

Select Board Meeting
September 7, 2022 – 6:30PM
Sanford Hall
155 Village Street

Present: Dennis Crowley, Chair; Glenn Trindade, Vice-Chair; Frank Rossi, Clerk; Todd Alessandri, Member; Maryjane White, Member.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager.

Others Present: Jeff Bernstein, BCK Law (via phone).

At 6:30PM, Mr. Crowley called the meeting to order and led the Pledge of Allegiance and reminded all to remember the number nineteen signifying the total number of Medway residents lost serving their country.

Public Comments: There were none.

Discussion/Approval: Medway Grid, LLC Host Community Agreement (HCA)

The Board reviewed the (1) HCA, and (2) e-mails from residents.

Mr. Boynton stated we received five or six e-mails and, with the greatest degree possible, were able to include some of those comments. He stated there were no changes to the monetary items noting there was extensive negotiations on those. Medway Grid agreed to local as well as State noise ordinances, submission plans to Design Review Committee (DRC), as well as language relative to the spacing of the batteries. The technology is emerging and changing and through the Energy Facility Siting Board (EFSB) process, construction, and operations, we will stay on top of this with our technical engineers and reviewed the funding in the HCA to support these efforts. It is important to act tonight as this must be approved before the EFSB decision on our intervenor status. He thanked Jeff Bernstein for his efforts. Mr. Crowley asked for public comments.

Mr. Paul Yorkis, 7 Independent Lane, stated that based on the last Select Board meeting, he had submitted twenty-five comments noting thirteen of the twenty-five were addressed in the revised document and stated his appreciation. He stated he is still concerned about the dollar amounts noting he feels they are much lower than they should be. He is also concerned it is Medway Grid's position that the impact on the abutting property owners is not of great impact by way of the language in the HCA. He stated for the record that he disagrees with this position that they have taken. He had a couple of questions as follows. On page 11, item 8, he feels that the Rivers Act, Wetlands Protection Act and Medway's Wetlands by-law should be included relative to the language about the drainage leaving the site. Mr. Boynton noted adding the Rivers Act on page three addresses this concern noting that the Conservation Agent would deal with this as part of their processes. Mr. Yorkis stated he is still concerned about the decommissioning aspect of the plan as he does not believe Medway Grid is concerned with the long-term impact. Mr. Crowley asked Mr. Boynton to address the decommissioning. Mr. Boynton stated it was the most debated issue during the negotiations. He stated that he is confident that the language is the best that we could achieve. He feels that the state and federal government will be a part of any decommissioning process. Mr. Yorkis thanked the Board for the inclusion of his thirteen items but noted his concern.

Mr. Alessandri asked Mr. Boynton to explain the next steps after approval of the HCA. Mr. Boynton stated this document will be transmitted to Medway Grid for execution. Within thirty days of execution of the HCA there are funding commitments. We will file the HCA with the EFSB and request that this be included in the record. Attorney Bernstein noted the EFSB has still not ruled on any intervenors, there will be an initial scheduling conference setting the timeline for discovery which includes the asking questions and request for documents. The hearings will take place sometime in 2023. The intervenors and witnesses would testify in these hearings, and minimum expectations would be set. He stated that we would like to file this as soon possible while noting the proceeding is moving very slowly. Mr. Rossi stated that he feels we did the best possible to protect the Town. Mr. Rossi asked about the intervenor process. Mr. Boynton stated we cannot change what was included in the HCA, but other intervenors potentially could. He noted if any changes come about i.e., the size of project, that we would have the ability to make changes. If Medway Grid attempts to change what was agreed upon in the HCA, we can address that in the EFSB process. He noted the order of conditions may be included in the EFSB process as well. Mr. Crowley asked about the most difficult item that came in from residents. Mr. Boynton stated the noise ordinance noting we wanted the Town's noise ordinance to be included and we were successful. Mr. Boynton noted the change in the word "expedited" relative to permitting and they agreed to change it to timely. Mr. Crowley asked about the noise between Exelon and this facility as well as the impact on wind, etc. Mr. Boynton stated that would be addressed in the DRC process.

Poongs Muthukumaran, a recent resident of 38 Hill Street and chemical engineer by training, had one question: if the Town in accepting and signing the HCA is giving up anything in the EFSB process. Mr. Boynton gave the example of traffic; we would not go back in to challenge traffic, as we believe the language in the HCA addresses this. If Medway Grid asked the EFSB to address this in a different way than stated in the HCA, we could then readdress this. If anything comes up outside of what we have negotiated, we have not lost the ability to negotiate or address those topics. Attorney Bernstein confirmed that they cannot ask for any material changes in what was negotiated in the HCA. He noted any material changes in the project would allow the Town to negotiate these during the EFSB process.

Mr. Trindade moved that the Board approve the HCA as discussed. Mr. Rossi seconded. No discussion. VOTE: 5-0-0.

Mr. Crowley requested that Mr. Boynton call the Superintendent of Schools regarding the school ranking system, as at the last School Committee meeting, the Superintendent stated that he feels there are issues with the ranking system.

At 7:01 PM, Mr. Rossi moved to adjourn. Ms. Trindade seconded. No discussion. VOTE: 5-0-0.

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