

**Board of Selectmen's Meeting  
April 19, 2016, 7:00 PM  
Sanford Hall, Town Hall  
155 Village Street  
Agenda**

**Present: John Foresto, Chair; Maryjane White, Vice-Chair; Richard A. D'Innocenzo, Clerk (7:02 PM); Dennis Crowley, Member.**

Absent: Glenn Trindade, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Tom Holder, Director, Department of Public Services; Stephanie Mercandetti, Community Development Director; Mary Becotte, Communications Director;

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

**Public Comments – Exelon PILOT Questions:** None.

**Public Comments:**

Mr. Jim Coyle asked the Board about the proposed improvements for Choate Park. We would like to have a bocce court installed. There are all kinds of things specifically for children at the park but nothing for older residents. It is something that all ages can play. He added that there is a company in Medway that makes the bocce balls. At this time, Mr. Coyle introduced the Southwest Florida Bocce champion, Mr. Mike Leone.

Mr. Leone reiterated that a bocce court would not only be for seniors but for all ages. He noted that when he was in Florida, the courts were full all the time. Courts are generally 12 feet wide and 60-90 feet long. He added that local vendors can install them, and asked the Board to consider it.

Mr. Boynton explained that an Annual Town Meeting request is for the funds to design the upgrades to Choate Park, but does not include funds to actually construct them. He reported that there had been discussion about expanding the EPFRAC committee with representatives from numerous committees including the Board of Selectmen. Chairman Foresto urged residents to send their suggestions to the Town Administrator.

Ms. Traci Stewart asked for guidance on how many signatures are required for a citizens' petition for Annual Town Meeting or Special Town Meeting. Mr. Boynton responded that both warrants are closed at this time. She has a petition with 164 signatures for an article designed to establish a moratorium on synthetic turf installation on any Town-Owned land for a period of three years June 2016 to June 2019. She read aloud the article language, adding that this is the same warrant article that passed in Concord, Massachusetts and is currently under review. Selectman Crowley asked why this could not wait until the Fall Town Meeting. Ms. Stewart responded that Fall Town Meeting would be too late to get into the design and engineering of proposed improvements at Choate Park.

Mr. Boynton clarified that any petition that is submitted goes onto the warrant as submitted. Town Counsel would review it and give an opinion, but the article would remain unchanged. If there is an amendment from the floor, it falls to the Town Moderator to determine whether it falls within the four corners (scope) of the article. Brief discussion followed.

Ms. Stewart stated that the Board of Health met on this issue [crumb rubber] in March and expressed disappointment that the Board of Health was talked out of doing anything about it. She reported she went to Washington DC on this matter and has talked with people from the EPA and other entities. She went on to describe the particulates as outlined in documentation she shared with the Board. She believes that the EPA will soon launch a three-year study into the use of crumb rubber. Selectman Crowley theorized that submission of this article at this time will delay development of all the recreational upgrades that are currently being proposed.

**Public Hearing – Alteration of Alcohol Licensed Premises - Medway Veterans Building Assoc. Inc., 123 Holliston St.:**

*The Board reviewed the following information: (1) Documentation for Change Request; (2) Letter – Kenneth McGovern, President of Medway VFW; (3) Sketch of Proposed Additional Premises; (4) Abutter Notification Letter; and (5) Police Chief Recommendation.*

Present: John Larney, Quartermaster and Treasurer; Joe Antonellis, attorney for the applicant.

**At 7:16 PM Selectman D’Innocenzo moved that the Board open the public hearing on the Medway Veterans Building Association extension of premises request; Selectman White seconded. No discussion. Roll call vote: 4-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; White, aye).**

Mr. Antonellis, representing the Medway Veterans Building Association, stated that the purpose of this request is to expand the area in which alcohol can be served. The area in question would be fenced off from that of the general public. We are required to come to you for changes in the premises. We appreciate the expediency in which this matter was added to tonight’s agenda. Mr. Larney is the quartermaster and treasurer. If approved this evening, the matter then goes to the ABCC for its review. They want to fence off the pavilion as a separate venue with its own bartender, and they will place outdoor tables and chairs in the area to the right of the pavilion.

Selectman Crowley asked if it is possible to hold events of 300-400 people without police details or supervision. Mr. Larney responded that he always calls the police for details officers for large parties. We anticipate attendance at these events to be fewer than 100 people.

Chairman Foresto stated that he talked to the abutters whose concern is music out on the pavilion, and asked that the speakers be pointed away from their bedrooms.

It was noted that the Town handled the mailing to abutters. A resident asked if there is any time frame on the events and serving alcohol outdoors. Mr. Larney responded that he closes the bar at 10 PM.

Mr. Boynton stated he was not sure the ABCC has provisions for licenses for premises with two entrances. Brief discussion followed.

**At 7:22 PM Selectman Crowley moved that the Board close the hearing; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Selectman White moved that the Board approve the extension of premises request for the Medway Veterans Association building to include the outside pavilion, as proposed; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

**Presentation – Trash and Recycling Program Comparison:**

*The Board reviewed a Local Community Comparison Chart.*

Mr. Boynton explained that the contract for trash collection expires in June of 2017. This comparison is like comparing apples to oranges as each community offers different things valued or priced in different ways. At this time increases to fees are not being proposed. An important addition to the program is the cost of debt service as it relates to the DPS Facility.

Chairman Foresto asked how to obtain input from residents on what they think of the current program and its offerings. Mr. Boynton responded that Ms. Becotte, Communications Director, can do some outreach via social media.

Continuing, Mr. Boynton reported that the Town wants to research competitors to Waste Management with the idea that there could be a better deal out there.

Mr. Holder explained that there will be a change in the route schedule. Monday is the heaviest burden in Town and requires two trucks. The change will affect Monday, Thursday and Friday, smoothing out the pickup among those days. Postcards announcing the change will go out to the 480 affected households notifying them that the change will occur on July 11.

At this time, Selectman Crowley reported that the electronic sign on Pond Street cannot be read. Mr. Holder responded that he was aware of the problem, noting that the message font is too small.

Selectman Crowley stated that lots of people are complaining about brown water, and it seems to be more than before. Mr. Holder responded that the flushing program began last night and ran from 11 pm – 4 am. This year we are doing shorter runs in each valving sequence. We are required to flush every year, and we usually divide the process into two sessions, spring and fall. By shortening the sequencing, it will be more labor-intensive, but more precise and more effective.

**Approval – 40B Technical Assistance – MA Housing Partnership:**

*The Board reviewed the following information: (1) Memorandum dated April 13, 2016 from the Director of Community and Economic Development; and (2) Agreement with MA Housing Partnership.*

Mr. Boynton reported that the Chapter 40B application has been filed, and part of the requirement is to secure technical assistance. He requested the Board authorize the Chair to sign the award letter relative to the Timber Crest Estates project.

**Selectman D’Innocenzo moved that the Board authorize the Chairman to sign the award letter from the MA Housing Partnership for consulting services from Ezra Glenn from PPRI, INC on the Timber Crest Estates project as requested; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Approval – Gale Associates Change Order No. 8– Baseball Field/Storage Building Athletic Facility Improvements - \$37,900:**

*The Board reviewed a Proposal from Gale Associates.*

Present: Tom Holder, Director, Department of Public Services.

Mr. Boynton stated the funds were repurposed from a previous appropriation to help fund the replacement of trailers at the school and add a shed. Mr. Holder added that there was a list of requested items, changing the dugouts and backstops as well as the equipment trailers. The trailers could also store maintenance equipment and other items for use in maintaining the fields.

**Selectman D’Innocenzo moved that the Board authorize the Chairman to execute change order number 8 with Gale Associates for services related to the High School Baseball field improvements in an amount not to exceed \$37,900; Selectman White seconded. Selectman D’Innocenzo asked about electrical power. \$4,500 for electrical service is separately quoted but is included in the change order. This is in case the decision is made to not install electricity, the rest of the project can move forward. Selectman Crowley noted that the project cost is \$162,479 after the change order, and asked if there is something exceptional that is driving the cost up. Mr. Holder responded that there is nothing out of the ordinary, noting that there is typically a quote of 15% for consultancy, and 10% for change order impact. VOTE: 4-0-0. [\*Motion amended later in discussion]**

A resident identifying herself as Andrea Kerr asked why Gale Associates is the only one considered. From a taxpayer standpoint, there should be a more thorough review of these kinds of costs. Mr. Holder responded that Gale Associates was originally hired to do the Master Plan. At that time there was a process through Massachusetts Procurement Law and they were selected. They were also selected to do the synthetic turf fields. We are able to do this through a change order. If we were to go out to advertise the project, this could be much more expensive. There are other firms in town and their rates are very much in line with Gale Associates.

Mr. Boynton stated that the big project is not on the warrant. There will be a formal RFP for services on that as a result of efforts from a citizens committee to define the key elements. There will definitely be a competitive process.

Selectman Crowley asked about \$750 for miscellaneous reimbursable expenses. Should that have been included in their price? Otherwise those will have to come out of engineering services. He expressed concern that the cost of the electrical installation may be more than anticipated. He suggested that the motion be amended to include those.

Is there intent to bring electrical power into the storage facility? Mr. Holder responded that there is a pole with power at the site. When the building (three or four bays) is done, we will then see if we can afford to do the electrical. Maybe it should be a \$5,000 change order and remove the design services cost. This would reduce it from \$37,900 to \$32,400. We can come back for additional requests.

Mr. Paul Mahoney, identifying himself as a Parks Commissioner as well as a member of EPFRAC and CPC, reported that the discussion on whether to install electricity went on for over an hour. We felt it was to be a placeholder for the addition of electric. Selectman Crowley reiterated his preference to hold it out. Mr. Holder theorized that, if it is removed, Gale Associates will not be able to tell us how much it costs to do the electrical. Discussion followed on whether to amend the change order amount not to exceed \$33,400.

**\*Selectman D’Innocenzo amended his motion to reflect authorization to execute the change order in an amount not to exceed \$33,400; Selectman White seconded the amendment. No further discussion. VOTE: 4-0-0.**

#### **Discussion - Recreational Areas Program –Proposed Scope Task List:**

*The Board reviewed a Memorandum dated April 13, 2016 from the Town Administrator.*

Mr. Boynton reported that the Community Preservation Committee was adamant that, even though the scope of the project was reduced, they want it to be design only at this time. He added that a member-at-large would be from the Board of Selectmen. It is an aggressive timeline to have it done by the fall, but definitely in time for the spring.

Chairman Foresto cautioned that it will be difficult to get people together over the summer months, adding that this will take strong leadership given that there are a lot of people who all have different agendas for this initiative. Mr. Boynton responded that he believes that the public interest is out there to meet over the summer. Selectman D’Innocenzo stated he was at the meeting and they want a full conceptualization before it goes to design. Selectman Crowley pointed out that there are already ten people on the committee, and Selectman D’Innocenzo is still on the EPFRAC. Why is the Historical Commission being asked to weigh in? Selectman D’Innocenzo responded that the Historical Commission was asking for ideas on the whole area and if there were historical impacts, noting that it might revise funding sources. Selectman Crowley expressed concern that increasing the size of the committee will slow down the process and potentially delay completion of some of the projects if this is not ready to go by Fall Town Meeting. Discussion followed.

Mr. Paul Mahoney theorized that the Community Preservation Committee would like to see the structure of how it will flow, and that the Friends of Choate are brought into that flow. Can we set up a calendar of meetings to ensure that the process moves forward whether or not all the groups are represented?

Mr. Boynton admitted that Selectman Crowley may be correct in that getting people together over the summer can be difficult. He expressed concern about participating in a process for a major project that has constituencies throughout the community, and then not getting it approved because enough people didn’t weigh in. Brief discussion followed. Selectman Crowley stated he would prefer to get input from all the groups and see if they are ok with this being ready for the spring.

Mr. Boynton reminded the Board that it will still need to provide direction for the Community Preservation Committee because the \$450,000 has not yet been authorized. Selectman Crowley expressed concern that the completion date could be in jeopardy. Mr. Boynton responded that they [CPC] need to take a formal vote on the \$450,000 so that the money for the article can be approved.

Ms. Traci Stewart asked about the Playground Committee. Mr. Boynton responded that there was one that slowly fell apart because nothing happened. Those people who volunteered and participated in the 6-8 meetings that did take place could be invited to participate again. Discussion followed.

#### **Approval – One-Day Liquor License Applications:**

*The Board reviewed Applications and Police Chief Recommendations for the following: (1) Medway Veterans, Medway VF May 4 through June 20, 2016; (2) Barbara Strachan, Thayer Homestead, May 22, 2016; and (3) Leslie Guyette, Thayer Homestead, June 19, 2016.*

**Selectman D’Innocenzo moved that the Board approve 30 one-day licenses for the Medway Veterans Association for various events to take place at the Medway Veterans building from May 4, 2016 through June 2, 2016, and for Barbara Strachan and Leslie Guyette for their events to be held at the Thayer Homestead on May 22 and June 19, 2016 as requested; Selectman White seconded. Chairman Foresto asked that the Board of Selectmen receive notification of each event with the Police Chief recommendation. VOTE: 4-0-0.**

#### **Approval – Special Event Permit Applications:**

*The Board reviewed the following information: (1) Public Event Application from Caroline Genco for fundraiser ride; and (2) Email from David Consigli for Turkey Trot.*

**Selectman D’Innocenzo moved that the Board approve special event permits for the Christina Clarke Genco Foundation INC. fundraiser ride on May 8, 2016 and the 6th Annual Turkey Trot 5K on November 24, 2016 subject to the Police Chief’s recommendations; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Action Items From Previous Meeting:**

*The Board reviewed the Action Items List.*

It was noted that work on the Brentwood project is nearing completion.

Selectman Crowley reported that the contract for the Route 109 contract has been signed, and the first construction meeting is being set up. Until we meet with the general contractor, we cannot announce a construction start date.

After brief discussion, it was decided that the item referring to solid waste fee could be deleted.

**Approval of Warrants:**

*The Board reviewed Warrants 16-41, 16-43P and 16-43SP.*

Selectman D’Innocenzo, Clerk, read aloud Warrants 16-41, 16-43P and 16-43SP, presented for approval:

16-41P	Town Payroll	\$ 326,495.13
16-43P	town payroll	\$ 337,946.58
16-43SP	School payroll	<u>\$ 818,460.28</u>
	TOTAL	\$1,482,901.99

**Selectman D’Innocenzo moved to approve the Warrants as read; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Approval of Minutes:**

*The Board reviewed draft minutes from meetings held on 2/1/16, 2/5/16 and 2/16/16.*

**Selectman D’Innocenzo moved that the Board approve public session minutes from February 1, 2016, as presented; Selectman White seconded. No discussion. VOTE: 3-0-1 – Crowley abstained.**

**Selectman White moved that the Board approve public session minutes from February 5, 2016, as presented; Chairman Foresto seconded. No discussion. VOTE: 3-0-1 Crowley abstained.**

**Selectman White moved that the Board approve public session minutes from February 16, 2016, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.**

**Town Administrator’s Report:**

Mr. Boynton reported that the water main flushing has been completed.

While there are no changes from the Governor’s Budget, Mr. Boynton remained optimistic that Medway will come out ahead in the final budget on state aid.

**Selectmen’s Reports:**

Selectman Crowley asked if the Streets and Walkways List could be posted online with a caveat that it is subject to change and based on available funding.

Chairman Foresto thanked Ms. Potter and all Town Hall staff as well as the Department of Public Services for their efforts in the recent Clean Sweep. Over 200 people participated. We did all the major roads. He noted that the amount of heavy metal items in the first year was unbelievable, while this year

(after four years) was mostly road trash. People are taking charge of their items and controlling what ends up on the roadside.

**At 8:35 PM Selectman D’Innocenzo moved that the Board enter into Executive 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 entity’s bargaining or litigating position [COMMCAN, Inc. Registered Marijuana Dispensary, Cultivation & Processing Facility] if the Chair so declares; and further, under Exemptions 3 and 6 to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body [Exelon West Medway, LLC and Exelon West Medway II, LLC, Energy Facilities Siting Board, 181 Main Street, 54R Adams Street, Review of 6/15/15, 7/6/15, 7/20/15 & 8/17/15 Executive Session Minutes and Vote on Their Release], not to return to public session; Selectman White seconded. The Chair did so declare. No discussion. Roll Call Vote: 4-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; White, aye).**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary