

**Board of Selectmen's Meeting
December 18, 2017 -- 7:00 PM
Sanford Hall, Town Hall
155 Village Street**

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

Absent: John Foresto, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Asst. Town Administrator; Dave D'Amico, DPS Director, Barry Smith, DPS Deputy Director; Mary Becotte, Communications Director.

Others Present: Water & Sewer Commission: Leo O'Rourke, Chair, Ted Kenney, Barry Zide; Haley & Ward: Greg Eldridge, Scott Miller; Tri County School Committee Representative: Linda Reynolds; Conservation Commission: David Travalini, Chair, Dayna Gill; Finance Committee: Michael Schrader.

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

Public Comments: None

Approval of Minutes: December 4, 2017; December 11, 2017

The Board reviewed the draft minutes of December 4, 2017 and December 11, 2017.

Selectman Trindade moved that the Board approve the minutes for December 4, 2017. Selectman D'Innocenzo seconded. No Discussion: Vote: 4-0-0

Selectman Trindade moved that the Board approve the minutes for December 11, 2017. Selectman D'Innocenzo seconded. Discussion: Selectman Crowley inquired where his question to candidates Cataldo and Chapman was documented. Ms. Cataldo's was on page 2 line 33 and Ms. Chapman's was on page 8 line 4. **Selectman D'Innocenzo seconded. Vote: 4-0-0**

Report from the Tri County School Committee Representative

There were no materials reviewed by the Board.

Present: Linda Reynolds, Tri County School Committee Representative.

Ms. Reynolds noted her seven and a half year tenure as the Tri County School Committee Representative thanking the Board for this appointment. She provided statistics on the composition of the Tri County School district of eleven towns and thirteen representatives, with Franklin and North Attleboro having two representatives each due to the towns' populations. Of the one thousand students enrolled, Medway has 60 students noting a downward trend; 62 in 2016 and 68 in 2015. The school can be viewed as two schools in one: one, the shops, the other, the academics. Every certification requires an accreditation process. Most recently, the Council on Occupational Education and the Board of Nursing recommended program improvements. Next October is the official start of the NEASC evaluation which occurs every ten years requiring one year of preparation. As a Chapter 74

school, they determine future job market requirements with constant review of programs relative to popularity and future job market needs. Recent program additions/expansions include advanced manufacturing and engineering. A grant from Mass Skills for \$119,326 allowed for the purchase of 30 computers and 2 robotic arms. Biotech and nanotech are other growing job areas and they are looking to partner with community businesses and organizations to support anticipated future job market needs. They currently partner with Wentworth for the advanced engineering course and Bristol Junior College for their Spanish course.

Ms. Reynolds then reviewed many recent accomplishments and improvements of both students and the administration, some of which include: (1) non-union employee negotiations completed with a 2% increase; (2) OPEB contribution noting the total liability at almost \$10 million; (3) Solar Project completed last year resulting in \$60,000 decrease in expenses; (4) creation of the Tri-County Education Foundation with two planned fundraisers - selling of bricks and a 40th birthday gala celebration; (5) gas boiler replacements with increased efficiency via the MSBA Accelerated Repair Program; (6) the Robotics team lead by Medway student Bill Galligan took second place in the northeast region; (7) 50 medals were won by students in the Skills USA Competition; and (8) last year's valedictorian was from Medway.

Ms. Reynolds then addressed the current state of the forty year old building. They have received an estimate of \$7million in needed repairs and \$50-\$70 million in infrastructure updates. MSBA informed them they are not the highest priority in the state for funding. She noted they will be coming to member towns to fund just basic repairs, including a new roof and exterior windows and doors. This topic will be addressed by the school committee on Wednesday night. Once a decision has been made, they will be presenting the plans to Town Administrators in January.

Selectman Crowley asked since Medway only has 60 students, how would the amount per community be determined. Ms. Reynolds stated it is based on the percentage of students. Town Administrator Boynton described the process for approval by the communities and funding mechanisms with the need for collaboration between the school, the school committee, the communities and the MSBA. Selectman Crowley requested the Ms. Reynolds update the Board on the status.

Ms. Reynolds thanked Town Administrator Boynton for his regular involvement and attendance at their budgetary and informational meetings.

Discussion – Water Treatment Options

The Board reviewed the report on Water System Integrity, dated November 2, 2017 from Haley & Ward.

Present: Dave D'Amico, DPS Director; Barry Smith, DPS Deputy Director; Water & Sewer Commission: Leo O'Rourke, Chair, Ted Kenney, Barry Zide; Haley & Ward: Greg Eldridge, Scott Miller.

Town Administrator Boynton noted this action item was requested by the Board to address two items: (1) Water capacity with the specific concern of producing needed volume should one well be off-line for an extended period and (2) Long term needs of the community related to water treatment. The findings will be reviewed and next steps recommended within the context of cost.

Mr. D'Amico introduced Mr. Eldridge noting that he has been working with the Medway water department for the past 20 years. Mr. Eldridge explained the analysis focused on both capacity and quality: (1) maximizing water supplies; (2) improving water quality and (3) complying with MassDEP

regulations, specifically for manganese. He explained the composition of the current four groundwater sources which include treating corrosion and iron and manganese sequestering at each source. Two additional water supply locations in past investigations were identified: (1) Industrial Park, which is currently on line, and (2) the northern part of Chicken Brook which has ground water contamination from Holliston requiring water quality to be addressed. Selectman Crowley inquired about the limited number of sites and would they recommend looking into drilling elsewhere? Mr. Eldridge noted those were the only two viable sites identified but other locations not accessible during the past investigation could be analyzed. Selectmen Crowley and Trindade inquired about the extent of contamination and the cost to resolve this at the Chicken Brook site. Mr. Eldridge stated this had not be determined at this time.

Mr. Eldridge reported the current state of water capacity: (1) maximum average daily usage of just under 1 million gallons; (2) all wells running 24/7 could potentially produce a maximum of 1.9 million gallons; (3) the state authorized maximum is 2.5 million gallons. He noted the pumping stations currently cannot meet the 1.9 million gallons even if they run 24/7, but just under that number. Additionally, he stated the Town cannot meet the total amount authorized by the state and there is no current added capacity. The integrated water resource plan projection to 2035 was then reviewed.

Mr. Eldridge explained the options to increase capacity: (1) replacement of an abandoned well; (2) creation of a wellfield; (3) addition of a satellite well(s). Each of the existing sites are different requiring determination of which option is feasible per site. Various options were discussed to increase capacity, provide back-up if a well was taken off-line and duration of time increased capacity could supply the demand. It was noted that both Populatic and Oakland could not produce enough to replace another well due to capacity limitations. Mr. Eldridge explained groundwell screen, mineral deposit growth and well maintenance requirements noting mineral deposits impact the Oakland site the most.

Water supply recommendations were then reviewed: (1) Oakland would include construction of a wellfield and an iron and manganese removal plant to improve run times and volume; (2) Populatic would include upgrading with a replacement well, wellfield or satellite wells noting this site has a clay layer with both upper and lower aquifers. The upper was noted to be contaminated in the past so this would require drawing from the lower aquifer and testing to determine if the upper aquifer is still contaminated. If no contamination is found, then test wells would determine the capacity. If these first two options do not have the intended impact on capacity, then the final recommendation included investigating the Chicken Brook supply. There were further questions and discussion regarding these options. Mr. Eldridge noted the Populatic data is from forty years ago so the contamination issues may have resolved. He then explained how iron and manganese gets in the water and which wells are impacted most by these minerals.

Water quality recommendations were then reviewed: (1) Village supply has manganese which is a potential health risk; (2) Oakland supply has iron which is an aesthetic issue and removal would resolve most of the aesthetic color quality issue; (3) Populatic supply has none at this time with low manganese levels; (4) Industrial Park has none at this time with low manganese levels and is also a low producer as it relies on precipitation and does not have a large aquifer. Mr. O'Rourke asked if we had this information about Industrial Park at the time it was built and it was noted that yes, but there were limited viable source locations available.

Mr. Miller then reviewed water treatment options for both iron and manganese: (1) conventional which includes chemical addition, settling, and filtration which is tied to the surface water supply; (2)

Greensand with chemical addition which is a filter media and is a closed vessel which cuts down the number of times needed to pump and; (3) membrane with chemical addition, noting the membrane filter is a physical process to push water through the membrane which also takes out bacteria and is very costly.

The treatment recommendation of Greensand was discussed. This can be operated by existing staff and the specific mechanics of the process to remove iron and manganese was explained noting the sludge could be discharged into the existing waste system and most of the backwash goes through to the filter thereby not wasting water. Selectman Crowley asked for validation of the \$9 million per site cost which Mr. Miller confirmed. It was noted we are currently just adding chemicals to address quality.

The treatment approaches of centralized versus individual sites were discussed noting an individual plant at each site requiring a lot of duplication versus a centralized approach providing the advantage of scale reducing overall cost. The specific recommendation was a centralized approach at the Populatic site due to its central location to the other three wells. The cost impact of this approach includes piping, system hydraulics, and available town land located at the base location for the SCADA system. It was also noted that upgrades could be implemented incrementally dependent upon design and how the structure is built.

The Board asked what the Water and Sewer Commission is recommending. Mr. O'Rourke stated they do not have a recommendation at this time. It was noted that seventy percent of residents are on town water and Selectman Trindade stated the upgrades should be paid for by those who utilize this service. Selectman Crowley discussed the financing and cost per household impact. Mr. Boynton requested a timeline for design, analysis and permitting before financing is addressed. Mr. Miller stated the permitting would not take long as it is not a new source noting funding would have a greater impact on the timeline. Mr. Boynton stated the following items need to be addressed: (1) the distribution system, (2) the quality factor, and (3) examine what we need to do in terms of capacity. He stated the Water and Sewer Commission needs to take the raw data and working with DPS and the Town Administrator, make recommendations to the Board.

There was further discussion about the priority of capacity or quality. The Board asked if no action is taken is there enough capacity. Mr. D'Amico stated there is not enough capacity and there was agreement that both capacity and quality be addressed. Both Mr. O'Rourke and Mr. D'Amico stated it could be accomplished incrementally. Mr. Eldridge noted that to get a new well approved, the unaccounted for water loss needs to be down to ten percent. Mr. Smith stated we are currently down to eighteen percent. Selectman Trindade noted that the infrastructure on Holliston St and in the Brentwood neighborhood needs replacement and quality is an issue that needs to be addressed. Michael Schrader asked about the capacity table presented, where it shows we don't have enough water in ten years understanding that we would like to get to the fully permitted capacity. He stated his agreement with Selectman Trindade that quality should be addressed. Selectman Crowley asked if the expected growth with new development is addressed in the quantity projections and would residents be willing to pay more for better water quality. It was noted these numbers do not include new development. Mr. Schrader noted the national data shows people are willing to pay more if they understand what they are actually paying for. He also noted Webster is decreasing their project scope due to increases in construction costs. Mr. Boynton and Mr. O'Rourke stated in an emergency situation, Medway could draw from Millis.

Mr. Boynton explained the Haley and Ward report summarizes our current situation today noting we are ten years behind in addressing capacity and quality and are catching up on distribution repairs. He requested the following action items be provided in sixty days: (1) a budget number for Fiscal Year 2019 (2) a recommendation for both a quality and quantity plan; (3) the plan to include a prioritization plan.

Mr. D'Amico then reviewed the water treatment implementation options noting flexibility in supply and quality options. Selectman Crowley requested the Water and Sewer Commission look at building up reserves to help alleviate the cost burden. Selectman Crowley asked why the Industrial well is not producing as expected and what was in the prior report for expectations? Mr. D'Amico stated the study reported production expectations that are in line with the current production of the well. The Board requested Mr. D'Amico to send the original report on the Industrial Well to the Board.

Discussion – Recreational Marijuana – Possible Special Election & Special Town Meeting

The Board reviewed (1) Massachusetts General Law, Chapter 94G, Section 3: Local Control and (2) the MMA Website, August 22, 2017 Article, With Recreational Marijuana Law Signed, Regulatory Process Begins.

Town Administrator Boynton explained the concern following discussions at the Regional Selectmen's meeting and with Town Counsel that when the new state regulations for recreational marijuana take effect on April 1st, 2018, the moratorium voted this year by the Medway residents of holding off implementation until June 2018 would not survive a legal challenge for application for a retail dispensary. The planning staff along with Town Counsel need to develop a zoning by-law. Our current medical marijuana by-law requires some tweaking and we need a second by-law addressing the recreational piece once we determine our requirements.

Town Administrator Boynton stated that we need a special town election allowing residents to vote a ballot question and a Special Town Meeting to vote the new zoning by-law. The election would be on Tuesday, March 6th with the Special Town Meeting on Monday, March 19th. Mr. Boynton noted it will cost \$5,000-\$10,000 to have both. If the ballot does not pass at the special town election, the zoning would be a non-issue. The zoning would state no retail sales are allowed. The Board agreed with the need to move forward.

Town Administrator Boynton will work with the appropriate staff and Town Counsel to develop the language for the ballot and Special Town Meeting warrant but needs a motion from the Board to move forward.

Selectman Trindade moved that the Board vote to approve a special town election on March 6, 2018 and a Special Town Meeting on March 19, 2018 dealing with the retail sale of recreational marijuana. Selectman Crowley seconded. Discussion. Selectman Crowley requested that Town Administrator Boynton assess if any additional items would need to be addressed at the Special Town Meeting. **Vote: 4-0-0.**

Approval – Contract with Metro West Collaborative Development, Inc., Glen Brook Way Apartments, LLC, and the Medway Affordable Housing Trust for the Affordable Community Housing at Glen Brook Way Apartments - \$1 Million (\$500,000 CPC & \$500,000 AHT)

The Board reviewed the contract with Metro West Collaborative Development, Inc., Glen Brook Way Apartments, LLC and the Medway Affordable Housing Trust for the Affordable Community Housing at Glen Brook Way Apartments.

Town Administrator Boynton noted the contract provided for review at the meeting had slight housekeeping revisions from Town Counsel from the one provided in their original meeting packet and is ready to go as presented. Selectman Trindade reported that the Affordable Housing Trust voted to accept the contract at its meeting tonight.

Selectman Trindade moved that the Board authorize the chair to execute the contract with Metro West Collaborative Development, Inc., Glen Brook Way Apartments, LLC and the Medway Affordable Housing Trust for the Affordable Community Housing at Glen Brook Way Apartments as presented pending the execution and receipt of all related documents. Discussion: Selectman Crowley asked for clarification on the specific meaning of “work on the project must commence”. Does this refer to shovel in the ground? Town Administrator Boynton stated it did not mean shovel in the ground. The Deed Restriction was removed from the original section as they would not have Department of Housing and Community Development (DHCD) approval at the time of contract execution. Selectman Crowley also stated it was discussed that seventy percent of Medway residents would have the opportunity to apply but he does not see that stated in the contract. Selectman Trindade stated this is a DHCD requirement so not a contract negotiated item. **Selectman D’Innocenzo seconded. Vote: 4-0-0.**

Approval – Contract with Argus Construction Corporation for Improvements to Oakland Park - \$1,304,000

The Board reviewed (1) the contract with Argus Construction Corporation for Improvements to Oakland Park and (2) the Bid Submission document.

Selectman Trindade moved that the Board authorize the chair to execute the contract with Argus Construction Corporation for Improvements to Oakland Park in the amount of \$1,304,000. Selectman D’Innocenzo seconded. Discussion: Selectman Crowley stated he will vote no but did not expand on his reason. Town Administrator Boynton stated Selectman Crowley has an issue with the timing of a negotiation related to a change in the scope of the electrical component of the project. Town Counsel has stated the bid and contract as presented are appropriate. Selectman Crowley stated he does not have an objection moving forward but wanted to negotiate the change order before the contract was executed. **Vote: 3-1-0.**

Approval – Contract with Mountain View Landscapes and Lawncare, Inc. for Improvements to Choate Park – \$1,922,000

The Board reviewed (1) the contract with Contract with Mountain View Landscapes and Lawncare, Inc. for Improvements to Choate Park and (2) the Bid Submission document.

Selectman Trindade moved that the Board authorize the chair to execute the contract with Mountain View Landscapes and Lawncare, Inc. for Improvements to Choate Park in the amount of \$1,922,000. Selectman D’Innocenzo seconded. No Discussion: Vote: 4-0-0.

Approval – Contract with Vermont Recreational Surfacing & Fencing, Inc. for Improvements to Middle School Tennis Courts - \$302,419

The Board reviewed (1) the contract with Vermont Recreational Surfacing & Fencing, Inc. for Improvements to Choate Park Tennis Courts and (2) the Bid Submission document.

Town Administrator Boynton wanted to thank EPFRAC, Assistant Town Administrator Potter, the legal team and Selectman Crowley for all the time and effort spent in review of all the documents.

Selectman Trindade moved that the Board authorize the Chair to execute the contract with Vermont Recreational Surfacing & Fencing, Inc. for Improvements to the Middle School Tennis Courts in the amount of \$302,419. Selectman D’Innocenzo seconded. No Discussion: Vote: 4-0-0.

Approval – Extension of Alcohol License Hours, December 31, 2017 – Off-Premises Licensees Only

The Board reviewed (1) Alcoholic Beverage Control Commission Calendar Year 2017 Legal Holidays and Dates of Observance and (2) Massachusetts General Law 138 Section 15: Opening times the day before a legal holiday.

Town Administrator Boynton stated this was done for Christmas Eve and is, again, for liquor stores only.

Selectman Trindade moved that the Board approve the extension of Alcohol License hours for December 31, 2017 for Off-Premises Licenses only in accordance with Massachusetts General Law 138, Section 15. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.

One-Day Liquor License Requests:

The Board reviewed the Police Chiefs Recommendations for Jeff Ingalls and Team Rice Remax/Carl Rice for the events to be held at the Thayer Homestead on February 3rd and 10th, 2018.

Selectman Trindade moved that the Board approve the one-day liquor licenses for Jeff Ingalls and Team Rice Remax/Carl Rice for the events to be held at the Thayer Homestead on February 3rd and 10th, 2018 respectively, subject to the Police Chief’s recommendations and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded. No discussion. VOTE: 4-0-0.

Action Items from Previous Meeting:

The Board reviewed the Action Items list dated December 4, 2017.

Route 109 Project: Selectman D’Innocenzo asked if the construction was done except for the gas lines. Selectman Crowley reported that was the case and that Pond Street will be closed Tuesday and Wednesday of this week. Thursday they will be moving towards Tingley’s as there is an issue with a huge bolder so, at times, the road may be down to one lane of traffic. Once they get past the problem at Tingley’s, they will be working off the sidewalk to the first stone façade at the Plaza and will have two lanes open. They are not working Friday or the following week. They will start again on January 2nd and are planning to be done by the end of January. They will start again in the spring at Holliston Street.

Town Administrator’s Report:

License Renewal Update: Those locations that have zoning issues will be handled by the building department. As related to the licenses, unless we have a by-law, we cannot hold a license renewal. Based on our current by-laws we can hold a license for the following: (1) Failure to reapply, (2) Failure to pay license fees; (3) Outstanding fees/fines/taxes and (4) Life/safety code violations as determined via Fire and Building inspections. Moving forward, we plan to target these inspections earlier in the year with a more focused inspection process having Fire and Building inspect at the same time.

Christmas & New Year's Holiday Schedule: Mr. Boynton noted that Town Hall will be closed Friday, December 22nd, Monday, December 25th and Monday, January 1st.

On behalf all the staff, Mr. Boynton wished the Board and residents a happy holidays and is looking forward to 2018.

Town Administrator Out of Office Schedule: Mr. Boynton will be out of the office Wednesday, December 20th (tentatively), Thursday, December 28th and Friday, December 29th.

Selectmen's Reports:

Selectmen Trindade congratulated those Medway students who were named as Tri-Valley all-stars. He then discussed the need for affordable housing inventory in town, not only for families, but also for seniors. He noted that both Lovering Heights and Kenney Drive are north of fifty years old needing major updates. He also noted there are no elevators and the need to walk outside to get from one unit to the next. If they were to be upgraded, the existing tenants would need a site to be relocated to in the interim. He suggested we look at Millstone as a potential resource to address this issue, which would require action from the Planning Board. Mr. Travalini suggested 123 Holliston Street as a potential site along with the Plaza. Selectmen Trindade and Crowley along with Planning Board Chair Andy Rodenhiser have met with the Plaza owner and his architect noting the dialog is now open regarding upgrades. Selectman Crowley stated his agreement regarding the need to update Lovering Heights and Kenney Drive, but the state needs to provide the funding along with subsidizing the rental income to where the tenants would be relocated.

Selectman Crowley congratulated all athletes mentioned in the Sunday *Globe* noting specifically Abby Murphy as the Division 2 Soccer MVP.

9:15 PM Selectman Trindade moved that the Board move 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 bargaining or litigating position of the public body and the chair so declares, (1 Gray Squirrel Circle) with no intention of returning to open session. Selectman Foresto seconded and it was so voted by roll call: 4-0-0 (Crowley, aye; D'Innocenzo aye; Trindade aye; White, aye).

Respectfully submitted,
Liz Langley
Administrative Assistant
Town Administrator's Office