

Board of Selectmen's Meeting
March 6, 2017 -- 7:00 PM
Sanford Hall, Town Hall
155 Village Street

Present: Glenn Trindade, Chair; Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk; Dennis Crowley, Member and John Foresto, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Bridget Graziano, Conservation Agent; David D'Amico, Director, Department of Public Works; Margaret Perkins, Director, Medway Public Library; Jeffrey Lynch, Fire Chief; Allen Tingley, Police Chief.

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

Public Comments: None.

Vote – File for Town of Medway Intervenor Status in Exelon West Medway, LLC and Exelon West Medway II, LLC Petition before Energy Facilities Siting Board, Docket #17-01

There were no background materials.

Mr. Boynton provided a brief update on the approvals for the construction of the facility and DEP air permits. The DEP permits have been challenged by the Conservation Law Foundation. Exelon has exercised a legal option and asked the Siting Board to issue the appropriate certificate. It alters the appeals process. Other local permits have been issued and would be included in this encompassing certificate. They are willing to work with the Town on these permits. We expect to continue a dialogue with Exelon, but with a March 20 deadline to file for intervenor status which would protect the Town's interests, the timing is tight. This will allow a cooperative relationship while protecting the Town's interests.

Selectman Foresto moved that the Board of Selectmen direct that our Special Counsel, BCK Law P.C., for the Exelon project file a Petition for the Town to Intervene as a Full Party in the energy Facility Siting Board docket #17-01 and fully represent the Town's interests in that docket and in all other current matters before the Energy Facility Siting Board regarding the proposed Exelon power station project in Medway; Selectman D'Innocenzo seconded. Mr. Boynton confirmed that the motion had been approved by BCK Law, P.C. Brief discussion followed on the construction timeline during which Selectmen Crowley asked for a pre-construction meeting. Mr. Boynton stated the agreement calls for this to occur. VOTE: 5-0-0.

Appointment Consideration – Conservation Commission (1 Vacancy)

The Board reviewed applications, letters of interest and/or resumes from Kathy Clark, Kimberly Kaolides and Margery Queenan as well as a Letter from the Conservation Agent. It is noted that the term length for the appointee will be three years, expiring on 6/30/2020.

Present: Bridget Graziano, Conservation Agent; Kathy Clark; Margery Queenan.

Chairman Trindade welcomed both candidates and asked each to introduce themselves and speak to their experience and qualifications.

Ms. Kathy Clark stated she is interested in the environment more than ever. She moved here a couple of months ago and this is a good way to get involved. Selectman White asked if she had a particular interest in conservation. Ms. Clark responded she did and also for animals, adding that she has no previous experience on a board. Chairman Trindade explained that the job of a commissioner is to follow the law while allowing residents their right to a hearing on their project. Medway's conservation regulations are stricter than the state's.

Ms. Margery Queenan stated she has lived in Medway almost three years and had been watching for something to open up. She is originally from Dedham, lived in NH for 8 years, and during that time became interested in zoning, conservation, etc. While living there, she worked with a local organization who worked with cleanups. Ms. Queenan had a regulatory background in health insurance interpreting regulations and hope to utilize that skill in this position.

Ms. Clark saw the posting in the local paper. Ms. Queenan saw it on Facebook.

Selectman Crowley emphasized that there will be a lot of learning on conservation issues. He asked if they would be interested in another board or commission if not appointed to this one. Both indicated they would be interested in learning about other opportunities.

Brief discussion followed. Selectman Foresto suggested taking a week to think it over, talk to existing commissioners, view the taped interviews, and come back with a decision at the next meeting. Chairman Trindade pointed out that it is a Board of Selectmen appointment, but important for candidates to know that it is a significant commitment of time and energy. This position really needs someone who wants to do it, coupled with the detailed learning.

Ms. Potter will make a list of other openings and email them to the candidates.

Presentation – Draft Stormwater By-law

The Board reviewed the following information: (1) Draft Stormwater Bylaw; and (2) PowerPoint presentation.

Present: Bridget Graziano, Conservation Agent; David D'Amico, Director, Department of Public Works.

Ms. Graziano reported that the Conservation Commission put out a bid for a consultant. This individual and I have drafted stormwater bylaws in other communities and this is much the same as those.

Mr. D'Amico point out that many of the things in this bylaw are things we are already doing. While there is a stormwater bylaw in place right now, these requirements are mandated by the MS4 Stormwater Permit. Discussion followed during which Selectman Crowley expressed concern that this may be premature and suggested waiting until the November Special Town Meeting. By that time, the federal government may have issued more definitive information.

Ms. Graziano urged Board members to read through the bylaw, theorizing that it will make sense. This permit will be issued along with the construction permits for homes, projects, and developments. Mr. D'Amico noted that housing developments that are not tied into the public system will need to have a homeowners' association to keep their systems clean and be in charge of the maintenance. Ms. Graziano added that the Planning Board requires that all developments have homeowners' associations in compliance with the Massachusetts Stormwater Association. That is also part of the Wetlands Protection Act.

Selectman Crowley expressed concern that this will create additional steps for a developer who may only want to build three houses.

At this time, Ms. Graziano began the PowerPoint presentation, noting that compliance will be required from any new development, redevelopment or small projects over 20,000 square feet up to one acre of land disturbance. This is not the size of the project, but the amount of land disturbance.

There are both similarities and differences between existing bylaw and Proposed Bylaw. Ms. Graziano clarified that the purpose is to prevent potentially contaminated water from entering our system where the Town is responsible for it. Mr. Boynton clarified that, to the best extent possible, residents should avoid situations where discharge into the Town system occurs to the best of their ability. We acknowledge that emergency situations will come up.

Ms. Graziano continued with the presentation by briefly reviewing Land Disturbance & Construction Activities, Stormwater Bylaw Flow Chart, Components of the Bylaw, Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan and Illicit Discharges. Non-stormwater that discharges to the storm drain system typically contains bacteria and other pollutants. This would be a laundromat or commercial car-washing business.

Chairman Trindade expressed concern that, if this is approved, how well are we prepared to follow it. Mr. Boynton responded that there is always a learning curve, adding that there is a very active team in DPW working with Kleinfelder as well as a possible new compliance officer. We need to be up to speed with what the federal government requires. It was noted that the Town will not be in compliance if it is not voted in. Compliance with it is a requirement of the MS4 permit. This is very important. Discussion followed. Ms. Graziano emphasized that this is protection for Medway and protecting our drinking water, not necessarily a negative as another mandate from the EPA.

Chairman Trindade stressed the importance of successfully explaining the examples of where this will apply from the perspective of an individual homeowner or small business owner. Mr. Boynton added that we should also offer some suggestions for best practices to avoid discharge into the street.

Selectman Crowley suggested that this could be voted in November. Mr. D'Amico pointed out that the Town will submit a Notice of Intent for the MS4 permit and some parts of the permit will not be in compliance. If we don't get an MS4 permit, what happens? Discussion followed.

Review – Draft May 8 Special Town Meeting Warrant

The Board reviewed the Draft May 8 Special Town Meeting Warrant. It is anticipated that the Board will vote its recommendations at the March 20 meeting.

Mr. Boynton reported that, as of last week, the Snow and Ice Budget was currently in deficit, having spent a total of \$449,000 so far. This is Article 1, and the actual number will be available in time for Town Meeting. It is expected that the deficit can be made up with free cash.

Brief discussion followed on the remaining articles.

Selectman Foresto moved that the Board approve the articles in the May 8 Special Town Meeting Warrant as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Vote Articles and Recommendations - May 8 Annual Town Meeting Warrant (Except Those Submitted by the Planning & Economic Development Board)

The Board reviewed the following information: (1) May 9 Annual Town Meeting Warrant; and (2) Draft Stormwater Bylaw.

Article 1 – ESCO Stabilization Reserve Transfer – **Selectman Foresto moved that the Board approve and recommend Article 1 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 2 – Appropriation: FY19 Operating Budget – Mr. Boynton reported that they are still waiting for health insurance premium information based on collective bargaining discussions. **Selectman Foresto moved that Article 2 carry a TBD (To Be Determined) designation for the time being; Selectman D’Innocenzo seconded. No further discussion. VOTE: 5-0-0.**

Article 3 – Appropriation: FY18 Water Enterprise Fund – Selectman Crowley would like to wait until the Water and Sewer Commissioners to approve and recommend it first. TBD designation.

Article 4 – Appropriation: FY18 Sewer Enterprise Fund – TBD.

Article 5 – Appropriation: FY18 Solid Waste Enterprise Fund – TBD.

Article 6 – Appropriation: FY18 Ambulance Enterprise Fund – TBD.

Article 7 – Free Cash Appropriation: Capital and Other Items – TBD.

Brief discussion followed on the snow and ice budget, a van to transport small sports teams, liability for a driver, stipend for a driver and related topics.

Article 8 – Free Cash Appropriation: Capital and Other Items – This article is to provide funding for the Oak Grove project, in particular, acquisition costs. Discussion followed on the redevelopment plan. TBD.

Article 9 – Repurpose Community Development Funds – Master Plan -- **Selectman Foresto moved that the Board approve and recommend Article 9 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 10 – Transfer – Retained Earnings – Sewer Enterprise -- **Selectman Foresto moved that the Board approve and recommend Article 10 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 11 – Transfer – Retained Earnings – Water Enterprise – This article is for the replacement of a 2004 truck as well as water system improvements consisting of replacing valves at the wells, etc. TBD.

Article 12 – Free Cash Transfer to General Stabilization -- **Selectman Foresto moved that the Board approve and recommend Article 12 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 13 – Lease-Purchase Air Packs – Mr. Boynton reminded the Board that this is part of a host community agreement with CommCan, Inc. Chief Lynch reported that this new equipment is much more advanced than what we have now. **Selectman D’Innocenzo moved that the Board approve and recommend Article 13 as presented; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

Article 14 – Appropriation: Health Care Reimbursement Account – Mr. Boynton reported that this article will be passed over if the approval does not come from the unions. **Selectman Foresto moved that the Board approve and recommend Article 14 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 15 – Appropriation: OPEB Trust – Chairman Trindade explained the meals tax for viewers and that the Board has to vote it every year. **Selectman Foresto moved that the Board approve and recommend Article 15 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 16 – Appropriation: Medway Day -- Selectman Foresto reported that the total cost is about \$30,000, and the rest is from contributions. There is no charge for the rides, etc. **Selectman Foresto moved that the Board approve and recommend Article 16 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 17 – Transfer to Athletic Fields Stabilization Fund -- **Selectman D’Innocenzo moved that the Board approve and recommend Article 17 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

Article 18 – Appropriation – Community Preservation Committee – It was noted that the dollar amounts are estimates. TBD

Article 19 – Fund Trail Kiosks and Signage – It was noted that the Open Space Committee will be in charge of ordering signage and determining placement, but DPS staff will do the work. **Selectman Foresto moved that the Board approve and recommend Article 19 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 20 – Fund Adams Street Meadow Parking Area -- **Selectman D’Innocenzo moved that the Board approve and recommend Article 20 as presented; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.**

Article 21 – Fund Open Space Master Plan – Mr. Boynton reported that various offices have concerns. Chairman Trindade stated that they went out and looked at the communities that have Open Space plans and they look remarkably similar. Selectman Crowley suggested waiting until a decision is made on what will happen with recreational facilities. Selectman Foresto asked if the plan was necessary in order to get state funding. Mr. Boynton responded that the Town would not be eligible for some things like the Parks grant. Chairman Trindade noted that all the Open Space Committee did was make a few calls. They did not issue the RFP. He suggested postponing a decision for a couple weeks in order to do a little research. If CPC doesn’t vote the money tonight, it’s a dead issue. TBD.

Article 22 – Repurpose Borrowing – Library Fixtures and Equipment – Library Director Margaret Perkins was present for this discussion. She reported the library needs to replace some of the upholstered chairs as they are very worn and have been around since 1999. That would be about \$6,000. The front and back parking lots need light improvements; the farther away one gets from the building, the darker it is. We can use the existing light poles and attach the LED light, or extend the pole so that the light extends farther. We would also like to put heating coils under the handicap ramp. It was done at the Town Hall and has worked out well. Ms. Carol Pratt, Finance Director, advised that the Town cannot purchase furniture with these funds as it was a borrowing, and its use must be building-related. Ms. Perkins theorized that the funds could be used to replace the HVAC unit that is slowly deteriorating. Chairman Trindade suggested considering the chairs at the November Special Town Meeting. **Selectman Foresto moved that the Board approve and recommend Article 22 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Articles 23 and 24 – Land Acquisition Articles for a DPS Facility – Mr. Boynton reported that he has had favorable conversations with both property owners. TBD

Article 25 – Accept MGL. Ch. 138 Cordials & Liqueurs -- This would come under the Beer and Wine license fee of \$1000. **Selectman Foresto moved that the Board approve and recommend Article 25 as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

Article 26 – Amend General Bylaws – Revolving Funds -- Brief discussion on the Thayer Homestead amount for proposed modifications. **Selectman Foresto moved that the Board approve and recommend Article 26 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 27 – Amend General Bylaws: License or Permit Denial -- **Selectman Foresto moved that the Board approve and recommend Article 27 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 28 – Amend General Bylaws: Fire Department – This article was drafted as a result of a conversation at Budget Review. It requires “on call” firefighters to live in Medway or a contiguous community. **Selectman Foresto moved that the Board approve and recommend Article 28 as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Article 29 – Amend General Bylaws – Stormwater Regulations – This article is in place of inserting the bylaw within the Warrant. The Board asked that copies of the bylaw be available at Town Meeting as well as posting it on the Town website. **Selectman Foresto moved that the Board approve and recommend Article 29 as presented; Selectman D’Innocenzo seconded. Brief discussion followed during which it was noted that the Commonwealth of Massachusetts has applied to take over the administration of stormwater regulations from the CPA. It is an unfunded mandate, and it is unclear what the new administration will do with it. VOTE: 4-1-0 – Selectman Crowley opposed because he believes it is too soon to vote this based on the fact that the federal regulations are not yet known.**

Article 30 – Amend Zoning and General Bylaws – New Noise Bylaw – Chief Tingley stated that there is variation in interpretation and the officers responding to a complaint will simply make a judgment based on common sense and experience. Ms. Potter reported that she spoke to the Ashland Police Department who indicated that the decibel-reading equipment is not reliable unless a very expensive one is purchased. Selectman Crowley suggested referring it to an acoustical professional for review. TBD.

The rest are Planning and Zoning Articles and will be reviewed at another time.

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

The Board reviewed the current vs. proposed plan relative to health insurance.

Referring to Article 6, Mr. Boynton suggested that the Board table this matter until a date specific, noting that the Town is still working with collective bargaining units. If they do not reach agreement, we may miss the July 1 insurance renewal and may have to go with an August 1 renewal date. If all unions agree to Option b, no vote is necessary. Brief discussion followed.

Selectman Foresto moved that the Board table discussion and action on this matter until such time as the collective bargaining discussions have been concluded; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Discuss - Recreational Marijuana Law Non-Binding Referendum Questions

The Board reviewed a list of non-binding referendum questions relative to recreational marijuana.

Chairman Trindade suggested putting the word “recreational” into the wording along with non-medical so there is no confusion.

Selectman Crowley moved that the Board approve Question number 1 as follows: Should the Town of Medway prohibit all non-medical recreational marijuana retail sales in the town? He added that the Board ask the Town Administrator to develop some language that defines what a YES or NO vote means. Selectman White seconded both parts of the motion. No discussion. VOTE: 5-0-0.

Vote – Designation of Board of Selectmen Member to Review and Approve Bills or Payment Warrants:

The Board reviewed the Municipal Modernization Act, Chapter 218. It is noted that the Board will appoint one member to review and approve warrant payments.

Chairman Trindade clarified that this is part of the Municipal Modernization Act so that if case the Board is not meeting, a designated individual can review and sign off on the accounts payable warrants.

Selectman Foresto moved that the Board designate Selectman Crowley to review and approve payment warrants; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-1. Selectman Crowley abstained.

Chairman Trindade moved that the Board designate an alternate as John Foresto to review and approve payment warrants in the absence of Selectman Dennis Crowley; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-1 Selectman Foresto abstained.

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

The Board reviewed Applications and Police Chief Recommendations for the following events at the Thayer Homestead: (1) Michael Curran –March 11, 2017; (2) Barbara Hutt – March 19, 2017; (3) Pragathi Sanshi – April 7, 2017; and (4) Pam Pavlick – April 8, 2017.

Selectman Foresto moved that the Board approve one-day liquor licenses for Michael Curran, Barbara Hutt, Pragathi Sanshi and Pam Pavlick for events to be held at the Thayer Homestead on March 11, March 19, April 7, and April 8, 2017 subject to Police Chief's recommendations and proof of appropriate insurance coverage; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Banner Display Requests – Clean Sweep & Medway Pride Day

The Board reviewed Banner Display Requests relative to Clean Sweep and Medway Pride Day.

Selectman Foresto moved that the Board approve the banner display requests for Clean Sweep and Medway Pride Day; Selectman D'Innocenzo seconded. It was noted that there is a break in the time the banner will be displayed due to the Town Election using it for the week in between. VOTE: 5-0-0.

Action Items from Previous Meeting

Review of the Action Items List was postponed.

Approval of Warrants

The Board reviewed Warrants 17-37S, 17-37P, and 17-37SP.

Selectman D'Innocenzo, Clerk, read aloud Warrant 17-37S, 17-37P, and 17-37SP, dated 3/9/2017, presented for approval:

17-37S	School Expense	\$ 475,396.75
17-37P	Town Payroll	\$ 319,007.47
17-37SP	School Payroll	<u>\$ 802,489.64</u>
	TOTAL	\$1,596,893.86

Selectman Foresto 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 December 12, 2016 and January 3, 2017.

Selectman Foresto moved that the Board approve the minutes of December 12, 2016, as amended; Selectman White seconded. No discussion. VOTE: 5-0-0.

Selectman Foresto moved that the Board approve the minutes of January 3, 2017; Selectman White seconded. Review was postponed until the review could be reviewed to confirm discussion points.

Town Administrator's Report

Mr. Boynton reported that he has appointed David D'Amico as the Director of the Department of Public Services. Barry Smith will be moving up as Deputy Director. Congratulations to both.

There have been significant wetlands violations on the Briggs Property necessitating enforcement actions. Discussion followed on the details of the violations. The letter was hand-delivered by a police officer along with the Conservation Agent.

Mr. Boynton provided an update on St. Joseph's Men's Club, a historic structure located behind Town Hall. It is in deplorable disrepair and will be demolished. However, the Town has to go before the Historical Commission before demolition can occur.

A big Thank You to all the department heads for coming to the budget review meeting on Saturday. Mr. Boynton added that a lot of hard work goes into budget preparation.

Selectmen's Reports

Selectman Crowley expressed concern for the cash reserves in the Parks department, noting that there is over \$200,000 sitting there when it could be used.

Selectman Foresto reported on a review of the pricing on Thayer Homestead rentals which revealed that more than 50% of the rentals were from Non-Medway residents. The committee decided to increase the price for out-of-towners. The increase in revenue will help fund some upgrades including a new lawn with an irrigation system and lights on the patio.

Executive Session:

At 9:44 PM Chairman Trindade moved that the Board enter Executive Session under Exemption 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; (Town Administrator's Contract). The Board will be returning to public session. Selectman D'Innocenzo seconded the motion. No discussion. Roll Call Vote: 5-0-0 (Crowley, aye; D'Innocenzo, aye; Foresto, aye; Trindade, aye; White; aye).

At 9:53 PM Chairman Trindade reconvened public session.

Mr. Boynton re-entered the meeting room.

Chairman Trindade announced that the Board voted unanimously to renew Mr. Boynton's contract for another three years. It is the consensus of the Board that he has done an excellent job with his duties and responsibilities. Selectman White and Selectman Foresto conducted a rigorous review of his performance. They will meet with him to discuss the details of the review. Chairman Trindade emphasized that it was a unanimous vote to renew on that.

Mr. Boynton thanked the Board for its confidence in his abilities, noting that he looks forward to working with Board members for another three years.

Chairman Trindade stated that this announcement will be forwarded to the Communications Director.

At 9:57 PM Selectman Foresto moved to adjourn; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary