

**Board of Selectmen's Meeting
May 7, 2018 – 6:30 PM
Sanford Hall
155 Village Street**

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

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Susy Affleck-Childs, Planning and Economic Development Coordinator.

Others Present: Peter Callahan, Exelon Representative; Parks Commission: Paul Mahoney, Chair, Sean Murphy, Michael Tudino.

At 6:30 PM Selectman White called the meeting to order and led the Pledge of Allegiance.

Town Administrator Boynton introduced Sandra Johnston to the Board as the new Director of Communications whose first official day is next Monday, May 14th.

Exelon Project Update: Peter Callahan

There were no materials for the Board to review.

Town Administrator Boynton explained that the Host Community Agreement (HCA) requires a periodic project progress and status report be provided to the Board. Mr. Callahan introduced the following Exelon employees in attendance: (1) Mark Rodgers, Public Relations, (2) Dom Cook, Project Scheduler, and (3) Doug Blakely, Environmental Specialist. Mr. Callahan stated that in April 2017, the HCA was signed and construction began last August, referencing photographs showing the project progress to date. He reported that all the major mechanical equipment is now on site including both turbines, stacks and footings. They are moving into the phase of completing the civil and electrical work and the administration building. He further explained the fifty foot sound barrier that will be put in place.

Selectman Crowley asked if there will be a finish put on the existing stacks. Mr. Callahan stated they will be painted battleship gray. He then showed the final rendition of the area viewed from West Street along with the final color palette. Mr. Callahan reported Exelon has been providing the Conservation Commission bi-weekly updates and the Planning and Economic Development Board monthly updates and that the project is on schedule. Selectman Trindade asked if the plantings on the final rendition have been finalized as more greenery helps the front wall to blend in. Mr. Callahan stated if more clean-up and landscaping is requested, that should not be an issue. Selectman Trindade asked about Exelon's involvement with the Schools, specifically with STEM programs. Mr. Callahan stated the STEM Saturday program for girls is supported by Exelon along with tours provided to the preschoolers. The Board requested Town Administrator Boynton to schedule a site tour.

Selectman Crowley asked if any residents eligible for the provision related to home value impact have reached out to Exelon. Mr. Callahan stated no one has contacted Exelon to date. Selectman Crowley requested that he have a discussion offline with Town Administrator Boynton regarding the Daycare facility. Selectman Trindade inquired about the mitigation program. Mr. Callahan stated Exelon notified

the abutters within the designated predetermined radius. Mr. Boynton reported there have been a handful of minor complaints in the single numbers relative to truck traffic and none related to noise noting the Town approved their ability to work on Sundays as well. He stated Exelon has been very responsive to any issues and concerns raised to date.

At 6:41---Selectman Trindade moved that the Board enter 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 [topic: Collective Bargaining] with the intention of returning to open session and it was so voted by roll call. Selectman Foresto seconded. 5-0-0 (Crowley aye; D’Innocenzo aye; Foresto aye; Trindade aye; White aye).

The Board returned to Public Session at 6:57 PM.

Public Comments: None

Approval of Minutes: April 17, 2018

The Board reviewed the draft minutes of April 17, 2018.

Selectman Foresto moved that the Board approve the minutes for April 17, 2018. Selectman Trindade seconded. Discussion: Selectman Crowley requested “as part of the indirect cost allocation” be added to the end of the sentence on page 2, line 25. Selectman Crowley requested the following change to line 14 on page 6, “He voiced his agreement with Mr. Boynton stating that rather than spending approximately \$20million on the MS4 and these housing projection plans, that we spend 50% of that money on those items and the other 50% on public safety and the drug epidemic”. **VOTE: 5-0-0.**

Discussion/Vote: May 21, 2018 Special Town Meeting Warrant—Article 7 (Transfer to Athletic Fields Stabilization Fund) and Annual Town Meeting Warrant –Article 10 (Transfer – Retained Earnings – Sewer Enterprise), Article 11 (Transfer – Retained Earnings – Water Enterprise), Article 12 (Borrowing – Water Enterprise), Article 17 (Appropriation: Community Preservation Committee), and Articles 22 through 25 (Zoning Articles)

The Board reviewed the (1) May 21, 2018 Special Town Meeting Warrant—Article 7 (Transfer to Athletic Fields Stabilization Fund) and (2) Annual Town Meeting Warrant –Article 10 (Transfer – Retained Earnings – Sewer Enterprise), Article 11 (Transfer – Retained Earnings – Water Enterprise), Article 12 (Borrowing – Water Enterprise), Article 17 (Appropriation: Community Preservation Committee), and Articles 22-25 (Zoning Articles) and (3) Zoning Map Boundaries

May 21, 2018 Special Town Meeting: Article 7(Transfer to Athletic Fields Stabilization Fund)

Town Administrator Boynton reported Finance Director Pratt has reviewed the history of these accounts. Selectman Foresto stated the Board had requested to see the entire financial plan from the Parks, which was provided. Selectman Crowley noted this was a Finance Committee (FinCom) request as well. Town Administrator Boynton stated FinCom was concerned with how to maintain this long term noting we have experience now looking at the funding and feel confident this number is appropriate and sustainable. Mr. Boynton reminded all present that this includes the cost for a full-time coordinator allowing for improved professional departmental structure and fiscal planning including additional means of revenue enhancement. This position will not coordinate the summer programs the first year. However, Mr. Boynton is working with the Schools investigating this future opportunity.

Selectman Foresto moved to approve Article 7 as presented. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.

May 21, 2018 Annual Town Meeting:

Article 10 (Transfer – Retained Earnings – Sewer Enterprise)

Town Administrator Boynton reported both Articles 10 & 11 were questions regarding retained earnings. Article 10 is specifically the every other year sewer system improvements.

Selectman Foresto moved to approve Article 10. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.

Article 11 (Transfer – Retained Earnings – Water Enterprise)

Town Administrator Boynton reported Article 11 is for capital equipment for the water department.

Selectman Foresto moved to approve Article 11. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.

Article 12 (Borrowing – Water Enterprise)

Town Administrator Boynton reported this was initially a place holder and has been updated. The working group has identified three tasks over the next one and one-half years dealing with water system issues and improvements including: (1) expanded piping from Village Street to the Populatic Well site, (2) addition of a satellite well at the Populatic Well site and (3) the engineering costs relative to these items. Mr. Boynton noted this is the first phase of the \$15million project. Selectman Crowley asked if these numbers agree with the document presented to the Board by the Water and Sewer Commission for Fiscal Year 2019 and for confirmation that no items were removed. Mr. Boynton confirmed. Selectman Crowley restated the concern of spending the \$15million over the next five years and asked if the Water and Sewer Commission has looked at trying to spread out the costs more. Mr. Boynton confirmed. Selectman Foresto stated this puts the Town in the position to have a centralized water treatment facility but is not going to solve the issue with the summer water supply. Selectman Foresto reminded all present that if we lost one well, residents would be without water. Mr. Boynton reported the Populatic Well was taken off line today for installation of a replacement check-valve and was back online today but this revisits this concern. Selectman Trindade asked if this includes the road replacement as well. Mr. Boynton stated that the road replacement is part of the street and sidewalk plan. Selectman Crowley asked for a status on the engineering and the planned completion date if approved at Town Meeting. Mr. Boynton stated we would then need to obtain an engineer and completion of this phase is anticipated at the end of the construction season in calendar year 2019.

Selectman Foresto moved to approve Article 12. Selectman Trindade seconded. Discussion:

Selectman Foresto stated and the Board agreed with the need to be prepared to discuss this at Town Meeting so residents understand this is a part of the long-range plan with other items needed over the coming years. Mr. Boynton stated there will be a more extensive presentation of the plan at the Fall Town Meeting. Mr. Boynton also stated that the Board needs a discussion with the Water & Sewer Commission regarding alternative funding options other than rates. Selectman Crowley asked Finance Director Pratt what borrowing percentage she utilized for the information previously presented to the Board. Ms. Pratt stated 2%. Selectman Trindade asked if there are funds there to borrow. Ms. Pratt stated yes. **VOTE: 5-0-0.**

Article 17 (Appropriation: Community Preservation Committee)

**Selectman Trindade moved to approve Article 17. Selectman Foresto seconded. No Discussion.
VOTE: 5-0-0.**

Article 22 (Amend Zoning Bylaw: Registered Marijuana Dispensary)

Ms. Affleck-Childs reported the Planning and Economic Development Board (PEDB) public hearing was held on April 24th with two residents in attendance. One resident had general concerns if the current Town by-laws adequately address the potential for operational noise, odors, etc. Ms. Affleck-Childs stated the current by-law language addressed enforcement of these issues. The other resident, who was representing their neighbors as well, supported the rezoning in Article 25. The PEDB closed the public hearing and recommended to approve all four articles. Selectman Crowley asked if any of the Article language was changed since the Board's prior review. Ms. Affleck-Childs stated the language is the same.

**Selectman Trindade moved to approve Article 22. Selectman Foresto seconded. No Discussion.
VOTE: 5-0-0.**

Article 23 (Amend Zoning Bylaw: Definitions; Delete Temporary Moratorium on Non-Medical Marijuana Establishments)

**Selectman Trindade moved to approve Article 23. Selectman Foresto seconded. No Discussion.
VOTE: 5-0-0.**

Article 24 (Amend Zoning Bylaw: Site Plan Review)

**Selectman Trindade moved to approve Article 24. Selectman Foresto seconded. No Discussion.
VOTE: 5-0-0.**

Article 25 (Amend Zoning Map: District Boundaries)

**Selectman Trindade moved to approve Article 25. Selectman Foresto seconded. No Discussion.
VOTE: 5-0-0.**

Selectman Trindade moved to approve the Fiscal Year 2019 budget as presented. Selectman Foresto seconded. Discussion: Mr. Boynton stated the Fire Department collective bargaining may result in another change to this budget and the handout for Town Meeting. This would require another meeting and vote by the Selectmen prior to Town Meeting. This budget reflects the changes related to the Police and Municipal Unions contract ratifications. **Vote: 5-0-0**

Discussion: Parks Revolving Funds

There were no materials for the Board to review.

Town Administrator Boynton stated this was placed on the agenda should the Board have any questions relative to Article 7 of the Special Town Meeting Warrant, which was already approved earlier in this meeting. Selectman Crowley asked if the Parks Commission voted in unanimous agreement on the \$50,000. Mr. Mahoney confirmed the unanimous vote by the Parks Commission.

Discussion/Vote: Medway Youth Peace Garden:

There were no materials for the Board to review.

Mr. Mahoney explained the intent of the children's peace garden is to honor the memory of the children lost in Town in a quiet and equal manner. Tina Wright, Chair of the Open Space Committee, and Mr. Mahoney met with parents who have lost children to determine their wishes. The consensus was that all children be treated equally, in a quiet manner and not be forgotten. They also polled the families' preference in location resulting in a location at Choate Park which parallels the EPFRAC's intention that Choate be more of a family destination park with pathways, benches, etc. Mr. Mahoney showed via the Choate design board the specific requested location. He reported the initial design estimate was high and Dan Hooper is completing another estimate. As soon as this is completed, fundraising will begin. Mr. Mahoney stated the specific request from the group is to see if the Town will donate equipment and manpower to clear the proposed area which includes removal of the basketball and practice courts. The Board reviewed the exact location and Selectman Trindade stated they are looking for the Town to provide the equipment and funds to prepare the area. Selectman Crowley would like to see: (1) the total budget before committing any funding, (2) the final drawings for approval by EPFRAC, the Parks Commission, and whoever else needs to approve the plans (3) 70-90% of the funding raised and (4) the process and rules for inclusion before the Town provides any resources. The Board requested Town Administrator Boynton to work with Mr. Mahoney to determine the specifics of what the Board will need to approve.

Selectman Crowley asked, for the benefit of the people listening at home, whose names would go on these bricks. Mr. Mahoney stated the intent is to be as inclusive as possible with the current stipulation being the child has a close connection with Medway. The application would be processed by the Friends of Choate 501(c)(3). All children would be honored the same getting the same brick and space. Selectman White asked who would not be included. Mr. Mahoney reiterated the intent is to be as inclusive as possible noting that a requestor's ability to fund a brick would not be a requirement for inclusion. Applicants would be directed to the Friends of Choate and a separate fund created for administration so there would be no need for a separate 501(c)(3).

Approval: Contract with George E. Sansoucy, P.E., LLC for Engineering, Consulting and Valuation Model Update Services with regard to value as of 1/1/2018 for Fiscal Year 2019 ad valorem Taxation Purposes, the Electric Utility Properties owned by New England Power and NSTAR – \$4,000

The Board reviewed the (1) memo dated April 18, 2018 from Donna Greenwood and (2) contract.

Selectman Crowley asked if this is the same yearly contract. Town Administrator Boynton confirmed.

Selectman Trindade moved that the Board authorize the Chair to execute the contract with George E. Sansoucy, P.E., LLC in the amount of \$4,000 as presented. Selectman Foresto seconded. No Discussion. Vote: 5-0-0.

Approval: Host Community Agreement with PhytoTherapy for a Marijuana Cultivation & Processing Facility

The Board reviewed the PhytoTherapy Host Community Agreement.

Town Administrator Boynton stated the company President, Alex Athanas, was present to address any Board questions. This Host Community Agreement (HCA) is to open a marijuana cultivation and processing facility at 6 Industrial Park Road in the existing building which will require an extensive

remodel and renovation. There are significant benefits to the Town negotiated in this HCA. It is similar to the HCA with CommCan but of more value to the Town in terms of revenue.

Selectman Crowley asked for: (1) confirmation of the four annual payments of \$85,000 language, (2) where the funds will be directed and (3) does the Board have authorization to change where the funds are directed. Mr. Boynton confirmed the four annual payments of \$85,000 and reported from the contract the total amount specified along with the purpose of these funds. Specific funds are created for each purpose and the Board does not have authorization to move the funds from one purpose to another. Mr. Boynton noted we want a long term partnership with these groups with the expectation of this relationship to extend beyond the initial contractual timeframe.

Selectmen Trindade asked for the timeline and steps moving forward after state approval. Mr. Athanas stated he will need a special permit from the PEDB with the expectation to be able to proceed within the next few months. Selectman Crowley asked, for the benefit of those people watching at home, confirmation that this is a wholesale facility selling to other outlets with no retail sales. This was confirmed.

Selectman Trindade moved that the Board authorize the chair to execute the Host Community Agreement with PhytoTherapy as presented. Selectman Foresto seconded. No Discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board take a position of non-opposition to the development of the growth facility by PhytoTherapy. Selectman Foresto seconded. No Discussion. VOTE: 5-0-0.

Authorization to Expend Grant Funds – Fiscal Year 2018 Pedestrian and Bicycle and Equipment Grant for Pedestrian/Crosswalk and Bicycle Safety Enforcement - \$5,340.72

The Board reviewed the (1) Notice of Grant Award, (2) March 16, 2018 letter from Governor Charles Baker and Lt. Governor Karyn Polito, and (3) contract.

Town Administrator Boynton explained this is a state grant applied for by Chief Tingley for crosswalk and bicycle safety enforcement noting the efforts by the Chief to apply for this state grant funding.

Selectman Trindade moved that the Board authorize the expenditure of Fiscal Year 2018 Pedestrian and Bicycle and Equipment Grant funds in the amount of \$5,340.72 as presented. Seconded by Selectman D’Innocenzo. No Discussion. Vote: 5-0-0.

One-day liquor License Applications

The Board reviewed the Police Chief’s recommendations for Michael Coyle & Francelina Amaral, Eileen Kalukin & Laura Brady and Laurie Flynn.

Selectman Trindade 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 Foresto seconded. No Discussion. VOTE: 5-0-0.

Action Items from Previous Meeting

Unaccounted for water loss status report: Selectmen Crowley requested this information to be resent to him by Assistant Town Administrator Potter.

Town Administrator's Report

There were no items for the Board to review.

Curbside Brush: Town Administrator Boynton thanked Exelon which brought a crew in to assist with these continuing efforts. He reported a lot of brush still on the east side of Summer Street and the west side of Holliston Street noting the difficulty with obtaining assistance from private contractors. Northern Tree will be able to come in starting tomorrow to supplement the Highway Department's efforts. Mr. Boynton wanted to thank the Highway Department on their continued efforts of dealing with this issue along with all of their regularly scheduled workload.

DPS Facility Project Update – Designer Services Contract: Town Administrator Boynton reported the designer has been selected. Price proposals are expected this Friday and the contract should be ready for execution by the Board in the next few weeks.

Choate Park Sign Update: Town Administrator Boynton reported the schematic is developed with the plan to address this at the Fall Town Meeting. He explained the specific planned location will be near where the old sign was located. The Board requested the final design be made available to them.

Millstone Update: Town Administrator Boynton reported he met with Steve Venincasa today. The letter from his lawyer and the draft easement is completed. The outstanding item is a draft of the letter from Mr. Venincasa detailing his specific request of the Board. Mr. Boynton asked if the Board would be willing to add this to the Pre-Town Meeting agenda. Selectman Crowley requested a rendition of exactly what the easement and planned pathway will look like prior to an official vote by the Board. Selectman Trindade reported the path was walked with the Conservation Commission and the easement was presented to Jim Wieler. The Board requested the information from Doug Havens confirming the current Department of Housing and Community Development Affordable Housing price for Medway be resent to them.

Town Administrator Out of Office as follows:

- Wednesday, May 9 – Taunton Meeting (PM)
- Friday & Monday, May 11 & 14 – Personal Time
- VACATION – May 23 – May 30
- MMMA Spring Conference – May 31 – June 1 – Brewster

Selectmen's Reports

There were no items for the Board to review.

Selectman Foresto thanked Ms. Potter and Langley for their efforts with Clean Sweep along with all those in Town who participated.

Selectman Crowley asked if the Sun Valley sidewalks are completed as it looks like the asphalt is down but it has not been loamed and seeded. Mr. Boynton confirmed all this has been completed. Selectman Crowley reminded the viewers he will be hosting tomorrow's Coffee with a Selectman at 11:30am in the Senior Center to address any questions/concerns the attendees may have.

Selectman D'Innocenzo thanked Ms. Potter for her efforts related to the groundbreaking ceremony for the Parks Improvements Project at Choate Park this evening and requested a schedule be posted on the website with periodic updates on the project progress.

Selectman White reminded all of the Town Election next Tuesday from 7am-8pm at the Middle School.

At 7:46 AM Selectman Trindade moved to adjourn the meeting. Selectman Foresto seconded. No Discussion. Vote: 5-0-0.

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