

**Select Board Meeting
August 9, 2021 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Maryjane White, Chair; Dennis Crowley, Vice-Chair; Frank Rossi, Clerk, John Foresto, Member.

Absent: Glenn Trindade, Member.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Barbara Saint Andre, Director, Community and Economic Development; Courtney Riley, Senior Center Director; Beth Hallal, Health Agent; Barry Smith, Water Superintendent; Peter Pelletier, Department of Public Works (DPW) Director, Sean Harrington, DPW Deputy Director; Sandy Johnston, Communications Director.

Other Participants: Medway Housing Authority Candidates: Thomas Bowen, James Coyle, Ramona Fiorentino; Andy Rodenhiser, Planning and Economic Development (PEDB) Board Chair; Residents: Michael Fahey, Paul Yorkis, Kathleen Yorkis, Larry Ellsworth, Charlie Myers.

At 7:00 PM, Ms. White called the meeting to order and led the Pledge of Allegiance.

Mr. Boynton stated two weeks ago Medway lost retired Police Chief Dave Lambirth noting his many years of service to the Town. He asked the Board to honor his memory with a moment of silence.

Public Comments: There were none.

Approval of Minutes: July 12, 2021

The Board reviewed the draft minutes of July 12, 2021.

Mr. Foresto moved that the Board approve the minutes of July 12, 2021. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Appointment to Medway Housing Authority – Tenant Board Member

The Board reviewed the candidates' interest in appointment.

Ms. White explained that State regulations have changed, and this is now a Select Board appointment for a five-year term.

Mr. Bowen stated he has lived in Medway since 2007 at Mahan Circle and was also a maintenance employee there. He feels he can add value to the Housing Authority and commended Director Fetrow's efforts. Mr. Crowley asked how many years he has lived there. He responded fourteen years.

Ms. Fiorentino stated she was Vice President of the Tenants' Association in Arlington and assisted with the budget and implementation of sign safety. She is a strong advocate of all tenants. She reported there is only one call light in the bathroom of the units noting an elderly person spends on average ten hours a day alone and she would like one added to the living room and one to the bedroom to allow for a quicker ambulance response time. She noted some people cannot get to the Senior Center and shared services that would assist the elderly, as well as younger tenants. Mr. Crowley asked how many years

she has lived there and if she has applied for this position before. She stated fourteen years and confirmed her prior application for this role.

Mr. Coyle stated he has been a member of the Board for the past three years. He reported that the former Director retired, and the Housing Authority hired Hailey Fetrow, who has been a great addition. He stated he was instrumental in the addition of the handicapped parking spots at Kenney Drive and the sidewalk repair at Lovering Heights. Mr. Crowley stated he has seen that both Tom and Ramona are part of the Federal side and Jim is on the State side and why is there no tenant member position for both. Mr. Boynton stated we have less than 300 units, so we only need one tenant member. Mr. Coyle explained the background history of how and when the tenant member role was added to the Housing Authority Board.

There was discussion about whether or not to make the appointment at this meeting. Mr. Crowley reported that he has spoken to residents and Director Fetrow who stated that Mr. Coyle has been doing a good job so feels that he should stay in the position that he has been in for the past three years. He thanked Mr. Bowen and Ms. Fiorentino for coming forward and hoped that if they would like to volunteer for the Town in a different role that they would reach out to the Town Manager. The Board agreed.

Mr. Foresto moved that the Board appoint James Coyle to the Medway Housing Authority for a five-year term. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Discussion/Vote: Veterans Work Off Program

The Board reviewed the (1) memo from Donna Greenwood, and (2) Board of Assessors approval.

Mr. Boynton stated that we have a great senior work off program, and the thought is to also allow the veteran work off program to run similar to the senior work off program for those veterans who do not meet the age requirement for the senior work off program. He stated the cost can be captured by the existing appropriation. Mr. Rossi asked where the \$15,000 was coming from. Mr. Boynton explained the source of funding for these programs. Mr. Foresto asked how the term veteran is determined. Mr. Boynton stated we follow the Federal definition. Mr. Crowley ask if they are also a senior can they get funds from both programs. Mr. Boynton stated no.

Mr. Foresto moved that the Board approve the Veterans Work Off Program as presented. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Approval: Insert of Master Plan Information into the August Water Bill

The Board reviewed the (1) memo from Susy Affleck-Childs, and (2) Master Plan informational insert.

Ms. Saint Andre stated the Town has embarked on the Master Plan, a ten-year vision, and is currently in Phase Two, which is facilitation of input from the public. One of the outreach items they would like to implement is an insert into the August water bill which explains the three ways that residents can provide feedback. This is a way to reach out to those not on social media. Ms. White asked who is paying for this. Ms. Johnston stated it will be paid for through the Communications budget. Mr. Crowley asked for the cost. Ms. Saint Andre stated \$290.

Mr. Foresto moved that the Board approve the inclusion of the Master Plan Informational insert in the August water bill as discussed. Mr. Rossi seconded. Discussion: Mr. Foresto requested that residents take the survey, as now we have 350 responses. He said it takes 20 minutes noting there is a group of

dedicated people putting much effort into this and would like residents to support that group. Mr. Crowley asked if the first two options require a computer. This was confirmed. He requested that a fourth option be added for noting where hard copies are available. Ms. Saint Andre stated they are currently available at Town Hall, the Council on Aging, the Library, and certain businesses around Town. **VOTE: 4-0-0.**

Approval: Contract with Beacon Integrated Solutions, LLC for Battery Energy Storage Systems (BESS) Consulting Services - \$31,500

The Board reviewed the (1) memo from Barbara Saint Andre, (2) bid summary, and (3) contract.

Mr. Boynton stated that Spring Town Meeting passed a resolution to direct that the PEDB work towards creating specifications for BESS within the Town, noting it was more involved than he has summarized here. He stated that from May through July, the team consisting of Ms. Saint Andre, Susy Affleck-Childs, and Mr. Rodenhiser worked to identify consultants with the expertise to help the Town develop a better understanding on the potential impact of BESS to the community. He further noted that they received two bids and a funding source for this endeavor was never identified. He stated we are working with Jeff Bernstein of BCK Law and Sansoucy on this effort, as well, and noted the specific Exelon fund source currently in use for these efforts. He noted the later agenda item, Able Grid Host Community Agreement, reporting they are looking to go before the Energy Facilities Siting Board (EFSB). He asked if this consultant is the right one to address the intent of the Town Meeting vote, adding we are doing our best to gather this information to be able to address this at Fall Town Meeting. He stated if there is a desire to hold on a vote on this contract for further input by the PEDB to be aware this pushes the timeline out. Mr. Foresto had questions on the scope, as he thought we were looking at the technical aspects and is not sure this consultant has that expertise. The leadership team and how many times they are to meet with the Town should also be in the scope. Ms. Saint Andre noted the difficulty finding a vendor, as most represent the energy company, but this one represents the purchaser. She stated the consultant has done solar along with battery storage and had the advantages of no conflict of interest, are used to working with cities and towns, and have the general knowledge, as part of what we were asking was to implement educational seminars for the benefit of both Town officials and citizens. She believes that this vendor has the ability to do that. Mr. Foresto stated battery storage associated with solar is very different than what is being proposed for BESS. Mr. Crowley stated his concerns were the same as those of Mr. Foresto. Mr. Myers pointed out the biggest risk is the life safety for the Fire Department noting this consultant does not have that expertise. Mr. Crowley does not feel the scope of work was spot on and thinks that we need more of a technical engineering firm that can address all issues. He would recommend changing the scope of work and go back out to bid. Mr. Rossi asked if they would bring in outside experts. Ms. Saint Andre stated this consultant would bring in the experts at an additional cost. Mr. Rossi asked about what the other vendor at the \$60,000 cost could provide. Mr. Rodenhiser stated they are more technical and work with the BESS companies so there was a big concern about conflict of interest. Mr. Crowley asked if we contacted those who did not respond to ask why they did not. Ms. Saint Andrea stated no. Mr. Crowley asked about the status of the EFSB and are they going to be able to regulate these types of facilities. Mr. Boynton stated there is another option. Instead of finding one umbrella consultant, we could look for experts in each potential issue, e.g., Fire protection, air quality, etc. Able Grid has indicated to the Town that they are going to file with the EFSB to take jurisdiction. He can't say if EFSB will or will not own this and asked would we just accept the EFSB determinations or try to work out some type of protection for the Town. There was further discussion about the Request for Quotes process relative to the number of bids received. Ms. White asked if there is a consultant out there that does what we are looking for. Mr. Rodenhiser stated he hopes so, but we do not have the appropriate scope or process in place. Mr. Crowley stated it is not the Select Board's expertise to decide how to break up this consulting. Mr. Myers stated the scope needs

adjustment and noted he knew that one of the other vendors chose not to respond as they felt there was too much focus on community interface versus the technical aspects. There was further discussion about other projects where the EFSB or other states' equivalent became or did not become involved and the impact on the projects. The EFSB determination for claiming jurisdiction is if you are generating electrons. With BESS, you are not generating electrons, you are storing them and resending them to the grid. Mr. Yorkis stated the intent of Article 31 was not community education but the education of Town leadership and staff. He would like the Board to have a consultant that can focus on the technical aspect and not the educational aspect. There was further discussion by Mr. Rodenhiser on what should be included in the scope. Mr. Boynton stated he does not feel there is a need to address this at Fall Town Meeting. Mr. Rodenhiser stated we should at least address the by right zoning as a special permit through the PEDB at Fall Town Meeting.

Mr. Foresto moved that the Board reject all quotes as this is in the best interest of the Town. Mr. Crowley seconded. No discussion. VOTE: 4-0-0.

Approval: Fiscal Year 2022 GATRA Contract

The Board reviewed the contract.

Mr. Boynton stated it is the same yearly contract.

Mr. Foresto moved that the Board approve the GATRA contract as presented. Mr. Crowley seconded. No discussion. VOTE: 4-0-0.

Approval: Contract with Natick/Walpole VNA for Community and Public Health Nursing Services – Not to Exceed \$1,500 per Month

The Board reviewed the (1) memo from Beth Hallal, and (2) contract.

Mr. Boynton stated we had a good run with Salmon, and it became clear at the beginning of the year that we needed to make a change, noting that a number of other communities have changed from Salmon as well. He stated this vendor has already begun working with us and recommends the Board approve the contract.

Mr. Crowley moved that the Board approve the Natick/Walpole VNA contract as presented. Mr. Foresto seconded. No discussion. VOTE: 4-0-0.

Discussion: Unaccounted for Water Loss Quarterly Update

The Board reviewed the (1) unaccounted for water loss quarterly data, and (2) Charles River Pollution Control District flow data.

Mr. Smith stated through July 1st the Town is at 7.8% noting that number should decrease a bit based on where we are in the July billing cycle. He noted the leak detection contractor has not found anything, noting that does not mean that we do not have any leaks. Mr. Crowley asked, looking at metered water this versus last year, if we are pumping less. Mr. Smith confirmed. Mr. Crowley asked how this equates to 2019, as we based our water rates on those numbers. Mr. Smith said we are a bit lower.

Mr. Smith stated we are in a downward spiral for the Charles River Pollution Control District usage but noted we did get a lot of rain in July which impacts this number. He noted that thirty locations with inflow and infiltration issues were fixed, which impacts this number. Mr. Boynton stated the Fire service

connection fee will be addressed at another meeting so they can work out various scenarios with the Water and Sewer Advisory Board to determine the best scenario to present to the Select Board.

Discussion: Use of Chat Feature only for Zoom for Select Board Meetings

The Board reviewed the Town Counsel opinion dated July 13, 2021.

Mr. Boynton stated this was possible noting the Chair of the Board controls the meeting including if public comments are taken. If we utilize the chat, then every comment and question must be addressed so that each is treated the same. The Board agreed this will not be implemented. Mr. Boynton asked if the Board wants to utilize Zoom moving forward or only if there is another public health hazard. The Board stated only if there is another public health hazard.

Discussion: Able Grid Host Community Agreement (HCA)

The Board reviewed the letter from Eric Stoutenburg, Vice President, Medway Grid, LLC.

Mr. Boynton stated Able Grid has asked what the Town is doing about rezoning. We have told them there is not a parcel at this time zoned for their type of project. They have stated that they intend to ask EFSB to take jurisdiction over this project. He stated the HCA with Exelon was put in place to protect the Town relative to air quality, noise, land value, and fire safety and training, as they also sought an EFSB permit. The EFSB relied heavily on the Exelon HCA with the Town when permitting Exelon. Mr. Boynton stated he would not move forward with the HCA with Able Grid without direction from the Select Board. If they are going to file with EFSB and if it looks like the EFSB will take jurisdiction, does the Select Board want to open HCA discussions. Mr. Crowley stated his preference was to begin discussions/negotiations on the HCA. The Board agreed. Mr. Boynton stated that Jeff Bernstein at BCK Law would be involved as he was with the Exelon project, and he requested Select Board member involvement as well. Mr. Myers explained that the EFSB jurisdiction determination will include whether or not the UL certification applies to a two stack and is based on the amount of energy generated. Mr. Ellsworth stated there is no formal project and feels there would be negative risk to the Town negotiating the HCA at this time. Mr. Boynton noted the validity of Mr. Ellsworth's statement. There was further discussion about the technical challenges' relative to the HCA in order to understand the potential financial impact of this type of project. Ms. Yorkis stated that perception is important noting that entering into an HCA may look like this is already in process, i.e., "here we go again" like with Exelon. Mr. Boynton agreed and again stated that due to current Town zoning, they cannot have a project in the Town. Mr. Crowley asked if we lose bargaining power if EFSB takes jurisdiction over the project. Mr. Yorkis stated he does not know what the PEDB will determine or the study results so he does not know how the Town Manager can negotiate an HCA at this time. It was stated it would be a discussion not a negotiation. Mr. Boynton stated that we do know certain items that need to be included based on our past experience with Exelon including protection of property values, noise issues, fire safety and training, etc. He stated he cannot confirm if we will lose the ability to negotiate if EFSB takes over. There was further discussion on the timeline for an EFSB jurisdiction decision. Mr. Rodenhiser stated not going into discussion with Able Grid would create a negative perception of the potential for a positive working relationship. Mr. Boynton addressed the perception of "here we go again" noting that the entire process would be transparent, and every step would involve Town Meeting. Michael Fahey stated he feels it would look like we are selling out too soon if we begin negotiation on an HCA. Mr. Crowley requested Mr. Boynton's recommendation. He stated, if we slam the door, we will not know the intent of Able Grid noting that he does understand the concerns that have been expressed.

Mr. Foresto moved that the Board authorize the Town Manager to open up a discussion with Able Grid regarding a Host Community Agreement. Mr. Rossi seconded. VOTE: 4-0-0.

Consideration of Public Event Application: CF Cycle for Life – 10/2/2021

The Board reviewed the (1) application, and (2) Lieutenant Kingsbury's recommendation.

Mr. Foresto moved that the Board approve CF Cycle for Life as presented subject to the Police Lieutenant's recommendations and proof of appropriate insurance coverage. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

One-Day Liquor License Applications:

- **Kristen Rice – Thayer Homestead – 8/28/2021**
- **Brittany Allard – Thayer Homestead – 8/29/2021**
- **Rebecca Feldman – Thayer Homestead – 9/4/2021**
- **MHS Gridiron – Thayer Homestead – 9/10/2021**
- **Donna Fiori – Thayer Homestead – 9/11/2021**
- **Meggan Carr – Thayer Homestead – 9/12/2021**
- **Joanne Dunskey – Thayer Homestead – 9/17/2021**

The Board reviewed the Lieutenant Kingsbury's recommendations for Kristen Rice, Brittany Allard, Rebecca Feldman, MHS Gridiron, Donna Fiori, Meggan Carr, and Joanne Dunskey.

Mr. Foresto moved that the Board approve the one-day liquor applications as presented subject to the Police Lieutenant's recommendations and proof of appropriate insurance coverage. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Action Items from Previous Meeting

The Board reviewed the (1) action items dated June 7, 2021, and (2) July Water Treatment Facility Status Report.

The action items were not discussed.

Mr. Boynton reported that the Water Treatment Facility Committee met and looked at the pricing noting the only item that needs to be looked at additionally is garage space. He stated that this is so frugal, there is nothing that we can actually remove. Mr. Foresto reported that Holliston is building their 3rd water treatment facility and paying for it out of retained earnings. There was further discussion on the historical water and sewer rates and being proactive on current and future water rates and project funding mechanisms.

Assistant Town Manager's Report

There were no items for the Board to review.

COVID Update – Cases & Masks: Mr. Boynton stated we have 17 active cases and are monitoring State developments. The School Committee is discussing masks tonight and the Board of Health will be discussing this at their next meeting.

Property Inquires – Nipmuc and Clark: Mr. Boynton stated there are two parcels, one on Nipmuc asking if we will sell, and one on Clark Street asking if we are interested in taking ownership. We send out these requests and associated information to all Departments to see if there is any value from their perspectives. He reported that Clark Street is substantially wet with no benefit to the Town. He reported that Nipmuc is a small piece adjacent to the Salmon project with drainage easements and

there are concerns about giving up that interest. The Board agreed with the Town team to not purchase or sell these parcels.

Regional Dispatch Review Process Update: Mr. Boynton stated we now have Sherborn included with Medway, Millis, Holliston, and Dover. The Collins Center via the State is funding a \$40,000 study and will meet with all communities to determine the efficacy of implementation of a regional dispatch center.

September 11th Anniversary Observance: Mr. Boynton stated there is a meeting scheduled tomorrow to plan an event in recognition of this anniversary.

Police Chief Promotional Process Update: Mr. Boynton stated Chief Tingley is planning to retire July of next year and the process to identify his replacement is underway. On November 6th, Hanrahan Consulting will assist with the candidate assessment at a cost of \$5,500. The plan is to have the list identified by the end of the calendar year, and a candidate selected at the beginning of 2022 to allow shadowing with Chief Tingley to support a smooth transition.

Labor Day Holiday – Town Offices Closed: Mr. Boynton stated Town offices will be closed on Monday, September 6th in observance of the Labor Day holiday.

Town Manager Out of Office as follows:

- Tuesday, August 10 – Out of Office (AM)
- August 18-August 24 - Vacation

NEXT Regular Select Board Meeting – Tuesday, September 7, 2021.

Select Board's Reports

There were no items for the Board to review.

Mr. Crowley asked how we are doing with the new Police hires. Mr. Boynton stated that all four candidates completed physicals, Physical Abilities Testing (PAT) will be completed by the end of this month, they will complete pre-academy conditioning (Cooper Standards) in October, and then begin the Police Academy in November. Mr. Boynton stated he would like to introduce them to the Board, as well as the new Firefighter candidates, at one of their September meetings.

At 8:56 PM, Mr. Foresto moved that the Board enter Executive Session Under Reason 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 litigating position of the public body and the chair so declares [Fire Contract and Zoning Enforcement Matter – D&D Mulch – Winthrop Street] with no intention to return to open session. Mr. Rossi seconded. Ms. White declared as chair the need for Executive Session. It was voted by roll call: Crowley aye; Foresto aye; Rossi aye; White aye. VOTE: 4-0-0.

Respectfully submitted,
Liz Langley
Executive Assistant
Town Manager's Office