

MEDWAY BOARD OF SELECTMEN
155 VILLAGE STREET • MEDWAY, MASSACHUSETTS 02053
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*Glenn Trindade, Chairman
Maryjane White, Vice Chairman
Richard D'Innocenzo, Clerk
John Foresto, Member
Dennis Crowley, Member*

Board of Selectmen's Meeting Minutes

September 6, 2016 at 7:00 p.m.

Sanford Hall, 155 Village Street

Present: Chairman Trindade; Selectmen Maryjane White, Dennis Crowley, Rick D'Innocenzo, and John Foresto; and Administrator Michael Boynton.

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

Public Comments:

Resident Liam McDermott of 39 Populatic Street asked the Board of Selectmen and Town Administrator to take a more active role in the Spectra pipeline project. Mr. McDermott said the project directly impacts his property. He said he granted Spectra surveying rights but subsequently revoked them after Spectra failed to follow the agreed upon notification process. Mr. McDermott asked the Town to file as an Intervenor.

Resident Brian Adams of 2 Milford Street agreed that the Selectmen need to take a more active role relative to the Spectra pipeline project. He said he reached out to 350 Mass For a Better Future, who is in opposition of the project, to make a presentation to the BOS. Mr. Adams said he thinks it is important that the Town knows what Spectra's plans are and how they will impact the Town. Chairman Trindade recommended that the Town Administrator meet with proponents and opponents and report back to the BOS with his findings. Selectman Crowley asked Town Administrator Boynton to follow-up immediately with Spectra about being on private property without permission. Selectman Crowley asked if Spectra should be invited to a future BOS meeting to provide the Board with information on the project. Selectman Foresto said representatives from Spectra met with Administrator Boynton and a couple Selectmen 8 months ago to introduce themselves but did not provide specific information on the project. Chairman Trindade emphasized that this is a federal project and is under the authority of the Federal Energy Regulatory Commission (FERC). The BOS agreed that Administrator Boynton would take the lead on scheduling meetings with proponents and opponents but Selectmen would be encouraged to attend. Selectman Crowley said he would like to attend the meetings.

Public Hearing – Joint Pole Location Petition – Main Street/Winthrop Street:

The Board reviewed the following information: (1) Pole Petitions; (2) Abutters List; and (3) Legal Notice.

Chairman Trindade reported that all abutters have been notified within the 10 day window, and a public hearing notice was placed in the legal section of the Milford Daily News on August 19, 2016.

Selectman Foresto moved that the Board open the hearing on the joint petition of Verizon and NStar to locate poles on Main Street and Winthrop Street; Selectman White second; No discussion; All ayes 5-0-0.

Kelly Curry attended the meeting on behalf of Verizon New England, Inc. The installation and relocation of poles is due to the Route 109 project. The petition involves 3 new poles and 7 pole relocations. DPS Deputy Director Dave D'Amico reported that nothing has changed since the plan was approved by BOS and the Route 109 Committee. He also confirmed that all of the poles are in the right of way. Deputy Director D'Amico said the companies are eligible for a 50% cost reimbursement from the state if they complete the work on time. Andy Rodenhiser said he spoke with DPS Director Tom Holder about relocating the temporary service that is used for the annual Lions Club Christmas tree fundraiser. Ms. Curry said she will provide Mr. Rodenhiser with the name of the person he should speak to regarding this matter.

Selectman Foresto moved that the Board close the hearing; Selectman D'Innocenzo second; No discussion; All ayes 5-0-0.

Selectman D'Innocenzo moved that the Board approve the placement of pole number T.53S/E.53S on Main Street, 71' southwest from the centerline of Lincoln Street, pole number T.1/2/E.-05 on the easterly side of Winthrop Street, 60' North of the centerline of Main Street, and pole number T.2S/E.2S on the westerly side of Winthrop Street 226' north from the centerline of Main Street as requested; Selectman White second; No discussion; All ayes 5-0-0.

Committee Appointment – William Caton – Council On Aging:

The Board reviewed the following information: (1) Email Correspondence from Council On Aging Chair, Mary Lou Staples; and (2) Letter Of Interest.

Mr. Caton attended the meeting and said he has been a resident of Medway for about 50 years.

Selectman Foresto moved that the Board appoint William Caton to the Council on Aging for a term to expire June 30, 2019; Selectman White second; No discussion; All ayes 5-0-0.

Approval - Neelon Lane Easement – Charles River Village:

The Board reviewed the following information: (1) Memo from Susy-Affleck Childs, Planning and Economic Development Coordinator; (2) Map of Proposed Easement; and (3) Easement Deed.

Planning & Economic Development Board (PEDB) Chairman Andy Rodenhiser explained that Neelon Lane never had easement at end of the road. Neelon Lane is a narrow road and as part of the approval process the developer granted a right of easement for a turnaround. The turnaround has already been constructed. The next step in the process is for the Town to accept the easement. The Board agreed to use the motion language that the PEDB recommended.

Selectman Crowley moved that the Board accept the deed from Charles River Village LLC for a perpetual easement on and over a 6,863 sq. area as shown on the Definitive Plan Charles River Village Open Space Residential Development, for public access and maintenance and a non-exclusive easement on and over Neelon Lane as shown on the Definitive Plan for public access to the open space parcel; Selectman White second; No discussion; All ayes 5-0-0.

Approval – Contract with BETA Group for Construction Inspection Services:

The Board reviewed the following information: (1) Memo from Susy-Affleck Childs, Planning and Economic Development Coordinator; and (2) Contract.

Planning & Economic Development Board (PEDB) Chairman Andy Rodenhiser said the PEDB accepted the estimate from BETA Group for inspection services on the Exelon facility for the construction phase. BETA Group is replacing TetraTech due to a conflict of interest. Town Counsel has reviewed and approved the contract. Selectman Crowley is concerned that the contract is not specific to constructional phase services. Chairman Rodenhiser agreed that the funds should only be spent after EFSB approval is received and Millis has approved the water request. Chairman Rodenhiser clarified that the PEDB will come back before the BOS for a modification if additional funds are needed.

Selectman Foresto moved that the Board authorize the Chairman to execute a contract with BETA Group for construction inspection services in an amount not to exceed \$11,600; Selectman White second; No discussion; All ayes 5-0-0.

Update – Redevelopment Authority Matters – Andy Rodenhiser, Chair:

Andy Rodenhiser, Chairman of the Redevelopment Authority, and Ray Himmel, Assistant Treasurer of the Redevelopment Authority, provided the Board with an update. Mr. Himmel said the Steering Committee has had two meetings. A Safety Sub-Committee was created and members include Fire Chief Lynch, Safety Officer Jeff Watson, DPS Deputy Director Dave D’Amico, Community & Economic Development Director Stephanie Mercandetti and Mr. Himmel. Mr. Himmel said safety is a major consideration. The Committee discussed implementing physical barriers to limit the impacts on Alder Street. The long-term solution is a traffic signal at the intersection of Route 109 and Trotter Drive but it will cost several hundred thousand dollars. Ms. Mercandetti said the Town is looking at funding opportunities. Short term recommendations are to improve signage at the intersection of Trotter Drive and Route 109 and create dedicated turning lanes. Chairman Rodenhiser said developers have shown an interest in the project. Town Administrator Boynton said the conceptual ideas that the Committee has designed are very exciting. The Public Forum is September 20,

2016 at 7:00 p.m. at Thayer House. Administrator Boynton said a land aggregation cannot be done until the Urban Renewal Plan is approved by the state. Mr. Rodenhiser said the Urban Renewal Plan will be submitted by the end of the year. Likely the Town will hear whether the plan has been approved by April 2017. After the approval is received, the Committee will begin to accumulate the parcels. Mr. Himmel said the ultimate goal is to create a village with walkways, residential areas, open space and commercial buildings.

Update – FY16 Fiscal Year Wrap-up/4th Quarter Financial Report:

The Board reviewed the following information: (1) Memo – Carol Pratt, Finance Director; and (2) FY16 Finance Report.

Finance Director Carol Pratt and Treasurer Joanne Russo provided the BOS with an update. Ms. Pratt reported that there was a net gain in FY15 of \$1.7 million and it looks like there will be about the same gain in FY16. Monetary spending was \$1.2 million. She explained that the Town saved enough to cover what was spent on the monetary articles, which means the Town did not have to use the Certified Free Cash to pay for these expenditures. Ms. Pratt encouraged the Board to consider using some of the Certified Free Cash to replenish stability funds that are being used for school improvements. The group discussed why property tax revenue is down. Administrator Boynton said the Town needs to move ahead with foreclosures. He said the leadership team discussed not granting permits to residents who are in delinquency. Ms. Pratt said the Town will never collect 100% due to exemptions and abatements. Town Administrator Boynton said there may be a spike when some of the funds that are being held for the Appellate Tax Board cases are released. Administrator Boynton said if the DOR adopts the Sansousy model as the new standard the Appellate Tax Board cases will go away. The Board also reviewed the status of the Enterprise funds. Solid Waste closed with a deficit of about \$150k from the previous fiscal year. Ms. Pratt reported that \$125k of retained earnings was used to balance the FY17 budget. Ms. Pratt said this was mostly due to increased costs. Chairman Trindade asked if single stream has led to increased recycling. Administrator Boynton said there has not been a solid waste fee increase since the program began. Chairman Trindade asked to discuss this in more detail at a future BOS meeting. Ms. Pratt said all of the Enterprise funds have retained earnings and the Town is not in danger of having to use the General Fund to supplement them. Selectman Crowley asked for an update on the properties that are in foreclosure. Administrator Boynton thanked both Ms. Pratt and Ms. Russo for their work over the past year.

Approval – General Obligation Bond Award & BAN (Bond Anticipation Note):

The Board reviewed the following information: (1) Memo – Joanne Russo, Treasurer; and (2) Motions prepared by Bond Counsel.

Ms. Pratt reviewed the items that are included in the bond, including the Brentwood water main project and Route 109 non participatory items. The BAN is \$1.1 million for the DPS facility design.

Mr. Trindade moved that the Board:

Vote: that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the school project authorized by a vote of the Town passed on March 9, 2015 (Article 1) not being paid by the school facilities grant is \$505,640 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c.70B.

And further vote: that the sale of the \$2,920,138 General Obligation Municipal Purpose Loan of 2016 Bonds of the Town dated September 15, 2016 (the “Bonds”), to Roosevelt & Cross, Inc. at the price of \$3,188,981.38 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on September 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|----------------------|-------------|---------------|----------------------|
| 2017 | \$380,138 | 4.00% | 2022 | \$255,000 | 4.00% |
| 2018 | 365,000 | 4.00 | 2023 | 240,000 | 4.00 |
| 2019 | 365,000 | 4.00 | 2024 | 235,000 | 2.00 |
| 2020 | 350,000 | 4.00 | 2025 | 235,000 | 2.00 |
| 2021 | 290,000 | 4.00 | 2026 | 205,000 | 2.00 |

And further vote: to approve the sale of a \$1,100,000 0.84 percent general obligation bond anticipation note of the Town being issued as State House Notes and dated September 15, 2016, payable September 15, 2017 (the “Notes” and together with the Bonds the “Obligations”), to Easthampton Savings Bank at par and accrued interest, if any.

And further vote: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 25, 2016, and a final Official Statement dated August 31, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And further vote: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

And further vote: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

And further vote: that we authorize and direct the Treasurer to review and update the Town’s post-issuance federal tax compliance procedures with such changes, if

any, as the Treasurer and bond counsel deem necessary in order to monitor and maintain the tax-exempt status of the Obligations.

And further vote: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

D’Innocenzo second; No discussion; All ayes 5-0-0.

Inter-Municipal Agreement – Energy Manager Services – Town of Millis:

The Board reviewed the following information: (1) Contract; and (2) Energy Manager Job Description.

The contract pertains to the current fiscal year.

Selectman Foresto moved that the Board execute an inter-municipal agreement with the Town of Millis for energy manager services; Selectman D’Innocenzo second; No discussion; All ayes 5-0-0.

Opening of the Fall Town Meeting Warrant:

The Board reviewed the following information: (1) 2016 Fall Town Meeting Calendar.

The Fall Town Meeting will be held on November 14, 2016. There will be a number of zoning articles on the warrant. Chairman Trindade asked Administrator Boynton to put a placeholder on the warrant for the Open Space Committee for the trail on the Lee property.

Selectman D’Innocenzo moved that the Board open the Fall Town Meeting warrant set for November 14, 2016; Selectman White second; No discussion; All ayes 5-0-0.

Entertainment License Request – Medway Community Farm – September 25, 2016:

The Board reviewed the following information: (1) Application; and (2) Police Chief’s Recommendation.

Selectman Foresto moved that the Board authorize an entertainment license for Medway Community Farms for their event to be held at 55 Winthrop Street on September 25, 2016 subject to Police Chief’s recommendations; Selectman D’Innocenzo second; No discussion; All ayes 5-0-0.

Approval – One-Day Liquor License Requests -

- a. Medway Business Council – September 21, 2016**
- b. Daniel O’Malley – September 23, 2016**
- c. Jamie Van Buren – November 5, 2016**
- d. Emily Bernstein – November 25, 2016**

e. Elizabeth Mitchell – November 27, 2016

The Board reviewed the following information: (1) Applications; and (2) Police Chief's Recommendations

Selectman Foresto moved that the Board approve one-day liquor licenses for the Medway Business Council, Daniel O'Malley, Jamie Van Buren, Emily Bernstein & Elizabeth Mitchell for events to be held at the Thayer Homestead respectively, on September 21, September 23, November 5, November 25 & November 27, 2016 subject to Police Chief's recommendations and evidence of appropriate insurance coverage; Selectman D'Innocenzo second; No discussion; All ayes 5-0-0.

Block Party – Temporary Road Closure Request (9/10/16) – 11 to 21 Sunset Drive:

The Board reviewed the following information: (1) Email request for block party from Richard Boucher; and (2) Recommendations of the Police Chief, Fire Chief and DPS Director.

Selectman Foresto moved that the Board approve the request for a block party being held on September 10, 2016 on Sunset Drive subject to the recommendations of DPS, Fire, and Police; Selectman D'Innocenzo second; No discussion; All ayes 5-0-0.

Action Items from Previous Meeting:

- DPS Facility Committee meeting on September 12, 2016.
- Replacement of the Christmas tree – a new tree will be planted in front of tennis courts at Choate near turtle sculpture. It is being donated by a family in Town.

Approval of Warrant:

| | |
|--------------|-------------------|
| #17-11P | September 8, 2016 |
| Town Payroll | \$356,367.29 |

| | |
|----------------|--------------|
| #17-11SP | |
| School Payroll | \$745,550.97 |

| | |
|--------------|-----------------------|
| TOTAL | \$1,101,918.26 |
|--------------|-----------------------|

Selectman Foresto moved that the Board approve the warrant as read; Selectman White second; No discussion; All ayes 5-0-0.

Approval of Minutes:

Selectman Foresto moved that the Board approve the meeting minutes from June 24, 2016 as written; Selectman White second; No discussion; VOTE 5-0-0.

Selectman Foresto that the Board approve the meeting minutes from August 30, 2016 as written; Selectman White second; No discussion; VOTE 5-0-0.

Administrator Boynton said the July 11, 2016 minutes are being revised to include a conversation under Action Items about the recreational playground process and committee meeting. They will be voted on at the next BOS meeting.

Town Administrator's Report:

- Tax and fee delinquency enforcement.
- At 4:11 p.m. today the Town received notice that Timbercrest had filed a project change notice with MA Housing and the Town. The next hearing is tomorrow afternoon.
- High School handicap parking enhancements – there are handicap parking needs to comply with statute closer to Lamson Field. May involve reallocation of space. Chief Tingley and Administrator Boynton have spoken with the concerned resident. Possibly can add additional parking without creating a stormwater issue. Need to keep people from parking on the grassed area.
- Municipal Aggregation – Energy Committee is recommending Colonial Power Ventures. Proposal needs to come in front of BOS. This needs to go to the state for approval.
- Town Counsel reviewing statute on quorum when there are vacancies. Potential Bylaw change.
- Administrator Boynton will be at the ICMA conference at the end of the month.

Selectmen's Reports:

White

- State primary Thursday, September 8, 2016 at Middle School from 7:00 a.m. to 8:00 p.m.

At 9:05 p.m., Selectman Foresto moved that the Board enter into Executive Session under Exemption 6: to consider the purchase, exchange, 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. The Board will not return to Public Session; Selectman D'Innocenzo; No discussion; Roll call vote: Crowley, aye; White, aye; Trindade aye; D'Innocenzo aye; Foresto, aye.

Respectfully submitted,
Michelle Reed