

**Board of Selectmen's Meeting  
March 20, 2017 -- 7:00 PM  
Sanford Hall, Town Hall  
155 Village Street**

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

Absent: Richard D'Innocenzo, Clerk.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Joanne Russo, Treasurer/Collector; Mary Becotte, Communications Director; Susy Affleck-Childs, Planning and Economic Development Coordinator; Stephanie Mercandetti, Community Development Director; David D'Amico, Director, Department of Public Services; Barry Smith, Deputy Director; Department of Public Services.

Others Present: Andy Rodenhiser, Chair; Planning and Economic Development Board; Water and Sewer Commissioners: Leo O'Rourke, Chair; Robert Wilson, Member; Francis E. (Ted) Kenney, Member.

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

**Public Comments:** None.

**Fiscal Year 2016 Audit Presentation – Melanson & Heath; Quarterly Investment Report and Tax Title Informational Discussion:**

*The Board reviewed the following information: (1) FY16 Audit Materials; and (2) Update from Finance Director on Accounts Receivable and Tax Title Process (at meeting).*

Present: Jen Reddington, Melanson and Heath; Carol Pratt, Finance Director; Joanne Russo, Treasurer/Collector.

Ms. Reddington introduced herself, noting that Melanson and Heath have been auditors for the Town for 12 years. She began her review by drawing the Board's attention to page 4 of the report which is the management discussion, a narrative that puts the numbers of the audit into words.

Chairman Trindade noted that there is no management letter. Ms. Reddington responded there would be if there were areas of concern, and the Town's financial position and processes have gotten a lot better over the years. This year there is only a side letter which addresses future procedures. In response to a question from Selectman Crowley, she reviewed the Financial Highlights, noting that the bullets can be either positive or negative. Additionally, she explained that the outflow reflects predominantly changes in the receivables.

Continuing with the review, she covered the Town's net position, enterprise funds, net pension and OPEB. Ms. Reddington stated that a couple of GASB reports will be included in the Town's books next year which will show increased figures, specifically, \$36 million instead of \$23 million. Brief discussion followed on the general fund and stabilization funds, use of free cash and trust funds.

Ms. Reddington summarized that the Town is doing great. Things were perfect when the auditors came in and the audit went smoothly. She added that they try to look at different things each year so that all aspects are reviewed.

Selectman Foresto asked the Town Administrator to post the report on the Town website. Mr. Boynton credited the successful audit to Ms. Pratt and all the financial staff in the Accounting Department and Treasurer/Collector office.

Selectman Crowley stated that the Town wants to be able to use the money in the Operational Reserve (Stabilization) but if it is used, does the amount have to be made up somewhere else to avoid a hit on the town's credit rating. Ms. Reddington responded that the auditors look more closely at the unassigned funds and that particular stabilization fund is included in the assigned funds. Mr. Pratt would be able to provide a more detailed breakdown on the stabilization funds.

#### Quarterly Report

At this time, Ms. Russo came to the table. Ms. Pratt explained that this update will be prepared every year.

Referring to the tax collection/title process, Ms. Russo briefly described the process on collecting back taxes which includes several mailings to property owners. The Town does not want to put people in tax title if it can be avoided, and payment plans can be set up if necessary. The Town wants to work with property owners to resolve their tax issues. The last resort is putting a lien on the parcel which prevents clear title to the property should the owner attempt to sell it. Ms. Pratt added that a foreclosure process takes about 36 months, and we always hope that the payments will be made or a payment plan initiated.

Ms. Russo stated that she would like to engage with a company who will, in effect, purchase a bundle of our tax title properties when they come up for auction and then assume the collection process. We would get the full amount owed the Town if it is collected. They make their money on the eventual sale of the property, which is hopefully more than they paid the Town for the taxes.

Selectman Crowley stated he would prefer the company come in and talk to the Board. Board members concurred.

#### **Discussion with Board of Water/Sewer Commissioners – Fiscal Year 2018 Budget:**

*The Board reviewed the following information: (1) Associated Warrant Articles; (2) Water Rate Analysis, Scenarios 1-3; and (3) Sewer Rate Analysis, Scenarios 1-3.*

Present: David D'Amico, Director, Department of Public Services; Barry Smith, Deputy Director, Department of Public Services; Water and Sewer Commissioners: Leo O'Rourke, Chair; Robert Wilson, Member; Francis E. (Ted) Kenney, Member.

At 7:47 PM Mr. O'Rourke made a motion to convene a meeting of the Water and Sewer Commissioners. Motion was seconded and unanimously voted 3-0-0.

Mr. O'Rourke clarified that they will maintain \$500,000 in retained earnings for Water. Mr. D'Amico stated that the final numbers will be available by Town Meeting. He spoke briefly on two wells that will need attention. Oakland Well has iron problems that will need to be dealt with as there are complaints about brown water from time to time. He suggested the idea of a well field with smaller wells that could be managed a little easier.

Chairman Trindade stated the residents are concerned about chlorine in the water, noting that his own experience is to let the water run for a few seconds, otherwise he too smells the chlorine. What are we doing about it? Mr. D'Amico responded that the DEP instituted chlorination in our systems a few years when the Highland Tank was a problem. We have requested that it (the restriction) be removed, but they have not allowed it. The EPA has changed the lower limits for chloroforms in the water, i.e., e-coli. Brief discussion followed on bacteria, where it hides from the chlorine, and how it builds up. Chlorine will continue to be in the water but we watch it. Depending on where a home is located along the line, some homes will receive more chlorine smell than others. Selectman Foresto noted that his house is at the end of the line and his water is fine. Mr. D'Amico confirmed that running the water for 30 seconds will clear the line of built-up chlorine.

Referring to the FY18 budget, Selectman Foresto asked why it is assumed that consumption will be down. Mr. D'Amico confirmed that usage was down by 1%. Projected increases in scenario 2 (the one W&S prefer) reflects an approximate increase each year of around \$5.

Selectman Crowley expressed concern that \$500,000 retained earnings benchmark is too low, based on consultant recommendations, adding that it should be around \$800,000. Mr. D'Amico responded that the reports present recommended ranges rather than specific amounts. General discussion followed on the use of retained earnings to keep rates down, purchase equipment, or provide emergency maintenance. Mr. Boynton theorized that there are going to be necessary repairs or maintenance on water lines as they continue to age. He suggested building an equipment line item into the Enterprise Fund base. Mr. D'Amico pointed out that the scenarios include the five-year capital plan numbers. Additionally, it is preferred to update water lines when a roadway will be torn up for road work. That way traffic is impacted only once.

The Board asked about the commercial rates. Mr. D'Amico responded that the commercial rate is in this report, though it is not specifically pointed out. Selectman Crowley noted that the Town's permitting capacity is 920,000 gallons a day. An updated number that would consider proposed housing projects would bring our usage to approximately 910,000 gallons a day. How can we reduce the Unaccounted for Water and get down to a 10% level so we can apply to the State? Mr. D'Amico responded that DPS keeps some funds in reserve to perform water leak detection and other investigative procedures. Brief discussion followed on having an increased amount in retained earnings closer to the \$800,000 in order to keep money moving forward for future use as well as water rate increases.

General discussion followed on the wells.

Upon motion from the Commission, Mr. O'Rourke adjourned the meeting of the Water and Sewer Commission at 8:29 PM.

**Consideration of Appointment – Conservation Commission – (1 Vacancy) Kathy Clark, Margery Queenan:**

*The Board reviewed Resumes and Letters of Interest from candidates Kathy Clark and Margery Queenan. It is noted that the term length for the appointee will be three years, expiring on 6/30/2020. Both candidates were notified of tonight's meeting and potential vote.*

Present: Margery Queenan, candidate.

It was noted that both candidates were interviewed at a previous meeting.

**Selectman Foresto moved that the Board appoint Margery Queenan to the Conservation Commission for a term to expire on June 30, 2020; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Selectman Crowley asked the Town Administrator to please contact the other candidate and let her know there are other positions available.

**Vote Articles and Recommendations - May 8, 2017 Annual Town Meeting Warrant (ATM Articles 3, 4, 5, 7, 10, 11 and 31-49):**

*The Board reviewed the following information: (1) May 8 Annual Town Meeting Warrant; and (2) Summary of Proposed Amendments, Planning & Economic Development Board.*

Article 3: Appropriation: FY18 Water Enterprise Fund – Mr. Boynton reported that the total cost of health insurance has been determined. **Selectman Foresto moved that the Board approve and recommend Article 3 as presented; Selectman White seconded. Selectman Crowley expressed concern about the indirect costs, noting he would not question it this year but will revisit it next year. No further discussion. VOTE: 4-0-0.**

Article 4: Appropriation: FY18 Sewer Enterprise Fund – Mr. Boynton reported that the indirect cost number is actually \$116,121, down from 123,301. **Selectman Foresto moved that the Board approve and recommend Article 4 as presented; Selectman White seconded. Selectman Crowley asked about retained earnings; Mr. Boynton responded it is zero at this point. Brief discussion followed. VOTE: 4-0-0.**

Article 5: Appropriation: FY18 Solid Waste Enterprise Fund – **Selectman White moved that the Board approve and recommend Article 5 as amended with indirect costs of \$158,841 and total costs of \$1,633,234; Selectman Foresto seconded. Selectman Crowley emphasized that the Town cannot always use retained earnings to cover costs. No further discussion. VOTE: 4-0-0.**

Article 6: Appropriation: FY18 Ambulance Enterprise Fund – There are updated dollar amounts based on changes in health insurance costs. **Selectman Foresto moved that the Board approve and recommend Article 6 with updated indirect costs of \$140,531 and updated total costs of \$865,465; Selectman White seconded. No discussion. 4-0-0.**

Article 7: Free Cash Appropriation: Capital and Other Items – Mr. Boynton recommended that this article carry a TBD designation until all the Snow and Ice expenses are known.

Article 10: Transfer – Retained Earnings – Sewer Enterprise – **Selectman Foresto moved that the Board approve and recommend Article 10 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 11: Transfer – Retained Earnings – Water Enterprise – **Selectman Foresto moved that the Board approve and recommend Article 11 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Planning and Zoning Articles**

Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; Andy Rodenhiser, Chair; Planning and Economic Development Board; Stephanie Mercandetti, Community Development Coordinator.

It was noted that the Planning Board public hearing will be tomorrow evening. Mr. Rodenhiser stated that many of these articles were ready in November, but, at the Board's request to wait, they are now bringing them forward for Annual Town Meeting.

Article 30: Amend Zoning and General Bylaws: New Noise Bylaw -- No discussion.

Article 31: Amend Zoning Bylaws: Nonconforming Uses and Structures -- This article changes the length of time within which construction must begin, and it mirrors state regulations. **Selectman Foresto moved that the Board approve and recommend Article 31 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 32: Amend Zoning Bylaw: Flood Plain/Westland Protection District – **Selectman White moved that the Board approve and recommend Article 32 as presented; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.**

Article 33: Amend Zoning Bylaw: Correct Internal Cross References – A major recodification process took place a couple of years ago and there are spots where the numbering is incorrect. This article will correct them. **Selectman Foresto moved that the Board approve and recommend Article 33 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 34: Amend Zoning Bylaw: New Definitions – This represents the addition of new definitions, and revision to existing definitions. Mr. Rodenhiser stated it offers a better explanation of buffer. Ms. Affleck-Childs added that it expands on the definition for lot line, corner lot, etc, and manufacturing. It was clarified that components of the zoning bylaw in effect on the day a building permit is issued will be the ones governing that construction. **Selectman Foresto moved that the Board approve and recommend Article 34 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 35: Amend Zoning Bylaw: Schedule of Uses, Table 1 – **Selectman Foresto moved that the Board approve and recommend Article 35 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 36: Amend Zoning Bylaw: Open Space Residential Development – This article revises some language in the open space residential section of the bylaw as well as adds a new section. **Selectman White moved that the Board approve and recommend Article 36 as presented; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.**

Article 37: Amend Zoning Bylaw: ARCPUD Definition and ARCPUD Regulations – This article clarifies that a two-family structure can be included in the ARCPUD and considered for affordable housing designation. Mr. Boynton added that wording regarding “right of way” was unclear. **Selectman Foresto moved that the Board approve and recommend Article 37 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 38: Amend Zoning Bylaw: Special Permits – This article modifies the criteria for permit granting authority. It freshened the criteria and added a few while expanding the list of conditions that could be imposed on an applicant in the Special Permit process. **Selectman Foresto moved that the Board approve and recommend Article 38 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.**

Article 39: Amend Zoning Bylaw: Accessory Building or Use Definition – This article presents revised definition of accessory uses, accessory building and structures, etc. and established criteria on size of said structure. It reassigns the responsibility for approving oversized structures to the Zoning Board of Appeals for a Special Permit process to keep structures in line with their neighborhood. Selectman Crowley asked if this will increase costs to the applicant. Mr. Boynton noted that the Building Commissioner would still require a plot plan, building plans, and other supporting documentation. The ZBA permit application and Assessors Abutter List would be the additional costs. The changed do not prevent the structure but keeps it

in perspective with the surrounding structures. Mr. Rodenhiser added that it also addresses whether the primary use of the structure is changing from residential to perhaps truck repair in a very large garage, for example. **Selectman Foresto moved that the Board approve and recommend Article 39 as presented; Selectman White seconded. No discussion. VOTE: 3-0-1 Crowley abstained.**

Article 40: Amend Zoning Bylaws: Lot Frontage and Setbacks – This clarifies how we measure lot frontage with respect to end or corner lots. It will help residents determine their frontage with respect to improvements to their property. **Selectman White moved that the Board approve and recommend Article 40 as presented; Selectman Foresto seconded. No discussion. VOTE: 4-0-0.**

Article 41: Amend Zoning Bylaws: Affordable Housing – This represents a reworking of the affordable housing section of the bylaw based on the report of an MAPC consultant who met with developers in round table discussion. Staff was not present for these discussions. Definitions and project size were adjusted. Ms. Mercandetti explained how the discussion went, exploring scenarios that may or may not be preferred by developers. Local developers were invited. Brief discussion followed. It was noted that the Payment in Lieu of Units option was made a little less attractive. The Board preferred to postpone its recommendation until after tomorrow's public hearing; the article will carry a TBD for now.

Article 42: Amend Zoning Bylaw: Section 8. Special Regulations, Add Section 8.10 Temporary Moratorium on Non-Medical Marijuana Establishments – **Selectman Foresto moved that the Board approve and recommend Article 42 as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.** Mr. Boynton stated that there was a provision in the host community agreement with the existing cultivation center for producing non-medical product. It was noted that staff has been to workshops only to learn that the state regulations are still not determined. Once that happens, we can move ahead. Discussion followed. This article will be in tandem with the ballot question. Mr. Rodenhiser reported that this is the recommendation coming from MAPC and Town Counsel, specifically, to wait and see what the regulations will be so that planning can be thoughtfully accomplished.

Resident Liam McDermott suggested that a committee be formed to review these things. Ms. Affleck-Childs responded that they did that for the medical dispensaries, and it was comprised of staff and Town Counsel. Mr. Rodenhiser added that is the way staff approaches all projects. Since there are no state regulations yet, we cannot determine our first steps.

The article will carry a TBD designation for the time being.

Article 43: Amend Zoning Bylaw: AR-I & AR-II Zoning Bylaw Boundary Changes – Ms. Affleck-Childs stated that Articles 43 – 49 represent changes to the zoning map to align zoning district boundaries to follow best practices. She reported that 68 property owners were invited to a forum as well as tomorrow's public hearing. Thus far there have been no negative comments, just questions. After brief discussion, the Board decided to place a TBD designation on Articles 43 – 49.

**Discuss/Vote – Accept Mass. General Law Chapter 32B, Sections 21-23 (Employee/Retiree Health Insurance):**

*There were no backup materials.*

Mr. Boynton reminded the Board that this discussion was tabled at the last meeting and recommended that it remain there for the time being. He added that Agenda Item #12 will allow the Town Administrator to sign the agreement.

**Special Event Approval – 15th Annual ALS TDI Tri-State Trek – June 23, 2017:**

*The Board reviewed the following information: (1) Correspondence with event details; and (2) Police Chief's Recommendations.*

**Selectman Foresto moved that the Board approve the request for cyclists to travel through Medway for the Tri-State Trek annual fundraising event on June 23, 2017, subject to fulfillment of the Police Chief's recommendations; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**One-day Liquor License Requests for Events to be Held at Thayer Homestead:**

*The Board reviewed applications and Police Chief's Recommendations for the following events to be held at the Thayer Homestead: (1) Caroline Ferns –March 24, 2017; (2) Shari Daly/Medway HS Gymnastics – April 27, 2017; (3). Richard MacDougall – June 3, 2017; and (4) d. Karyl Wong – July 23, 2017.*

**Selectman Foresto moved that the Board approve one-day liquor licenses for Caroline Ferns, Shari Daly, Richard MacDougall and Karyl Wong for their events to be held at the Thayer Homestead on March 24, April 27, June 3 & July 23, 2017 subject to Police Chief's recommendations and proof of appropriate insurance coverage; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Action Items from Previous Meeting:**

*The Board reviewed the Action Items List.*

Mr. Boynton reported that the Route 109 project should get going in the next month. The Community Communications Team will be up and running to help disseminate information.

**Approval of Minutes:**

*The Board reviewed draft minutes from February 21, 2017.*

**Selectman Foresto moved that the Board approve the open session minutes of February 21, 2017 as amended; Selectman White seconded. No discussion. VOTE: 3-0-1 Crowley abstained.**

**Town Administrator's Report**

Mr. Boynton reported that, as health insurance premiums were reduced from a projected 28.7% to 7.9%, the FY18 budget can restore some things previously removed. He directed the Board's attention to page 2 of his report which featured a breakdown of restored items. Discussion followed. He suggested that the Board could vote to state that the Board is revising the budget by reinserting the restored budget items.

**Selectman Crowley moved that the Board will support the budget restorations as presented by the Town Manager contingent upon the collective bargaining units accept the health insurance plan design change reducing the overall impact to 7.9%; Selectman Foresto seconded. No discussion. VOTE: 4-0-0**

Mr. Boynton reported that there had been a fire at Restaurant 45, smoke coming from the building originating in the kitchen. He commended the public safety crews on their swift action to save the building. Crew members were working together as a cohesive unit including police officers helping to drag hoses to get a line connected.

Referring to the most recent snow storm, Mr. Boynton reported that sidewalks were cleared in time for school to be open the next morning. A job well done.

**Selectmen's Reports**

Selectman Crowley gave a shout out to Medway athletic teams. Gymnastics went to state, basketball quarter finals, other teams made it to state. He offered an additional shout out to all the students who

attended, noting they were noisy but polite. Comments were received from outsiders who were impressed with the good behavior of the students.

Speaking as Town Clerk, Selectman White announced that Friday is the last day people may take out nomination papers for Town Election. They have until 5 pm at Town Hall.

Selectman Foresto reminded that the Fifth Annual Clean Sweep will take place in April. He emphasized that they want to get neighborhoods organized to do local sweeps in residential neighborhoods.

**Approval - Authorization for Town Administrator to Execute Health Insurance Agreement**

*The Board reviewed the following information: (1) Proposed Healthcare Plan; (2) Health Care Reimbursement Arrangement; and (3) Insurance Side Letter Agreement.*

Mr. Boynton reported that, based on what we negotiated with the unions, the Board of Selectmen can authorize the Town Administrator to sign the agreement.

**Selectman Foresto moved that the Board authorize the Town Administrator to execute the health insurance agreement as negotiated between the Town and Union as presented on March 20, 2017; Selectman White seconded. No discussion. VOTE: 4-0-0.**

**Executive Session**

**At 9:41 PM Chairman Trindade moved that the Board enter 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; (58 Oakland Street). The Board will not return to public session. Selectman Foresto seconded the motion. No discussion. Roll Call Vote: 4-0-0 (Crowley, aye; Foresto, aye; Trindade, aye; White, aye).**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary