

**Board of Selectmen's Meeting  
September 10, 2018 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Barbara Saint André, Director of Community and Economic Development; Dave D'Amico, Director, Department of Public Services; Barry Smith, Deputy Director, Department of Public Services; Doug Havens, Affordable Housing Coordinator.

**Others Present:** Leo O'Rourke, Water & Sewer Commission; Ann Sherry, Chair, Affordable Housing Trust; Greg Eldridge, Haley and Ward Representative.

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At 7:01 PM Selectman Crowley called the meeting to order and led the Pledge of Allegiance.

**Public Comments:**

Carla Cataldo, Chair of the Medway Cultural Council provided an update on the Council's recent activities. It is time for the annual grant applications. Applications can be found on the Town's website and will be accepted until September fifteenth. Medway artists were encouraged to apply. Questions should be directed to Ms. Cataldo. She reported the State allocated more funding than in previous years. Ms. Cataldo noted a new item on their webpage is a Cultural Assets Inventory including photographers, dance and music schools, and arts related businesses. She requested anyone not represented on the inventory to contact her to be added. Lastly, Ms. Cataldo detailed their fundraiser called Project "M" noting this involved decorating M's. Non-profit organizations can participate for \$20 and other businesses for \$50. Completed M's will be displayed in a storefront on Route 109 and in the Medway Library. All who participate will automatically be entered into their prize drawing which will be drawn mid-November and is a Sundae Bar for ten at TC Scoops. For information on this fundraiser, please contact [MisforMedway@gmail.com](mailto:MisforMedway@gmail.com).

Selectmen Crowley asked what the current and historical State grant funding has been and how the funding has been distributed. Ms. Cataldo stated they have received \$4,700 historically but anticipate \$5,200 this year and the funds are disbursed in \$100-\$1,000 increments for various cultural projects. She cited a one woman play to be presented at the Ide House about Abby Kelley Foster called Yours for Humanity along with the Friends of Performing Arts slated to present a Shakespeare play at Medway High School. Ms. Cataldo reported they currently have five members on the Council which is the minimum but are allowed to go up to twenty-two. Selectman Crowley requested that she discuss with her Council members and report back to the Board by the end of the year on two to three small items for children or seniors that the Board could consider funding since the Council does not receive any Town funding. Ms. Cataldo reported on a potential Federal Grant that she is working on with other Town Boards that is a matching grant that hits in the middle of the summer. The Board thanked Ms. Cataldo and her group for their efforts.

Selectman Crowley thanked and recognized the following residents for their commitment and time served on the following Committees noting these are non-paying jobs, some of which are difficult committees to work on:

Theresa O'Brien	Affordable Housing Committee
John Maguire	Affordable Housing Trust
Susan Alessandri	Medway Pride Day Committee
Matthew DeSorbo	Town Wide Energy Committee
Paul Mahoney	Town Wide Energy Committee
Eric Arbeene	Finance Committee & Zoning Board of Appeals
Ted Kenney	Water & Sewer Commission
Barry Zide	Water & Sewer Commission
Bridgette Kelly	Zoning Board of Appeals

Selectman Crowley noted that current Committee openings are posted to the Selectmen's page on the Town website and interested volunteers should contact the Selectmen's Office.

**Approval of Minutes: August 13, August 27, and September 5, 2018**

*The Board reviewed the draft Minutes of August 13, August 27, and September 5, 2018.*

**Selectman Trindade moved that the Board approve the minutes of August 13, 2018. Selectman White seconded.** Discussion. Selectman Crowley noted a change on page 7, line 46 from "spent" to "received".  
**VOTE: 5-0-0.**

**Selectman Trindade moved that the Board approve the minutes of August 27, 2018. Selectman White seconded. No Discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board approve the minutes of September 5, 2018. Selectman D'Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

**Authorization to Expend Grant Funds – Recycling Dividends Program for Continued Programs Implementation- \$6,000**

*The Board reviewed the (1) grant expenditure authorization form dated August 23, 2018, (2) award letter dated August 21, 2018 from Governor Baker, and (3) award letter dated August 21, 2018 from Massachusetts Department of Environmental Protection (MassDEP) Commissioner Martin Sunberg*

Mr. D'Amico stated this grant is available every year from MassDEP with the intent to encourage towns to recycle. He noted points are assigned from 5000-8000 depending on what programs are in place. These funds were utilized to purchase recycling carts in the past and this year they plan to spend the funds on electronics recycling or outreach.

**Selectman Foresto moved that the Board authorize the expenditure of the Recycling Dividends Program Grant in the amount of \$6,000 as presented. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.**

**Report of Affordable Housing Committee/Trust (AHC/AHT)**

*There were no materials for the Board to review.*

Ms. Sherry reported that ten years ago, the Town approved the Trust fund and in 2011 the Trust was formed for the purpose of preservation and creation of affordable housing. The primary projects this last year were the attempt to develop Cutler Street and the Glen Brook Way project. The RFP for Cutler Street will be sent out within the next couple of weeks and Glen Brook Way, with 48 affordable units planned, entered its first phase in August. Other projects they worked on included the: (1) Millstone Village price increase, (2) purchase, upgrade and sale of a Kingston Lane unit, (3) maintenance of Safe Harbor status, and (4) application to the State for the Housing Choice program noting this designation was achieved. Ms. Sherry stated they are actively looking for someone with real estate, banking or finance background to replace Jack Maguire, as they now only have four members and they are a five member board.

Selectman Crowley reported he had attended the last AHT/AHC meeting noting that the Selectmen took the initiative along with the Community Preservation Committee (CPC) to acquire the Cutler Street property. He is concerned that this not turn into a “white elephant”. He stated hopefully, the RFP is successful, but, if not, requested that the AHT/AHC go back and review the process. If a developer cannot be found, a discussion with the CPC will be needed to market the property. Ms. Sherry reported an informal outreach to developers has not provided any response to date and agrees that the property can no longer be held if the RFP is not successful. Selectman Crowley noted the Board is cognizant of the need to be respectful of the Cutler Street neighbors but we also need to address development of that property. Mr. Havens noted that the AHC and AHT do not distinguish themselves as separate entities but work together on all projects. He stated his belief that the Cutler Street process can be streamlined and simplified. He clarified that both the AHT and Town provided \$500,000 in funding to the Glen Brook Way project, for a total of \$1 million.

Selectman Crowley asked Selectman Trindade to provide an overview of the Town’s 40B status. Selectman Trindade explained how Safe Harbor status and 40B developments work noting that the State sets guidelines for achieving and maintaining 10% of your total housing stock as affordable to obtain and remain designated with Safe Harbor status if a town’s affordable inventory is below 10%. He reviewed the impact of this status on preventing 40B developments. He further explained that if a development is permitted but not built within one year, it will no longer count towards the 10% affordable housing goal. The Town currently has Safe Harbor status until 2020. The goal is to be greater than the State mandated 10% noting the need of approximately 80-90 more units to achieve that goal. The Board is looking to work with developers to ensure the Town is secured for the next 10-20 years to maintain our Safe Harbor status. It was noted an affordable unit can be an apartment or a home and that all apartments in a complex where a portion are designated as affordable count towards the total number of affordable units, which is not true for homes.

Selectman Crowley addressed the July letter he sent to the AHT/AHC regarding a specific unit at Kingston Lane including the: (1) question of potential fraudulent actions by the owner, (2) question of initial qualifying requirements being met, and (3) monitoring agency’s (Citizens’ Housing and Planning Association - CHAPA) actions and responsibilities. Mr. Havens reported that CHAPA states this information is confidential and cannot be discussed with the Town, therefore we have to assume CHAPA has correctly determined qualifications. There was further discussion regarding this specific owner’s violations and the unmet deadline CHAPA provided to resolve the specific issues. Ms. Sherry noted that Mr. Havens created a document outlining the specific qualifications required and will share this with the Board. It was noted that issues with compliance result from two sources: (1) CHAPA which fails to appropriately monitor these units and (2) the large banks that do not perform due diligence on the title search during the loan process. There was further discussion on the recourse for the Town and it was

determined that the legal costs to pursue enforcement of the regulations would be prohibitive. The Board voiced its frustration with the lack of ability to impact these situations. Ms. Sherry reported the frustration of the AHT/AHC as well. The Board requested that Town Administrator Boynton contact Town Counsel to determine what the appropriate next steps would be if CHAPA does not resolve this issue. Mr. Havens reported that CHAPA stated it does not bring legal action into these situations. There was further discussion about CHAPA versus other entities' potential for being the monitoring agent for these affordable units. Mr. Havens reported a letter is scheduled to be sent to all affordable housing owners pending Town Administrator approval. The Board requested that this letter be sent registered mail. The Board noted that the violators are a minority of owners.

Alan Pulito of 9 Kingdon Lane and President of the Homeowners' Association addressed the Board noting he is aware of approximately five owners in the past ten years who have violated the affordable housing stipulations noting it is a systemic issue in 40B developments and the non-affordable housing owners feel they are paying the price for this fraudulent behavior of the minority of affordable housing owners. Ms. Sherry noted that once you initially qualify based on income, the owner's income is no longer taken into account and the Town is not allowed to monitor that information. Selectman Crowley reported he has a letter drafted for the state senators from the regional boards of selectmen regarding this issue. Leo O'Rourke, resident of Lovering Street, reiterated that the bank is not doing due diligence on the title, as the unit being designated as an affordable unit would be known since it is stated clearly on the title. It was also recommended that the Board consult with Town Counsel regarding the Town looking at the condo fees prior to approving developers' plans.

**Discussion: Charter Update**

*There were no materials for the Board to review.*

Town Administrator Boynton stated the Charter Review Committee is meeting tonight and there are draft Fall Town Meeting warrant articles that we hope to have finalized by the next Selectmen's meeting. This agenda item was moved to the next Selectmen's meeting on September 17<sup>th</sup>.

**Discussion: Water Treatment and Capacity Update**

*There were no materials for the Board to review.*

Town Administrator Boynton recognized the efforts of the DPS staff along with the Water and Sewer Commission noting this is now at the initial design and review stage with the need to be ready to make a high level presentation to the residents at Fall Town Meeting. He stated the goal of this presentation and discussion is so that all parties are on the same page before Fall Town Meeting. There was discussion on how this differs from the five year plan previously presented to the Board along with the Integrated Water Resources Management Plan (IWRMP), noting this all ties into the five year plan.

Mr. Eldridge reviewed the stakeholders of safe and sufficient drinking water noting the quantity project is due to the increased demand caused by population growth. The quality plan is to address the iron and manganese levels noting the need to prioritize both quantity and quality along with the recommended implementation options. The current limitations were then reviewed including the (1) average daily volume (2) the maximum rate and capacity of the current wells, and (3) impact if one well is offline. Selectman Foresto asked the process for changing the current permit if there is a population increase. Mr. Eldridge responded the Town would need to go back to the state to revise its permit. Selectman Crowley noted the issue of the need to document a <10% unaccounted water loss in Town in order to be able to even go to state for a redo of the permit. Mr. D'Amico stated the last report was at

16% but he believes we are currently at 12%. There was further discussion on the impact on capacity should a 40B development come into Town. Mr. Eldridge reviewed each of the wells' actual current capacity, what is permitted, along with the projected maximum and average daily demand. He noted in order to meet present and future capacity demands there is a need to: (1) get the existing wells up to the permitted withdrawal rate, (2) reduce the demand via leak identification and repair, (3) watering reduction, and (4) conservation education. The plan would include supplemental wells at the current sites and the development of new supply sites noting Chicken Brook is the only other site identified at this time but the environment is not good due to contamination and the proximity to wetlands. He then reviewed the specific well locations and the timeline and costs associated to address capacity. The Board noted the need to provide a simpler presentation at Fall Town Meeting as the information provide here is abundant and complicated. Mr. Eldridge then reviewed the quality issues of iron, a yellow appearance in water, and manganese noting that both the Oakland and Village Street wells contribute to this issue. The Board then reviewed an overview of the EPA and Mass DEP water regulations related to manganese and the actual iron and manganese levels from 2014-2018 by well location. Last year's decrease was attributed to the higher water table and decreased run time of the Oakland Street well. Treatment options were then discussed to address these levels including the pros and cons of individual versus centralized treatment approaches. The recommendation for implementation of a centralized approach along with treatment types and distribution system improvements was then reviewed including a listing other towns with iron and manganese removal plants. Treatment costs, projected in 2017 dollars, were discussed for centralized versus decentralized options including the impact of implementation on water rates, noting the anticipated impact of \$210-\$215 on a tier two bill, which is a 20% increase. The preliminary timeline for implementation was reviewed. There was discussion about decreasing the implementation timeline to address both quantity and quality and the impact on costs noting all the numbers presented included engineering costs, inflation, and a 10% contingency. The Board requested the confirmation of the inflation and contingency amount built into the presented costs and a copy of the presentation. Selectman Foresto asked what other Towns do in this same situation. Mr. Eldridge stated they address both issues at once. There was further discussion on the impact of a 40B and the need to have a more aggressive implementation timeline. Selectman Crowley noted this is an enterprise account and asked about the Board's opinion on the potential use of taxpayer funds for an enterprise account. Town Administrator Boynton stated that we look to the Board for the determination of the implementation timeline. Selectman Foresto asked for the required the lead time on this type of project. Mr. Eldridge stated one year for the design and permitting and two construction seasons, therefore, three to four years if this was approved to move forward today. Selectman Crowley requested a copy of the IWRMP report in addition to this presentation.

**Authorization to Grant a Temporary License to Verizon for Placement of Utility Poles at the Senior Center**

*The Board reviewed the Temporary License to Verizon for Placement of Utility Poles at the Senior Center.*

**Selectman Trindade moved that the Board approve the temporary license to Verizon for placement of utility poles at the Senior Center as presented. Selectman Foresto seconded. Discussion:** Selectman Crowley asked when the installation will occur. Town Administrator Boynton stated Friday. Selectman Trindade explained this is part of the Oakland Park project and is the last work item involving moving the utility poles noting this includes both underground wiring and upgraded service. **VOTE: 5-0-0.**

**Vote: Close November 19, 2018 Fall Town Meeting Warrant on September 14, 2018**

*The Board reviewed the November 19, 2018 Fall Town Meeting Warrant calendar.*

**Selectman Trindade moved that the Board close the November 19, 2018 Fall Town Meeting Warrant on September 14, 2018. Selectman White seconded.** Discussion: Selectman Foresto pointed out the draft that was sent to the Board included a significant number of capital items. Town Administrator Boynton stated these items were those not funded in the May Town Meeting due to the use of free cash to support debt service. The requested items include the fence for Idylbrook and the sign for Choate Park. **VOTE: 5-0-0.**

**Special Event Permit Application: Cystic Fibrosis Foundation Cycle for Life – October 6, 2018**

*The Board reviewed the (1) Special Event Permit Application for the Cystic Fibrosis Foundation Cycle for Life and (2) the Police Chief's Recommendation.*

**Selectman Trindade moved that the Board approve the Special Event Permit Application for the Cystic Fibrosis Foundation Cycle for Life to be held on October 6, 2018 subject to the Police Chief's recommendations and proof of appropriate insurance coverage. Selectman D'Innocenzo seconded.** Discussion. Selectman Crowley requested the actual locations of the police details for this event. **VOTE: 5-0-0.**

**One-day liquor License Applications**

*The Board reviewed the Police Chief's recommendations for Sherri Chauvin, Amy Morin, Gladys Pozsgai, and Judith Moffat.*

**Selectman Foresto moved that the Board approve the one-day liquor licenses as presented subject to the Police Chief's recommendations and proof of appropriate insurance coverage. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the Action Items dated August 13, 2018.*

Comcast cable license renewal (lic. exp. 7/13/18): Selectman Foresto reported there is a meeting tomorrow and anticipates a recommendation for the Board to vote on the license.

Gray Squirrel Matter: Town Administrator Boynton reported this is all but resolved.

Medway Plaza Redevelopment: Selectman Crowley reported that he along with Selectman Trindade, Ms. Saint Andre, and Matt Buckley will be meeting with owner of the Plaza in Chelsea next Monday.

Report to BOS Strategic Plan for making fields more viable for youth sports: Selectman Crowley updated the due date for this to December.

Park & Recreation Director Report Assessment Results & Action Plan to Board: Selectman Crowley updated the due date for this to December.

**Town Administrator's Report**

*There were no items for the Board to review.*

Town Administrator Boynton reported the RFPs for the Ide House at 158 Main Street are due back and requested Selectmen White and Trindade review the responses with Assistant Town Administrator Potter.

Eversource Project Information: Town Administrator Boynton reported he will be attending a meeting in Franklin next Thursday from 5-7pm at the Franklin Senior Center in reference to the Eversource reliability enhancement project.

Route 109 Update: Town Administrator Boynton reported there is heavy construction in front of the Charles River Bank, installation of curbing, and the plan to put asphalt down over the next two to three weeks moving into the Holliston Street intersection in October. He spoke with the sub-contractor for the sidewalks noting the new Plaza driveway needs to be completed as well. Eversource will be turning on the lights at the Plaza as well as the streetlights. He reported that Amorello hit a gas main again at Slocum Place noting it was marked by Dig Safe and Chief Lynch met with them today to put them on notice since this is a recurring problem.

DPS Facility Update: Town Administrator Boynton reported there have been staff working meetings with the project design team finalizing the scope and concept of the facility with the plan for an early October committee meeting to review the final product. He reported the target cost of < \$12million not including the design.

Town Administrator Out of Office:

- Friday, September 14 – Tentative
- Friday, September 21, Personal Day
- September 22-26 – ICMA Conference, Baltimore

NEXT Regular Selectmen's Meeting – September 17, 2018

**Selectmen's Reports**

*There were no items for the Board to review.*

Selectman Foresto reported that he and Selectman White met with Town Administrator Boynton regarding his contract noting the next steps are to complete an evaluation by the Board and then meet with Mr. Boynton to discuss the contract.

Selectman Crowley requested a status from the Investment Advisory Committee at the next Selectmen's meeting. He requested an update on the status of the Water and Sewer Commission vacancies. There is one candidate, Steve Burke, who submitted his letter of interest and resume and will be available at the next Selectmen's meeting. He requested an update from Selectman White who reported at the last meeting about a resident who reported a significant increase in their most recent water bill. Ms. White referred them to DPS and has not heard any further on this matter.

**At 9:07 PM Selectman Trindade moved to adjourn. Selectman Foresto seconded. VOTE: 5-0-0.**

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