

**Board of Selectmen's Meeting  
April 2, 2018 – 7:00 PM  
Sanford Hall  
155 Village Street**

**Present:** Maryjane White, Chair; Richard D’Innocenzo (7:10), Vice Chair; Dennis Crowley, Clerk; John Foresto, Member; Glenn Trindade, Member (7:04).

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Susy Affleck-Childs, Planning and Economic Development Board Coordinator; Chief Tingley; Lieutenant William Kingsbury; Chief Lynch; Doug Havens, Affordable Housing Trust.

**Others Present:** Metropolitan Area Planning Council (MAPC) Consultants: Martin Pillsbury, Darci Schofield; Melanson Heath Auditor: Jennifer Reddington; Millstone Developer: Steve Venincasa.

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

**Public Comments:** None

**Approval of Minutes: March 26, 2018**

*The Board reviewed the draft minutes of March 26<sup>th</sup>, 2018.*

**Selectman Foresto moved that the Board approve the minutes for March 26, 2018. Selectman Crowley seconded. Discussion.** Selectman Crowley asked for clarification on page 3 line 45 specific to the funding noted for Article 4: Establish and Transfer to Debt Stabilization Fund on the May 21, 2018 Special Town Meeting Warrant. Town Administrator Boynton explained the funding and timing of the funding related to free cash and Exelon funds for this Debt Stabilization Fund. Selectman Crowley asked for confirmation on Page 4 that Article 7: Transfer to Athletic Fields Stabilization Fund of the May 21, 2018 Special Town Meeting Warrant was a hold. It was confirmed that there was a hold and no vote on this article. **VOTE: 4-0-0.**

**Appointment Considerations: Memorial Committee-William Pride and Gordon White**

*The Board reviewed the (1) January 9, 2018 Letter of Interest from William Pride (2) January 19, 2018 Volunteer Form from Gordon White and (3) March 7, 2018 E-mail Recommendation from Richard Parrella for both Candidates*

Mr. Pride reviewed his background as a Medway resident for over 57 years, a veteran and would be proud to help the town out in this capacity.

Mr. White reviewed his background as a Vietnam veteran, the Vice Commander of the American Legion, a town constable and life-long Medway resident.

**Selectman Foresto moved that the Board appoint Mr. Pride and White to the Memorial Committee for one year terms. Selectman Trindade seconded. No Discussion. VOTE: 4-0-0.**

### **Hazard Mitigation Plan Update: Public Input Session**

*The Board reviewed the PowerPoint presentation prepared by the MAPC (contracted consultant).*

Present: MAPC Consultants: Martin Pillsbury, Darci Schofield

Mr. Pillsbury reported the Town is in the middle of updating its 2010 Hazard Mitigation Plan. This plan provides two incentives: (1) it allows the Town of Medway to apply for Federal Emergency Management Association (FEMA) Grants, and (2) by assessing and planning for these risks, the Town is more resilient should any of these hazards occur. He noted the plan is a federally funded requiring updates every five years. The funds for updating this plan are 75% from a FEMA grant (\$18,000) and 25% by local funds. It was noted that Medway's Community Development Office provided the Town's portion of the funding for the update. This plan addresses every category of "natural" hazards including flooding, high winds, earthquakes, etc. with the intent to break the cycle of build/rebuild by planning for and reducing vulnerabilities to these hazards. The plan was developed by the MAPC working with the Town's major departments noting national knowledge is complimented with local knowledge in identifying vulnerable locations and infrastructure including an inventory of critical facilities/roads, etc. Selectman Foresto stated the Verizon location was not listed among the critical inventory and, if this building fell off the grid, the Police would lose outgoing call ability. Mr. Pillsbury will have this list reviewed. Mr. Pillsbury reviewed the plan development process including: (1) underlying data utilized, (2) mitigation strategies - evaluating the existing Town baseline and identifying gaps or areas requiring adjustment and (3) measures recommended to be implemented over the next 5 year period. Recommendations from the previous plan are reviewed and those that still need to be addressed will be included with any necessary modifications. Some recommendations are very site specific while others may be specific to regulatory, zoning, regulatory planning, or public education.

Mr. Pillsbury reported the group is in the last stage of the plan with one final meeting scheduled to accomplish the following: (1) a list of recommendations, (2) a rough estimate of implementation costs, (3) a suggested implementation timeframe, (4) identification of the owner of each recommendation and (5) any grants available to fund these recommendations. The next steps include (1) providing the plan draft, (2) posting plan draft to the Town of Medway website, (3) a final public meeting for feedback, (4) updating plan as needed, and (5) forwarding the plan to FEMA for review and approval. Once the plan is approved by FEMA, the final step is a vote to adopt the plan by the Board of Selectmen.

Mr. Pillsbury noted that Stephanie Mercandetti worked very closely with his team and wanted to offer the town his condolences on her loss.

Selectman Foresto noted the Brentwood Drainage project was FEMA funded. Selectman Trindade asked how Medway compares to other towns. Mr. Pillsbury stated Medway is in the middle in terms of threats mostly due to good past planning and robust systems in place. He gave the local team participation an A+!

### **Presentation of Fiscal Year 2017 Financial Statements – Melanson Heath**

*The Board reviewed the (1) December 28, 2017 letter from Melanson Heath President Biron and (2) the December 28, 2017 Auditor's Report on the Fiscal Year 2017 Financial Statements.*

Present: Ms. Reddington, Carol Pratt

Jennifer Reddington, manager on the audit, reported the Town received a clean opinion noting this is the best you can receive. Selectman Foresto requested information on OPEB for other Towns. She reported having a defined financial investment policy will assist our rating as well noting the financial team would set up the policy. The Board asked how other towns manage these funds specifically if this should be (1) in a trust, (2) a special committee should be created to manage funds, or (3) is it strictly managed by the Finance Director and Treasurer/Collector. Ms. Reddington reported the Finance Department/Treasurer/Collector manages these funds in other towns and she has not seen any other structure in place. Finance Director Pratt reported to the Board that she and Treasurer/Collector Russo have been meeting with vendors to assist in policy development with the goal of presenting the policy to the Board before June 30, 2018. Selectman Foresto asked what the recommendations are related to the Town Charter. Town Administrator Boynton stated they will have their recommendations ready for the fall.

Ms. Reddington referred the Board to page 12 of the audit report which details her previous discussion noting pension figures are down slightly but the adoption of a financial investment policy should improve those numbers. She further noted the net OPEB will be down but reported that will happen to everyone. She then referred the Board to page 12 pointing out the unassigned fund balances percentage is right where the bond rating companies want. The Free Cash at \$3.1million puts the town in a very strong financial position. She pointed out the Enterprise funds on page 19 noting all are doing well. She noted page 22 details the private purpose trust funds, OPEB in the 3rd year, and agency funds. In conclusion, she reported the Town is in a very strong position with very good free cash percentages. She complimented all the Town of Medway staff who participated, as the audit went smoothly. Selectman Crowley asked if Medway is behind other towns in our OPEB funding. Ms. Reddington stated some towns are funding OPEB quicker than Medway. She noted there was no management letter and the only comment in the side letter related to the audit of federal programs. She reported Special Education was tested and policies and procedures need to be in place noting a draft was submitted to the School Committee and once they finalize this, this issue will go away next year. There was further discussion related to uncollected taxes and their impact. Finance Director Pratt noted that the tax title project will address this issue. Town Administrator Boynton stated this is also impacted by the Appellate Tax Board matter and will continue to be of impact until that matter is resolved. Selectman Crowley questioned why the sewer receivables at \$874,000 are so high. Mr. Boynton stated this is related to the sewer betterment issue. Ms. Pratt will investigate and report back to the Board. Selectman Crowley then asked for clarification regarding the multipurpose bond out to 2025 at 4%. Ms. Pratt will investigate this as well and report back to the Board. Selectman Crowley requested a brief overview of the Budget/GAAP Basis. Ms. Reddington explained what factors make up this line item. There was additional discussion on OPEB including the additional efforts required by the auditors. Town Administrator Boynton then explained the impact of the need to adopt Governmental Account Standards Board (GASBY) requirements as this impacts our ability to receive federal funding.

Town Administrator Boynton commended Finance Director Pratt, Treasurer Collector Russo and all the Town of Medway department heads in their efforts with the audit team. Ms. Pratt noted it was a true team effort.

**Approval: Contract with Clean Harbors Environmental Services, Inc. for Household Hazardous Waste Day – \$10,000**

*The Board reviewed the contract.*

**Selectman Trindade moved that the Board authorize the Chair to execute the contract with Clean Harbors Environmental Services, Inc. in an amount not to exceed \$10,000 for Household Hazardous Waste Day. Selectman Foresto seconded. No Discussion. Vote: 5-0-0**

**Discussion/Vote: May 21, 2018 Annual Town Meeting Warrants—Zoning Articles**

*The Board reviewed the (1) May 21, 2018 Annual Town Meeting Warrant- Zoning Articles 21 through 27, (2) Map of Alder Street, (3) Map of Pine Ridge Easements, and (4) Zoning Map.*

Present: Susy Affleck-Childs, Planning and Economic Development Board Coordinator

**Annual Town Meeting Warrant:**

**ARTICLE 21:** (Discontinue Public Way – Portion of Alder St)

Ms. Affleck-Childs reported this is related to the O'Brien & Sons planned facility noting the turnaround was used for the Fire Department but is no longer used. She stated it is a bit over 2000 square feet and they will reset the curbs and will utilize this area to complete their driveway entrance. Selectman Crowley asked why the Town didn't sell this to them. Ms. Affleck-Childs stated that it was of no value to the Town. Selectman Trindade asked if there would be any negative impact to the Town. Ms. Affleck-Childs stated there would be none.

**Selectman Trindade moved that the Board approve Article 21. Selectman Foresto seconded. No Discussion. Vote: 4-1-0. (Selectman Crowley opposed)**

**ARTICLE 22:** (Amend Zoning Bylaw: Registered Marijuana Dispensary)

Ms. Affleck-Childs reported this pertains to medical marijuana reminding all this was first adopted in May 2014 noting at the time the terminology was Registered Marijuana Dispensary. This specifically changes the terminology to Registered Medical Marijuana Facility. There was further discussion and clarification on the retail terminology noting under special permit from the Planning Board, a Retail Medical Marijuana Facility can exist in town only in those areas specified in the table associated with the by-law. A Retail Recreational Marijuana Facility that cultivates, grows and processes is allowed by special permit only in the East and West Industrial Zones. Town Administrator Boynton reminded all that a growing, cultivation, processing plant already exists in one location in town and what is proposed here will not restrict another facility from locating close to existing facility. The Board requested that Ms. Affleck-Childs and the Town Administrator confirm this with Town Counsel. The Board asked if a new host agreement would be required. Mr. Boynton stated the existing host agreement would suffice. Ms. Affleck-Childs reported the by-law is silent on existing medical going to recreational processing noting that by Massachusetts General Law these are not for profit enterprises. She reported the Planning Board's public hearing on these warrant articles is scheduled for April 24<sup>th</sup>. The Board decided not to vote on any of the zoning articles until after the public hearing and any potential changes are addressed.

**ARTICLE 23:** (Amend Zoning Bylaws: Definitions; Delete Temporary Moratorium)

Ms. Affleck-Childs reported this is the next step moving forward after the Special Town Meeting. These are a sister set of regulations applying to recreational marijuana very similar to the medical marijuana regulations. It removes the moratorium language currently in place.

**ARTICLE 24:** (Amend Zoning Bylaws: Site Plan Review)

Ms. Affleck-Childs reported there are further refinements in this by-law noting specifically adding an additional statement of purpose. She explained the three levels of site plan review; major, minor and administrative noting they are working well.

**ARTICLE 25: (Amend Zoning Map: District Boundaries)**

Ms. Affleck-Childs reported this article cleans up the boundary lines of districts and referred the Board to the zoning map noting the impacted areas. The changes from AR1 and split AR1/2 to AR2 impact seven property owners. She stated letters will be sent out tomorrow to these residents inviting them to the scheduled public hearing.

**ARTICLE 26: (Accept Easement: Pine Ridge Drive)**

Ms. Affleck-Childs reported this article pertains to the condo development off of Pine Ridge Drive and Candlewood. It includes an open space parcel and this grants easements on private roadways to the town to allow residents access to the open space. There is a parking area for three cars.

**Selectman Trindade moved that the Board approve Article 26. Selectman Foresto seconded. No Discussion. Vote: 5-0-0**

**ARTICLE 27: (Street Acceptance, Land Conveyance and Infrastructure Acceptance – Candlewood and Island Road Subdivisions)**

Ms. Affleck-Childs reported this article pertains to street and parcel acceptance of both Candlewood and Island Roads, specifically a drainage parcel and pathway between the two subdivisions. It was noted that the Department of Public Services has provided its acceptance of these areas. Selectman Crowley asked for verification that the outstanding bond has been exhausted. Town Administrator Boynton reported the developer has finished the project and the Town has been maintaining these areas without receiving the Chapter90 funds. He noted it was always the intent to accept these specified areas.

**Selectman Trindade moved that the Board approve Article 27. Selectman Foresto seconded. No Discussion. Vote: 5-0-0**

**Vote: Request to Increase Affordable Housing Unit Price at Millstone**

*The Board reviewed the following (1) Amendment to LIP Ownership Regulatory Agreement, (2) October 11, 2017 Letter from Affordable Housing Trust & Committee, (3) Excerpt from July 6, 2015 Selectmen's Meeting Minutes*

**Present: Steve Venincasa, Doug Havens**

Town Administrator Boynton reported the past discussions of alternatives related to this project was deemed not feasible reminding the Board that this increase was brought before the Board by Mr. Venincasa in the summer. Selectman White requested an explanation for the requested increase in price for these affordable units. Mr. Venincasa stated that although he could not come to an agreement with the property owners of 35 and 37 West Streets, he encourages the Town to continue to work with them in the future. Mr. Venincasa explained his initial lack of knowledge along with his reliance on a consultant working with the Department of Housing and Community Development (DHCD) relative to affordable unit pricing causing the need to request this increase. He stated the current selling price of \$174,700 is below the current DHCD approved rate of \$203,900 in Medway noting if he was starting this project today, that would be the affordable unit price. Selectman White noted the project is not starting today. Mr. Venincasa reminded the Board that this is a luxury condo development noting one possible reason to object to the pricing increase would be trouble selling these at the requested increased price.

He reported he would have no trouble selling these as affordable units at the \$203,900 noting that DHCD runs these numbers at mean income levels to determine the pricing. Ms. Affleck-Childs noted the original price per unit was \$170,000 during the initial Planning Board approval process. Mr. Havens reminded the Board the first price increase signed at the issuance of the permit was at \$174,700. Selectman Trindade asked if the DHCD allows discretion within communities to adjust pricing. There was further discussion about the increase of \$29,200 per unit netting an additional \$159,000 noting the point is to make these units affordable. Selectman White stated her desire to keep the pricing at \$174,700. Mr. Havens reminded the Board that last August the Affordable Housing Trust (AHT) and Committee voted unanimously to maintain the status of the agreement since the price was already raised. He noted that an increase in the annual median income (AMI) could be a reason to raise the price which would be applicable to Boston, Cambridge, Sudbury, and Sherborn who are all included in determining the AMI. He does not believe Medway has received a like increase in income. He reminded all this is a 55+ community with fixed assets of \$250,000 which has not changed since 2013 for those on fixed incomes. Mr. Havens further noted the AHT voted not to revisit this situation and to uphold the recommendation to stay at \$174,700.

Mr. Venincasa reminded all that the DHCD sets the number and the current \$203,500 is 50% of the market value of these units. He requested to be allowed to go with the \$203,500 price which would allow a more upscale, luxury condo noting the large delta between the amenities and the state allowed fee. It was noted that when the original agreement was signed, the Town by-law required 10% of the units to be affordable and today that is up to 20% which would translate from the original 8 to 16. Town Administrator Boynton noted the Board had 3 choices; (1) approve at the increased price, (2) reject the increase in price or (3) offer a different price. Selectman Crowley asked for a status on the marking and credited Mr. Venincasa's willingness to work with the Town specifically related to the planned walking trails for both town and condo residents. Mr. Venincasa reported marketing is on target and issues with approval from the energy company to build parking accessible to the planned walking path for town residents. There was further discussion regarding the status and issues related to these walking paths including approval by the Conservation Commission (ConCom) and the ability to provide easements to the Town allowing access for town residents. Selectman Crowley stated his consideration of the price increase would be dependent upon the approval of easements to the Town. He questioned since the condo association took over a portion of that area, who would have the authority to provide the easements to the Town. Selectman Trindade requested Mr. Venincasa report back confirming who has this authority noting that ConCom walked the trail with Jim Wieler. Ms. Affleck-Childs suggested requesting confirmation from DHCD that \$203,500 is the current affordable unit pricing. Mr. Venincasa stated he will contact Town Administrator Boynton regarding the easements and pricing and would be available to the Board at their May 7<sup>th</sup> meeting. Mr. Boynton stated he is not sure if negotiation of pricing is allowed legally other than what is stated by the DHCD.

#### **Discussion: Veterans Only Parking**

*The Board reviewed the (1) October 15, 2017 MetroWest Daily News Article titled "Ashland unveils veteran-only parking signs" and (2) Sample Veterans Only Parking Sign*

Town Administrator Boynton reported this agenda item will be moved to a future date as his office is organizing the group who presented this topic to the Town of Ashland to come before the Board. Selectman Foresto asked how this would be managed. This agenda item was not addressed further at the meeting.

#### **Consideration/Vote: Town Administrator Vacation Carryover**

*The Board reviewed the March 20, 2018 e-mail request from Town Administrator Boynton.*

**Selectman Foresto moved that the Board vote to authorize the Town Administrator to carry over up to 40 hours of vacation time to be utilized no later than August 31, 2018. Selectman D’Innocenzo seconded.** Discussion: Selectman Foresto asked if this has any budgetary impact. Mr. Boynton confirmed it does not. **Vote: 5-0-0**

#### **Special Event Permit Applications**

*The Board reviewed the (1) Special Event Permit Applications for the Medway Youth Baseball Parade, Rooney’s Train Run, Bikes Not Bombs Bike-A-Thon, and Ride for Food Bike-A-Thon and (2) the Police Chiefs Recommendations.*

**Selectman Foresto moved that the Board approve the Special Event Permit Applications for the Medway Youth Baseball Parade, Rooney’s Trail Run, Bikes Not Bombs Bike-A-Thon and Ride for Food Bike-A-Thon to be held on April 22<sup>nd</sup>, June 10<sup>th</sup>, and September 23<sup>rd</sup> respectively subject to Police Chief’s recommendation and proof of appropriate insurance coverage. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.**

#### **One-day liquor License Applications**

*The Board reviewed the Police Chief’s recommendations for Jennifer Fitzgerald, Medway Foundation for Education, Laurie Insel, Jean Gilman, Jane Regan and Linda DiFonzo.*

**Selectman Trindade moved that the Board approve the one-day liquor licenses for Jennifer Fitzgerald, Medway Foundation for Education, Laurie Insel, Jean Gilman, Jane Regan and Linda DiFonzo for the events to be held at the Thayer Homestead on April 21<sup>st</sup>, May 5<sup>th</sup>, June 1<sup>st</sup>, 3<sup>rd</sup>, 8<sup>th</sup> and 9<sup>th</sup>, 2018 respectively, subject to the Police Chief’s recommendations and proof of appropriate insurance coverage. Selectman Crowley seconded. No Discussion. VOTE: 5-0-0.**

#### **Action Items from Previous Meeting**

*The Board reviewed the Action Item List dated March 5, 2018.*

Street Acceptance Progress: Selectman Crowley requested a status update from Ms. Affleck-Childs.

Route 109 Project: Town Administrator Boynton stated he will address this during his report.

Unaccounted for Water Loss Report: Town Administrator Boynton stated the report will be available to the Board in the next couple of weeks as Deputy Director Smith is actively completing the report.

#### **Town Administrator’s Report**

Route 109 Project: Mr. Boynton reported the project resumed today noting Columbia gas will be lowering their lines from Gould’s Plaza to Holliston Street over the next couple of weeks. He reported he met with the Massachusetts Department of Transportation (MassDOT) noting at the end of this construction season just the final paving, planting and final punch list will be addressed. He reported the Holliston Street intersection will be not begin until school is out. Due to the intersection work planned, traffic control will be a challenge. Selectman Crowley stated we should expect the possibility of detours. Mr. Boynton noted the project is over budget on police details and Mr. D’Amico is reaching

out to ensure the Town is not held liable for these overages noting MassDOT underestimated this budget line item.

Parks Improvements Projects: Town Administrator Boynton reported we are waiting for start dates from both Mountain View and Argus due to the weather as they want to avoid muddy conditions. He reiterated we would like to do a groundbreaking ceremony at Choate. The Board reiterated their request for this to be on a Saturday so Selectman D’Innocenzo will be able to attend.

Curbside Brush Collection – This Week (and Recycling Center Option): Mr. Boynton reported DPS is following the sanding route for the brush pickup starting with zone one noting this route is also posted on the Town of Medway website. He stated once they pass through a street, they will not return as street sweeping and field maintenance must immediately commence. They hope to finish by Friday but will continue until all areas are addressed. He also noted that the Town will not be charging nor requiring a sticker for brush drop off at the recycling center.

Legal Proceedings – Gray Squirrel Road – ConCom v Neves: Mr. Boynton reported the Conservation Agent and Town Counsel will be appearing in superior court this week for contempt proceedings.

Fire Code Enforcement Update – Apartment Buildings w/ Greater Than 6 Units: Mr. Boynton requested the Board read the letter attached to his update. He noted the State Fire Marshall cites the state building code requiring working fire alarm systems not just smoke detectors in corridors for apartments with greater than six units. He reported they will no longer be grandfathered. Chief Lynch will be following up on this new law with those buildings impacted.

Property Closings – Main & Crooks Streets – Wednesday Morning: Mr. Boynton reported the closing on both OR Crooks Street and 158 Main Street are scheduled for this Wednesday.

DPS Building Committee Consultant Interviews – April 9: Mr. Boynton reported the three final candidates will be interviewed next Monday, April 9<sup>th</sup>.

School Safety Forum – Wednesday 6:30pm – Middle School Auditorium: Mr. Boynton reported there has been a lot of discussion on school safety and the Superintendent has assigned a team on this issue and will be hosting a forum this Wednesday. The Board requested that this be placed on the Town of Medway’s Facebook page and website.

Patriots Day Holiday – April 16<sup>th</sup> – Town Offices Closed: Mr. Boynton reminded all that Town offices will be closed on the Patriots day holiday.

Town Administrator Out of Office – Thursday and Friday, April 12<sup>th</sup> & 13<sup>th</sup>

### **Selectmen’s Reports**

Selectman Foresto announced that 2018 Clean Sweep is scheduled for April 28<sup>th</sup> from 8-11am. Selectman Trindade, Foresto and White will be participating.

Selectman Crowley reported the Medway High School play was outstanding. High School Hockey Coach Chris Ross was voted coach of the year by the southwest coach association. He also wanted to



compliment the police traffic enforcement as he was stopped for speeding today on Holliston Street and the officer was very professional in his demeanor.

Selectman White stated the Emergency Preparedness Tabletop Exercise was very interesting and well worth doing suggesting this be a yearly exercise. The scenario was a tornado through town and addressed how this impacts all departments. She was very impressed with the immediate action by all. Town Administrator encouraged participation by all departments including regional partners as well. He also reported a joint training exercise involving an active shooter is planned during school vacation break along with field training for active shooting scenarios.

**At 9:10 PM 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