

MEDWAY BOARD OF SELECTMEN
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*John Foresto, Chairman
Maryjane White, Vice Chairman
Richard D'Innocenzo, Clerk
Glenn Trindade, Member
Dennis Crowley, Member*

Board of Selectmen's Meeting Minutes

May 2, 2016 at 7:00 p.m.

Sanford Hall, 155 Village Street

Present: Chairman John Foresto; Selectmen Maryjane White, Dennis Crowley, and Glenn Trindade; Town Administrator Michael Boynton.

At 7:00 p.m., Chairman Foresto called the meeting to order and led in the Pledge of Allegiance.

Public Comments:

Resident Liam McDermott of 39 Populatic Street asked the Board to explain why the \$50,000 related to agenda item #5 (Donation Acceptance – Exelon Generation Co., LLC - \$50,000 for Legal & Consulting Expenses) was classified as a donation instead of a reimbursement. Mr. McDermott said it was previously referred to as a reimbursement. Administrator Boynton explained that this is a technical issue. A gift account was set up the last time the Town received a payment from Exelon. If it was classified as a reimbursement it would come in as a general fund receipt and close out to free cash. The funds would not be available in the current year, which could result in a deficit. By classifying it as a donation, the Town has access to the funds immediately.

Appointments:

The Board reviewed the following information: (1) Memo from Director of Community & Economic Development Stephanie Mercandetti; (2) Letter of Interest & Resume from Rori Stumpf; and (3) Letter of Interest & Resume from Tracy Malcolm.

Rori Stumpf and Tracy Malcolm attended the meeting. Chairman Foresto said he spoke with both candidates before the meeting. Mr. Stumpf is requesting appointment to the Zoning Board of Appeals (ZBA) and Ms. Malcolm is requesting appointment to the Capital Improvement Planning Committee (CIPC). Chairman Foresto thanked the residents for volunteering. Both candidates were welcomed and told they needed to get sworn in by the Town Clerk.

Selectman Trindade moved that the Board of Selectmen appoint Rori Stumpf as an associate member to the Zoning Board of Appeals for a 3 year term to expire June 30, 2019, and Tracy Malcolm to the Capital Improvements Planning Committee for a 3 year term to expire June 30, 2019; Selectman White second; Selectman Crowley asked Administrator Boynton if there were additional candidates for the ZBA. Administrator Boynton confirmed there was only one; VOTE 4-0-0.

Approval – Greater Attleboro-Taunton Regional Transit Authority (GATRA)
Contract Extension – July 1, 2015-June 30, 2016:

The Board reviewed the following information: (1) Memo from Missy Dzikczek; and (2) Contract & related materials.

Administrator Boynton explained that this is the same contract the Town receives from GATRA every year. Administrator Boynton confirmed that the dates are correct and it expires in two months. GATRA was delayed in getting the contract to the Town. Chairman Foresto asked Administrator Boynton to follow-up with GATRA to make sure the new contract as of July 1, 2016 is executed promptly.

Selectman Trindade moved that the Board authorize the Chairman to execute the contract between GATRA and the Town as presented; Selectman White second; No discussion; VOTE 4-0-0.

Discussion (continued) – Recreational Areas Program Scope and Task Plan:

The Board reviewed the following information: (1) Memo from Town Administrator Michael Boynton.

Administrator Boynton reported that the Board received a Citizens' Petition for a crumb rubber/tire derived material moratorium. 200 signatures were collected, which is sufficient to call a Special Town Meeting. The Board needs to set a date for this Special Town Meeting. Administrator Boynton said it is very important that it is clear which materials can be used, specifically if crumb rubber can be included, before any funds are spent and an RFP is submitted for design and engineering services for the proposed improvements to several recreational areas in town.

Administrator Boynton said he spoke with the Chair of the Community Preservation Committee (CPC) today about this project and he does not think the CPC will move forward with a vote until they hear directly from the BOS. The project cannot move forward without the CPC's approval. Administrator Boynton said the Board needs to decide if they are moving forward with the scope and task plan presented.

Selectman Trindade said his biggest concern is making sure any playground that is built has a handicap accessible surface. He said he met with a parent who is handicapped and discussed the difficulties of accessing a playground with wood chips. He cited the new playground in Norfolk that has a rubberized surface and said there is no exposed crumb rubber. Liam McDermott of 39 Populatic Street said the moratorium precludes the use of crumb runner in any capacity even if it is below surface and is encapsulated.

Chairman Foresto said the timing of the project is the issue. Administrator Boynton agreed that the Town does not want to spend money on a product that could potentially be a problem but also doesn't want to go with an inferior product because of an

unfounded fear. The Board agreed it would be difficult and not economically feasible to remove the playgrounds from the scope of the project and deal with them separately at a later date.

Alan White of 3 Skyline Drive said as a parent he would be much happier if the Town used an alternative material or held off until on the project until there is more information.

Selectman Crowley said he does not believe the BOS has provided the CPC with any of the requested additional information. He emphasized that ultimately the decision to move forward with this project will be made by the citizens of Medway, not the BOS. He suggested that the Board move the article about funding for design and engineering services to the Special Town Meeting. Residents would be asked to vote on the moratorium and then the funding of this project. He said this would give the Board more time to get the CPC the information they requested. Administrator Boynton said his understanding is that the Board has the ability to add additional articles to the warrant but he will confirm with Town Counsel.

Alan White said he wants to make it clear that there are alternative organic infills. He does not want residents to think the project cannot move forward without crumb rubber.

The Board discussed the study that the government is conducting on crumb rubber and the preliminary findings that will be released by the end of the year. Alan White asked why the Town cannot move forward with a design without using crumb rubber to at least establish a budget. Selectman Crowley said all of the companies they spoke with, including Gale & Associates, use crumb rubber. The Board also discussed whether the state funds will still be available if the Town delays a vote on this project. Administrator Boynton reiterated that the Town is not guaranteed the funds.

Selectman Trindade moved that the Board approve the Parks Project Scope and Task Plan as presented by the Town Administrator; Selectman White second; No Discussion; VOTE 4-0-0.

Selectman Crowley asked the Board to direct the Town Administrator to follow-up with the Chairman of the CPC and see what information the CPC requires. Chairman Foresto asked Administrator Boynton to share the Parks Project Scope & Task Plan with the Chairman of the CPC and ask what the CPC would like removed and/or added.

Discussion – Potential Dates for Special Town Meeting:

Administrator Boynton recommended that the Board set the Special Town Meeting for Thursday, June 9, 2016.

Selectman Trindade moved that the Board set the Special Town Meeting for Thursday, June 9, 2016; Selectman White second; Selectman Crowley asked the Board to consider adding articles to the Special Town Meeting warrant depending on the outcome of the Annual Town Meeting. Administrator Boynton said he is still waiting to hear back from Town Counsel on what items in the warrant are binding; VOTE 4-0-0.

Donation Acceptance – Exelon Generation Co., LLC - \$50,000 for Legal & Consulting Expenses:

Administrator Boynton reported that Exelon paid the Town \$100,000 previously. Since then the Town has incurred additional expenses. The additional \$50,000 donation will allow the Town to avoid a deficit in the legal budget. Administrator Boynton said there will be a small reserve.

Selectman Trindade moved that the Board accept the Exelon donation and authorize the expenditure of these funds to pay for the Town's associated legal and consulting expenses; Selectman White second; No discussion; VOTE 4-0-0.

Approval – One-Day Liquor License Request – Catherine Knowles – Thayer Homestead – June 18, 2016:

The Board reviewed the following information: (1) One Day License Application; and (2) Police Chief's recommendations.

Selectman Trindade moved that the Board approve the one-day all alcohol license for Catherine Knowles for an event at the Thayer Homestead on June 18, 2016 subject to fulfillment of the Police Chief's recommendations and evidence of appropriate insurance coverage; Selectman White second; No discussion; VOTE 4-0-0.

Action Items from Previous Meeting:

- Brentwood project is finished.
- Don't have a scheduled date for preconstruction meeting for Route 109 project. Selectman Crowley reiterated that this is a state run project. The Town can attend the meetings but the state makes the final decision in all areas.

Approval of Warrant:

#16-45S 5/5/16

School Expense	\$512,022.74
Town Payroll	\$378,637.28
School Payroll	\$788,178.56
TOTAL	\$1,678,838.58

Selectman Trindade moved that the Board approve the warrant as read; Selectman White second; No discussion; VOTE 4-0-0.

Approval of Minutes:

Selectman Trindade moved that the Board approve the meeting minutes from March 7, 2016 as amended; Selectman White second; Roles for Energy Committee need to be revised; VOTE 4-0-0.

Selectman Trindade moved that the Board approve the meeting minutes from March 11, 2016 as written; Selectman White second; No discussion; VOTE 4-0-0.

Town Administrator's Report:

- \$410,000 was spent on snow and ice in FY16. Will not need snow and ice deficit article at next week's Special Town Meeting.
- Net metering – Energy Solar and Eversource still working out payment and credit process. Can encumber the funds to pay the bills if after July 1, 2016. If make payment after July 1, 2016, the Town will get revenue but it will affect the free cash for next year.
- FY15 audits – Received Charles River Pollution Control District Audit today. One note in management letter about OPEB. Selectman Crowley asked for balance of OPEB and status on state meals tax.
- Timbercrest hearing on Wednesday night at the Middle School auditorium.
- Allison Potter will reach out to High School about having students offer babysitting services at Annual Town Meeting.

Selectmen's Reports:

White

- Honored long time Medway resident Fred Rosetti who passed away.

Crowley

- Colonel Michael Matondi was hospitalized. Had surgery and is recovering. Administrator Boynton added that the new flag poles on the common are due to Colonel Matondi's efforts.
- Reminded residents to visit new website. Director of Communications Mary Becotte said they will get user comparisons after the first month.
- Apologized Winthrop Street construction delay due to weather.
- Administrator Boynton thanked the Medway Fire Department for covering for the Walpole Fire Department, along with other surrounding towns, as they dealt with a loss within the department.

At 8:18 p.m., Selectman Trindade moved that the Board enter into Executive Session with no intent of returning to public session under Exemption 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position &

Exemption 6 to consider the purchase, exchange, taking, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body for the purposes of discussing a host community agreement with COMMCAN Inc. and to review executive session minutes (topics: Exelon West Medway, LLC and Exelon Medway II, LLC, Energy Facilities Siting Board, 181 Main Street, 54R Adams Street, 0 Adams Street, possible purchase of Village Street property).; Selectman White second; No discussion; Roll call vote: Crowley, aye; White, aye; Foresto, aye; Trindade, aye.

Respectfully submitted,

Michelle Reed