

Board of Selectmen's Meeting
June 6, 2016 --7:00 PM
Sanford Hall, Town Hall
155 Village Street

Present: John Foresto, Chair; Maryjane White, Vice Chair; Dennis Crowley, Member; Glenn Trindade, Member.

Absent: Richard D'Innocenzo, Clerk.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; David D'Amico, Deputy Director, Department of Public Services; Doug Havens, Community Housing Coordinator; Mary Becotte, Communications Director.

Chairman Foresto called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

Public Comments: Mr. Hugh McGrail spoke briefly about his time as a Parks Commissioner during which time there was an active swimming program on Choate Pond. He indicated he has spoken with several Selectmen about revitalizing the program, acknowledging that a main concern is the quality of the water. Toward this end, he suggested installing a filter on the end of the pond where the water comes in, circulate the water and discharge it on the other side. In time, this would make the water fairly good for swimming. He submitted a rudimentary diagram to the Board.

Selectman Trindade noted that biofilters were tried a few years ago which proved ineffective due to the high level of fecal content from a local farm. Now that the farm is no longer operating, the results may be different. He suggested doing some additional research to see if a filtering system could be employed. Brief discussion followed.

Ms. Tracy Stewart reported she just met with the Town Meeting Moderator regarding Article 1 for the June 9 Special Town Meeting. At this time she read a proposed motion that had been crafted. A copy of the motion was not provided to the Board. She pointed out that the motion included language regarding the impact on field maintenance.

Town Administrator Boynton reminded everyone that on May 18 there was a robust discussion with the Finance Committee with the resulting dialogue at the end of that meeting representing a "meet in the middle" position on Article 2, the playground project article. A composite motion suggested on May 25th has not gone anywhere. Ms. Stewart responded that "we have to hold true to the petitioners who put Article 1 forward". Selectman Crowley stated that he wanted a little clarification. Should the Town get involved in a Citizens' Petition? It should not be up to the Town to write anything different or revise the wording of the Citizens' Petition. Discussion followed. Mr. Boynton noted that he is still getting caught up on things after being away. Ms. Stewart noted that there is little point in amending Article 2 if Article 1 does not move forward.

Selectman Crowley asked how a Citizens' Petition can be changed once people have signed off on it. Mr. Boynton responded that the scope of the article has to remain the same, i.e., a three-year moratorium cannot become a six-year moratorium. The wording on the Warrant cannot be changed. Anyone can put

forth a main motion: the petitioners, the Finance Committee or anyone else can do so. That motion will be voted either up or down or it will be amended.

Mr. Liam McDermott stated that what we expect to happen is that there will be no positive motion, and that any motion will have to come from the floor. We came here to be on the record of what our intention was for the main motion if it did not come from the Town.

Ms. Susan Dietrich stated that she wanted to include in the record some information that was forwarded to the Board of Selectmen and the Finance Committee from attorney Nicholas Rosenberg. Mr. Boynton questioned Mr. Rosenberg's credentials, noting that Mr. Rosenberg claims to have experience in municipal law, yet he [Boynton] had never heard of him. Ms. Stewart noted that the Conservation Law Foundation referred them to Mr. Rosenberg. Ms. Dietrich added that we reached out to the CLF for some guidance, and they in turn reached out to him. Ms. Dietrich shared some highlights of Attorney Rosenberg's letter. [The full text of the letter can be obtained upon request to the Town Administrator's Office.]

Mr. Boynton reiterated questions voiced numerous times during discussions. Why now? What is the urgency? Why not wait for a regular Town Meeting? It was my understanding that the urgency was based on the fact that the petitioners wanted to stall the big playground project. There is no intention of the town to do anything with crumb rubber or with fields at all. He then turned his attention to the Rosenberg letter. Phrases like "on notice of health concerns" and "further exposes the Town to liability" are not a justification of the moratorium, but instead a justification to shut the existing fields down.

Selectman Foresto expressed the concern that he feels like the Town is being set up for a class action suit. Mr. Boynton labeled the letter as a "game changer" because of the way it is written. Selectman Trindade stated he understands the intent of the article but the petitioners believe there is already something wrong. "If it is indeed prudent to wait until the study is done, why would you let your kids continue to play on the existing fields while that study is in progress?"

Ms. Dietrich concluded her remarks by asking that the Board either consider an affirmative vote or take no position.

Reorganization of the Board – Chair, Vice-Chair, Clerk:

Due to Selectmen D'Innocenzo's absence, it was decided to postpone reorganization of the Board until the next meeting so that the entire Board can be present.

Annual Committee Appointments (List to follow agenda)

The Board reviewed the following information: (1) List of FY17 Openings; and (2) Letters of interest in reappointment.

Selectman Crowley asked about the procedure, whether each appointment would be separate or if they would be voted as a group. It was suggested to do them as a group but exclude the ones labeled as "pending".

Selectman Crowley expressed concern that his name was missing from the list on reappointments for the Route 109 Design Committee. Selectman Trindade suggested holding the reappointments for this group until the next meeting.

Selectman Trindade moved that the Board reappoint the incumbent board and committee members as listed on the summary sheet for the customary terms associated with their respective boards and committees with the exclusion of those applications labeled as "pending" and the Route

109 Design Committee and that Leonard Mitchell be appointed to the CIPC; Selectman White seconded. No discussion. VOTE: 4-0-0.

Approval – Rate Increase & Reappointment of Kopelman & Paige, P.C. as Town Counsel

The Board reviewed the following information: (1) Correspondence from Barbara Saint Andre, Kopelman & Paige, P.C.; and (2) Kopelman & Paige price proposal, dated December 17, 2015, voted at the Board of Selectmen December 21, 2015 meeting.

Mr. Boynton recommended that the Board reappoint counsel for the coming year.

Selectman Trindade moved that the Board reappoint Kopelman & Paige, P.C. as Town Counsel for a one-year term and approve the hourly rate increase from \$185 per hour to \$195 per hour; Selectman White seconded. Brief discussion followed on legal expenses and annual retainer. Mr. Boynton confirmed that the Town is not presently engaged in any litigation. VOTE: 4-0-0.

Grant Expenditure Authorization – Department of Housing & Community Development - \$200,000:

The Board reviewed the following information: (1) Memorandum dated June 1, 2016 from Doug Havens, Community Housing Coordinator; (2) Notice of Grant Award; and (3) Contract.

Present: Doug Havens, Community Housing Coordinator.

Mr. Boynton stated that the grant funds are earmarked for the subsidized housing inventory and could be used for unit on Kingston Lane, priced at \$175,000.

Selectman Trindade moved that the Board approve the Town Administrator's execution of the Department of Housing & Community Development grant agreement in the amount of \$200,000 to be used for subsidized housing inventory preservation; Selectman White seconded. Selectman White asked how the money could be used. Mr. Havens responded that it can be used for the purchase or repair of affordable housing units. The grant will come to the Town of Medway. VOTE: 4-0-0

Selectman Trindade moved that the Board authorize the expenditure of the DHCD grant funds in the amount of \$200,000, as requested; Selectman White seconded. Selectman Crowley asked for clarification on the motion. Mr. Boynton clarified that this motion moves the money into the Affordable Housing Trust account. VOTE: 4-0-0.

Selectman Trindade moved that the Board authorize the Affordable Housing Trust to allow funds from resale of units funded by this grant to remain in the Trust and to be earmarked for future similar use as specified in the contract; Selectman White seconded. It was noted that this motion allows the Affordable Housing Trust to utilize the funds for this specific use. VOTE: 4-0-0.

Approval – Change Order with CC Construction - \$30,151.11:

The Board reviewed the following information: (1) Change Order #1 cover sheet; and (2) Itemization of Change Order #1 cost items.

Present: David D'Amico, Deputy Director, Department of Public Services.

Mr. D'Amico reported that all the work has been completed. \$12,000 of this change order was approved up front. Mr. Boynton noted that, as the work was getting wrapped up, there were some additional precautions that had to take place with wall construction. This accomplishes what we needed to do in the Brentwood area.

Selectman Crowley asked how much money would be left in the contract and asked to see a breakdown. Mr. D'Amico responded that there is a revised version of the information included in the meeting materials. Brief discussion followed on difference between engineer's estimate and negotiated amount. The matter will be placed on the Board's agenda for Thursday, June 9.

Approval – 2 Year Contract with Truax Corporation for Basin Cleaning - \$85,000:

The Board reviewed the following information: (1) Memorandum from Tom Holder, Director, Department of Public Services; and (2) Contract.

Present: David D'Amico, Deputy Director, Department of Public Services.

Mr. Boynton reported that the "debris" cleaned out of catch basins is now considered hazardous material and this contractor will take it away when the cleaning is complete.

Selectman Trindade moved that the Board authorize the Chairman to execute a two-year contract with Truax Corporation for catch basin cleaning in an amount not to exceed \$85,000, subject to funding in year two; Selectman White seconded. No discussion. VOTE: 4-0-0.

Vote Recommendations – June 9, 2016 Special Town Meeting Warrant Articles:

The Board reviewed the June 9, 2016 Special Town Meeting Warrant.

Chairman Foresto stated that he would prefer to hold off on recommendations until the Board hears from Ms. Saint Andre. Mr. Boynton reported that Ms. Saint Andre will be at the Finance Committee meeting on Wednesday. Article 1 will remain TBD for the time being. Article 2 is about providing handicap accessible surfaces in the playgrounds and the motion needs to reflect that.

Selectman Crowley pointed out that there is no plan to go into all the parks and changing out all the playground equipment. Article 2 is limited to Choate Park and Oakland Park. None of the playgrounds at the schools will be considered. People are thinking that all the playgrounds are going to be impacted.

It was agreed to withhold recommendations until discussion with Town Counsel.

Approval – One-Day Liquor License Requests

The Board reviewed applications and Police Chief recommendations for the following Thayer Homestead events: (1) Suzanne Grant – June 8, 2016; (2) Bianca Fantoni – June 10, 2016; (3) Megan Wilkie – June 11, 2016; (4) Patricia McDonald – June 11, 2016; (5) Liana Regan Kaplan – June 23, 2016; and (6) Ilonkis Lum – June 26, 2016.

Selectman Trindade moved that the Board approve one-day liquor licenses for Suzanne Grant, Bianca Fantoni, Megan Wilkie, Patricia McDonald, Laina Kaplan and Ilonkis Lum on the dates requested for their events at the Thayer Homestead subject to Police Chief's recommendations and evidence of appropriate insurance coverage; Selectman White seconded. No discussion. VOTE: 4-0-0.

At 8:13 PM Selectman Trindade exited the meeting room.

Approval – Monster Mash 5K – October 29, 2016

The Board reviewed the following information: (1) Email request dated May 16, 2016; and (2) Police Chief's recommendations.

Selectman White moved that the Board approve a special event permit for the Monster Mash 5K road race to be held on October 29, 2016 subject to fulfillment of Police Chief's recommendations; Selectman Crowley seconded. No discussion. VOTE: 3-0-0.

Action Items from Previous Meeting

Action Items will be reviewed at a future meeting.

At 8:16 PM Selectman Trindade re-entered the meeting room.

Approval of Warrants

The Board reviewed Warrants 16-50 and 16-50S.

In the absence of the Clerk, Chairman Foresto read aloud Warrants 16-50 and 16-50S presented for approval:

16-50S School Expense	\$ 415,427.04
16-50 Town Expense	<u>\$ 599,669.34</u>
TOTAL	\$1,015,096.38

Selectman Trindade moved that the Board approve the Warrants as read; Selectman White seconded. No discussion. VOTE: 5-0-0.

Approval of Minutes

The Board reviewed draft minutes from March 26, 2016; May 2, 2016; and June 2, 2016.

Selectman Trindade moved that the Board approve minutes from March 26, 2016, as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved that the Board approve minutes from May 2, 2016, as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.

Selectman Trindade moved that the Board approve minutes from June 1, 2016, as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.

Town Administrator's Report:

Mr. Boynton thanked the screening panel for their participation in the interviews for the new Council on Aging Director, Courtney Riley, adding that the position is now full-time. Fran Hutton-Lee will be the new GIS Coordinator. She has been doing GIS since the Town first started using it so this is a natural transition. Mackenzie Leahy will be the new Administrative Assistant for Community Development & Planning.

Other topics covered include the FY2016 year-end process, Fire Department Reserve Fund Transfer, RFP for the Coakley Building, and an update on net metering. After 4 months there is \$43,830 in credits from net metering. This amount will come to the Town as revenue and fall to free cash.

Mr. Boynton reported that the Chair of the Charles River Pollution Control District has asked that the same individual be reappointed for the coming year.

The retirement celebration for Missy Dzikczek will be on June 23 at the senior Center.

Selectmen's Reports

Selectman Crowley expressed concern for an increase in the number of power outages recently as they are affecting restaurants and loss of product. The same transformer keeps blowing out, and one outage lasted two days.

Selectman Crowley also announced that, while there is a lot of good information on the Friends of Medway Page on Facebook, there is also a lot of misinformation. For example, there is a posting about construction beginning on an auto parts store in a local plaza, a project that would require an appearance before the Planning Board, and also no truth in the elimination of parking spaces due to alleged development. Mr. Boynton reminded everyone that the Town cannot get onto the website to correct any misinformation. He encouraged residents to contact his office if they have questions, want to know about a project, have complaints or comments, or just want to share ideas.

Selectman Trindade echoed these sentiments and urged people to contact the Town to learn the facts. In the case of the local plaza and alleged construction, the property owner did authorize some test borings, but any changes to his property have to come before the Planning Board and must adhere to bylaws.

Selectmen Trindade congratulated the boys' baseball team on their recent game, noting it was a big win with lots of spectators.

Chairman Foresto stated they are trying to get volunteers for Medway Day. Interested parties should meet at the Thayer House on Wednesdays for planning meetings. The committee is looking for another organization to run the food stand. Ms. Becotte offered to include information in the next newsletter and on social media.

**At 8:39 PM Selectman Trindade moved to adjourn; Selectman White seconded. No discussion.
VOTE: 5-0-0.**

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary