not part of the current law. Chairman Cowan theorized that the Town can establish a bylaw that further restricts use of firing ranges, if the Attorney General's Office approves it.

Chief Kingsbury confirmed that both instances of shooting being discussed this evening met the standard of the current state law. He encouraged the petitioners to do more research. It was suggested that perhaps rifle ranges should be prohibited instead of focusing on distances. It is believed that the property in question was purchased with the intent to pursue shooting and hunting.

At this time, Mr. Boynton clarified that the Town does not engage Town Counsel to work with petitioners. This discussion is an effort that resulted after conversations in the office.

Discussion followed as to procedure should the petitioners withdraw the Article, and then resubmit with changes. It was noted that, if it is withdrawn, a motion can be made to pass over the article, or otherwise not acted upon. The article can also be amended as long as the amendment is still within the scope of the article, and not significantly different.

It was pointed out that, if there is a bona fide bylaw on the books in Arlington, it passed through the Attorney General's Office. It is possible that an attempt to eliminate shooting ranges completely, the Attorney General may not allow it as it may infringe on citizen rights. It was suggested that the petitioners work at defining what constitutes a range and apply conditions to that as well as civil fines for infractions. Mr. Sullivan suggested research including review of news articles on subject in other communities to see if those efforts were successful.

Discussion followed on the previous owner of the property who had done shooting. Mr. Fair expressed concern that the reports are conflicting. He emphasized that committee meetings are not the place to work this out, especially at Finance Committee. What can we learn from Fish and Wildlife? Chairman Cowan reported that a recent court ruling declared that a 500-foot restriction is not considered a violation of Second Amendment rights. We should be considering what is best for the Town.

At 7:44 PM Ms. Charves and Mr. Moreau exited the meeting.

Discussion relative to Article 22: New Tree Bylaw

The committee reviewed the 2023 Fall Town Meeting Warrant.

Present: Conservation Commission: David Travalini, Chair; and Dayna Gill, Vice Chair.

Ms. Dayna Gill, Vice Chair, Conservation Commission, reported that the substance of the bylaw has not changed since the last time it was proposed. She noted that the Commission has tried to make sure it did not make it more difficult as the intent is to preserve trees that exist but also pay attention to those blocking sight lines or driveways, or included in the zoning setback. We also considered what other communities are doing.

Mr. David Travalini, Chair, Conservation Commission, pointed out that this bylaw falls in line with what the Master Plan has set forth. Tree removal in developments can create flooding problems as there is no vegetation to hold the water back. Most tree cutting companies will send an arborist to estimate costs and determine health of a tree. He noted that he has a Master's degree in forestry, emphasizing that ordinary citizens should not be cutting trees themselves. The Conservation Commission is not "the tree police", but it does investigate complaints from neighbors. This effort is aimed at new construction.

Mr. Steven Brody, 39 West Street, asked if the bylaw would apply to non-construction projects. What is the applicability to trees within the setback of established dwellings? Ms. Gill responded that the bylaw would apply if a resident was just trying to get rid of a tree in the protected area. Mr. Travalini theorized removal might be allowed if another tree was planted nearby to replace it. Mr. Brody asked if tree removal would trigger action to have the lot surveyed, noting he is in favor of this bylaw as it does protect trees. He noted that his property was devoid of trees when he purchased it, and he'd love to

have trees back there. Mr. Travalini reported that the abutters to properties with tree removal express concern that people will now be able to look into their back yards. He clarified that the major intent of the bylaw is for new construction where forested areas have been cleared.

Ms. Hillery expressed concern that residents may not be able to understand the extensive language. Mr. Travalini responded that a shorter version was proposed a year ago, but it was deemed unenforceable, likely due to its brevity. Ms. Gill noted there is a graphic showing boundaries of the setback areas that might be helpful. Mr. Travalini added that part of the Conservation Bylaws cover what can and cannot be removed in protected area such as within 100 feet of a wetland. The Commission also tries to steer residents to reputable contractors. "Ignorance of the law is not an excuse" applies to the resident who employs an individual who just did not follow the rules.

It was noted that a developer cannot cut down all the trees, then separate land into building parcels. The average developer will not cut extensively as it costs them money. Discussion followed.

At 8:19 PM Ms. Gill and Mr. Travalini exited the meeting.

Discussion – Articles recommended by Police Department

At this time, Chairman Cowan called upon Police Chief William Kingsbury to speak to the Articles recommended by the Police Department. Specifically:

Article 15: Accept MGL, Ch. 90, Sec. 20A, Parking Regulations

Article 16: Amend General Bylaws: Handicapped Parking

Article 17: Addition to General Bylaws: Vehicle Removal Authorization

Article 18: Addition to General Bylaws: Pedestrian Control Regulations

Article 23: Amend General Bylaws: New Noise Bylaw

Article 33: Accept MGL, Ch. 90, Sec. 17C. 25MPH Speed Limit

Chief Kingsbury spoke briefly on each article; there were not questions on most. Referring to Article 33, how was the proposed town-wide 25 MPH speed limit determined? Chief Kingsbury responded that the state set the speed limit, and the Town is just bringing it into line with other communities, based on complaints and studies. Most streets are not posted with signage so it falls back to state statute. Speed studies might show, for example, that 28 MPH is the average speed on a roadway; that speed can be enforced in a 25 MPH zone but not in a 30. It is a complicated process to change speed limits on individual streets. If this passes, there will be a break-in period before the Police Department begins enforcing it.

Discussion followed on traffic calming measures. There are temporary speed bumps; permanent ones must be installed when the road is paved or the snow plows will damage them. Four-way stops can be put in only at those intersections where all four roadways have similar traffic counts.

At 8:36 PM Chief Kingsbury exited the meeting.

Vote Recommendations on warrant articles for 11/13/2023 Fall Town Meeting

The committee reviewed the following information: (1) Updated Fall Town Meeting Warrant, as of 10/24/2023; (2) Summary of Planning and Zoning Articles provided by Barbara Saint Andre, Director, Community and Economic Development; (3) Memorandum dated October 25, 2023 from Police Chief

William Kingsbury on Warrant Articles; and (4) Memorandum dated October 25, 2023 from Police Chief William Kingsbury on proposed town-wide speed limit.

It is noted that the Citizen's Petition was moved to Article 1, Dog Bylaw Article was removed and an Article to accept a town-wide 25 MPH Speed Limit was added as Article 33. Warrant articles were subsequently renumbered.

Chairman Cowan asked if committee members had questions on any of the articles. There were none. It was therefore suggested that, instead of voting individual recommendations, articles could be grouped with a single vote.

Recommendations were voted as follows:

Article 1: Citizens' Petition: Firearm Discharge – Mr. Schrader made a motion that the Finance Committee assign a designation of TBD (To Be Determined) to Article 1; Ms. Segarra seconded. No discussion. VOTE: 7-0-0.

Article 2: Prior Year Bills -- Mr. Schrader made a motion that the Finance Committee recommend Article 2; Ms. Segarra seconded. No discussion. VOTE: 7-0-0.

Mr. Sullivan made a motion that the Finance Committee recommend Articles 3 through 14; Mr. Lane seconded. No discussion. VOTE: 7-0-0. The articles referenced in this vote include:

Article 3: Free Cash Transfer to Facility Stabilization Fund
Article 4: Free Cash Transfer to General Stabilization Fund
Article 5: CPA Funds: 158 Main Street Repair Design Work
Article 6: Transfer from Ambulance Receipts Fund to Purchase New Ambulance
Article 7: Free Cash Transfer: Opioid Settlement Abatement Funding
Article 8: Free Cash Transfer: Capital Items
Article 9: Borrowing: High School Culvert Replacement – Design
Article 10: Raise and Appropriate: Supplement FY24 Building Department Budget
Article 11: Raise and Appropriate: Supplement FY24 Unemployment Expense Account
Article 12: Repurpose Water Enterprise Borrowing
Article 13: Repurpose Monetary Articles – Town
Article 14: Repurpose Monetary Articles – School

Ms. Segarra made a motion that the Finance Committee recommend Articles 15 through 18; Mr. Sullivan seconded. No discussion. VOTE: 7-0-0. The articles referenced in this vote include:

Article 15: Accept MGL, Ch. 90, Sec. 20A, Parking Regulations
Article 16: Amend General Bylaws: Handicapped Parking
Article 17: Addition to General Bylaws: Vehicle Removal Authorization
Article 18: Addition to General Bylaws: Pedestrian Control Regulations

Mr. Sullivan made a motion that the Finance Committee recommend Articles 19 through 22; Mr. Schrader seconded. No discussion. VOTE: 7-0-0. The articles referenced in this vote include:

Article 19: Amend General Bylaws: Town Officers and their Duties

Article 20: Amend General Bylaws: Town Officers and Their Duties

Article 21: Amend General Bylaws: Stormwater Management and Land Disturbance

Article 22: Amend General Bylaws: New Tree Bylaw

Ms. Segarra made a motion that the Finance Committee recommend Articles 23 through 30; Mr. Schrader seconded. No discussion. VOTE: 7-0-0. The articles referenced in this vote include:

Article 23: Amend General Bylaws: New Noise Bylaw

Article 24: Amend Zoning Bylaw: Schedule of Uses – BESS

Article 25: Amend Zoning Bylaw: Section 8.5 Open Space Residential Devlt.

Article 26: Amend Zoning Bylaw: Mitigation

Article 27: Amend Zoning Bylaw: Kennel Definition

Article 28: Amend Zoning Bylaw: Housekeeping

Article 29: Amend Zoning Bylaw: EV Parking

Article 30: Amend Zoning Bylaw: Central Business District

Mr. Schrader made a motion that the Finance Committee recommend Articles 31 through 33; Ms. Segarra seconded. No discussion. VOTE: 7-0-0. The articles referenced in this vote include:

Article 31: Street Acceptance – High School Road

Article 32: Authorize Power Purchase Agreement

Article 33: Accept MGL. Ch. 90, Sec. 17C. 25MPH Speed Limit

At 8:49 PM Mr. Boynton, Ms. Pratt, and Mr. Crowley exited the meeting room.

Miscellaneous

Chairman's Report – Chairman Cowan announced that invitations to meet with the Finance Committee will be issued to groups that do not come in often. This is to encourage more openness and dialogue as well as help committee members more fully understand the function of each group. Ideally, these invitations will be spread over several months. Additionally, the School Committee's Budget Subcommittee will begin working on the FY25 School Budget.

Clerk's Report – No report.

Liaison Reports – There were no reports from Finance Committee members. However, Ms. Tracy Stewart was present as the Medway representative on the Tri-County Regional Vocational Technical High School Committee.

Mr. Boynton shared a letter with her from the Superintendent stating that the MSBA has increased the square footage to \$5.50 per square foot which represents an additional \$19 million in reimbursement for the project. \$82.7 was original MSBA funding. This could significantly affect the amount bonded. She briefly reviewed other MSBA action that may be up for vote this fall. She expressed concern that some fields of study simply require more in the way of equipment, electrical or other utility usage which is often not considered. Brief discussion followed.

Other Business

Review/Approval of meeting minutes

The committee reviewed draft minutes from October 11, 2023.

Ms. Hillery made a motion to approve the October 11, 2023 minutes, as amended; Ms. Segarra seconded. No discussion. VOTE: 7-0-0. It is noted that Mr. Carbone had exited the meeting by this time.

Upcoming Meetings

It is likely there will be no agenda items for the November 8 meeting which will then be cancelled. The committee will meet at 6:30 PM on Monday, November 13 prior to the start of Fall Town Meeting for final Town Meeting tasks. The Tri-Board meeting between the School Committee, Select Board and Finance Committee will be Monday, December 11 in the Presentation Room at the Middle School. The next regular meeting of the Finance Committee after that will be held in Sanford Hall at 7:00 PM on December 13.

Adjourn

At 9:01 PM Ms. Hillery made a motion to adjourn; Ms. Segarra seconded. No discussion. VOTE: 7-0-0.

*Respectfully submitted,
Jeanette Galliardt
Night Board Secretary*