

**Board of Selectmen's Meeting
February 20, 2018 -- 7:00 PM
Sanford Hall, Town Hall
155 Village Street**

Present: Maryjane White, Chair; Richard D'Innocenzo, Vice Chair (at 7:04pm); John Foresto, Member; Glenn Trindade; Member.

Absent: Dennis Crowley, Clerk.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Chief Lynch.

Others Present: Community Preservation Committee: Mark Cerel, Chair; Jim Wieler, Citizen at Large; Paul Mahoney, Chair, Parks Commission; Tina Wright, Chair, Open Space Committee; Ellen Hillery, Finance Committee Liaison; Shirley Bliss, Night Board Secretary.

At 7:02 PM Selectman White called the meeting to order and led the Pledge of Allegiance.

Public Comments: None

Approval of Minutes: February 5, 2018

The Board reviewed the draft minutes of February 5, 2018.

Selectman Trindade moved that the Board approve the minutes for February 5, 2018. Selectman Foresto seconded. No Discussion. VOTE: 3-0-0.

Appointment Consideration – Zoning Board of Appeals (ZBA) Associate Member – Christina Oster

The Board reviewed (1) E-mail noting ZBA Approval of appointment and candidate's statement of interest and (2) Candidate's Resume

Present: Christina Oster

Ms. Oster reviewed her background at the request of Selectman White. Ms. Oster is a fourteen year resident of Medway with two children in Medway schools. She is a board member of the Medway Extended Day School Program and a member of the Board of Framingham State University College School of Business. She is employed at TJX in Framingham.

Selectman Trindade explained that although this is not a voting member position, it allows for the member to become knowledgeable about the functions and requirements of this Board. The Board thanked Ms. Oster for her interest and time commitment to this position.

Selectman Foresto moved that the Board appoint Ms. Oster as an associate member to the Zoning Board of Appeals for a three year term. Selectman Trindade seconded. No Discussion. VOTE: 3-0-0.

Authorization to Expend Grant Funds – Commcan, Inc. Host Community Agreement for Library, School, Human Resource/DPS and Town Administrative Municipal Programs - \$55,000

The Board reviewed (1) Notice of Grant Award/Expenditure Authorization Form, and (2) Commcan, Inc. Community Host Agreement

Town Administrator Boynton explained this is part of the Host Community Agreement. This \$55,000 is broken out as noted on the grant award form to the Library, Schools, Human Resources/Department of Public Services and Town Administrator's office for purposes which include youth programs, substance abuse prevention, drug testing and general municipal purposes. The departments identified as funding recipients will be responsible for expenditure of these funds. Mr. Boynton noted that allocated funds are not obligated to be spent on an annual basis.

Selectman Trindade moved that the Board authorize the expenditure of Commcan, Inc. Host Community Agreement funds in the amount of \$55,000 as presented. Seconded by Selectman D'Innocenzo. Discussion: Selectman Foresto asked who decides what to spend and when for the general municipal amount of \$25,000 and if it stays available and or falls to free cash. Mr. Boynton confirmed these funds remain available for use not falling to free cash. He stated he would like to have the funds available if the Board identifies a priority project. **VOTE: 4-0-0.**

Authorization to Expend Grant Funds – 2018 S.A.F.E. Grant for School and Senior Educational Programs and Smoke and Carbon Monoxide Detectors for Seniors - \$6,123

The Board reviewed (1) Notice of Grant Award/Expenditure Authorization Form, and (2) January 9, 2018 Letter to Chief Lynch

Present: Chief Lynch

Chief Lynch reported this is the second year this grant has been successfully secured thanks to call Firefighter Lisa Thompson's efforts. The educational programs are executed by Firefighter Thompson and Captain Tom Irwin. Selectman White asked how the seniors are made aware of these programs. Chief Lynch reported through the Senior Center and the *Milford Daily News*.

Selectman Foresto moved that the Board authorize the expenditure of 2018 S.A.F.E. Grant funds in the amount of \$6,123 as presented. Seconded by Selectman Trindade. No Discussion. **VOTE: 4-0-0.**

Discussion – Community Preservation Committee Recommendations for Permanent Restrictions on Land Acquired with Community Preservation Act Funds and Required Management

The Board Reviewed (1) Memorandum dated January 11, 2018 from Mark Cerel, Chair CPC

Present: Community Preservation Committee (CPC): Mark Cerel, Chair; Jim Wieler, Citizen at Large

Mr. Cerel reviewed the January discussions of various land parcels acquired with Community Preservation Act (CPA) funds that require a permanent land use restriction. He specifically referenced the January 11, 2018 memo provided to the Board for review detailing the CPC voted recommendations on these parcels. Following discussion with Town Administrator Boynton and at the February 5th CPC meeting, Mr. Cerel would like to discuss the suggestion to create a local land trust to fulfill this requirement. Mr. Wieler, president of the Upper Charles Land Trust (UCLT) and CPC member, was at the February 5th CPC meeting and planned to discuss having the UCLT work with the Town to manage these properties at a reduced fee. Part of the cost for the UCLT to manage it would be the liability, but it

would potentially provide the Town with more flexibility with the annual filing costs if handled by the UCLT. Mr. Cerel noted the liability issue is pretty thin as these parcels are utilized without fees and fall under the recreational use statute. The only issue would be enforcement related to any issues with abutters. Mr. Cerel referred the Board to the memo that detailed the impacted properties.

Selectman Foresto asked if there is a cost associated with this recommendation. Mr. Cerel stated the costs would be for the legal work to put the restrictions on these parcels. Mr. Cerel explained that the State Legislature was not satisfied that Article 97 provided enough protection for open space parcels hence the need to put permanent restrictions on these properties. The State was concerned towns would purchase large parcels of open space and then, if needed, use them to build on, for example a new school. He stated options to address this would be to set up an independent land trust within the community or utilize a trust already in existence; for example the UCLT.

Mr. Boynton noted the challenge is the UCLT's annual charges when the Town would be providing the maintenance, stating there are many positive aspects to this recommendation including it would not require a large outlay of town funds.

Mr. Wieler noted that Paul Atwood, a UCLT member, was also present at this meeting. Mr. Wieler stated he has a call into the Massachusetts Land Trust Coalition and reported he has a Conservation Restriction template for the Town's use. Mr. Wieler noted there is some level of risk related to any future suits and the UCLT's limited means to address them. However, looking at the properties and their uses, it is remote that this would occur. Mr. Wieler stated the UCLT's Executive Director provided a list of initial start-up recommendations for land trusts, annual requirements, and what the Upper Charles would do if it held the Conservation Restrictions. He stated if we can find a way around liability, he would need to recuse himself from any votes on this matter since he serves as President. There was further discussion regarding the possibility and pros and cons of indemnification to resolve the liability issue. Mr. Cerel reiterated that the potential liability is very thin based on the kinds of activities occurring on these parcels therefore the enforcement requirements would be very unlikely. He stated it would be strictly legal liability based on property rights.

Selectman Trindade asked again about the associated costs. Mr. Wieler stated that each property would require surveying, specifically a walk through, anticipating this would be a relatively small fee. The set-up cost is size dependent anticipating this one-time set-up cost would not be a great amount.

Town Administrator Boynton stated he will work with Mr. Cerel and Mr. Wieler to present cost numbers and options to the Board. Selectman Foresto asked if there was a specific timeframe requirement. Mr. Cerel stated Fall Town Meeting and noted that Town Counsel has been including specific language in the authorizations in the more recent Town meeting articles related to these acquisitions, but the older ones need to be addressed.

Vote – Acceptance of Open Space Parcel at the Pine Ridge Condominium Development

The Board reviewed (1) Quitclaim Deed (2) Memo dated February 14, 2018 from Bridget Graziano Re: Conservation Commission vote and (3) 2 Village Street Final Site Plan

Selectman Trindade asked if this parcel would be managed by the Conservation Commission and, if so, asked if it could be changed to the Parks Commission or Board of Selectmen. He noted the difficulty encountered with the Conservation Commission for access and use of other open space parcels, specifically noting the access to the Community Farm via Idlebrook issue of seventeen feet. Town

Administrator Boynton stated open space management by the Conservation Commission was put into the Town by-Laws for this purpose and it would depend on the specific purpose of the open space. Selectman Foresto asked if this was not the role of the Conservation Commission. Mr. Boynton noted this discussion is worth having but specific to this parcel, there is no better department to manage this space than the Conservation Commission. Selectman Foresto asked if the Board must act on this tonight and who would make the call as to how the Board moves forward on this issue. Mr. Boynton stated the Board's action is needed to close the books on this project, but no action must be taken at this meeting. Mr. Boynton will acquire the actual vote from the Planning Board to determine if this was specifically voted to go to the Conservation Commission.

Vote – March 19, 2018 Special Town Meeting Warrant Recommendations

The Board reviewed the March 19, 2018 Special Town Meeting Warrant.

Article 1:

Selectman Trindade moved that the Board approve Article 1. Selectman D'Innocenzo seconded. No Discussion: VOTE: 4-0-0.

Article 2:

Selectman Foresto moved that the Board approve Article 2. Selectman Trindade seconded. No Discussion: VOTE: 4-0-0.

Article 3:

Selectman White noted this is only applicable if the ballot passes in the March Special Election.

Selectman Foresto moved that the Board approve Article 3. Selectman Trindade seconded. No Discussion: VOTE: 4-0-0.

Article 4:

Selectman Foresto moved that the Board approve Article 4. Selectman Trindade seconded. No Discussion: VOTE: 4-0-0.

Discussion – Millstone Affordable Housing Requirements Modification

There were no materials for the Board to review.

This agenda item was not discussed at this meeting.

One-Day Liquor License Requests:

The Board reviewed the Police Chiefs Recommendations for Medway High School Lacrosse Boosters Robin Bevilacqua, Tim Rice, Loretta Arnaudo, Lisa Johnson, Kailene Simon/Lauren Hofer, Carl Rice/Team Rice Remax, Kayla Hilditch, Kate Scarlata and Jessica Bevilacqua for the events to be held at the Thayer Homestead on March 23rd, 31st, April 7th, 14th, 20th, 21st, 22nd, 29th, May 12th and 13th, 2018.

Selectman Foresto moved that the Board approve the one-day liquor licenses for Medway High School Lacrosse Boosters, Robin Bevilacqua, Tim Rice, Loretta Arnaudo, Kailene Simon/Lauren Hofer, Carl

Rice/Team Rice Remax, Kayla Hilditch, Kate Scarlata and Jessica Bevilacqua for the events to be held at the Thayer Homestead on March 23rd, 31st, April 7th, 14th, 20th, 21st, 22nd, 29th, May 12th and 13th, 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 28, 2017.

Comcast Cable License Renewal (license expiration 7/13/18): Selectman Foresto stated Comcast is waiting on an information package from the Treasurer of Medway Cable Access reporting funds usage. This is the same tack they took during the last renewal.

DPS Facility Building Project: Mr. Boynton reported that the potential designers took a tour on February 14th of the current facility and planned site for the new facility.

Unaccounted for Water Loss Status Report: Mr. Boynton will obtain this report from Mr. D'Amico.

Centralized v Individual Well Water Treatment Options: Mr. Boynton reported the Water & Sewer Commission has been actively touring all well locations along with other potential well sites. The borrowing for Brentwood, Holliston, and Lovering infrastructure work is in process. This is a chicken and egg issue as to which takes priority, capacity versus quality. A Town Meeting article will be required for design funds to look at current and potential well sites. The quality/water treatment aspect is not on the back burner and will require \$12-15 million to address.

Town Administrator's Report:

Household Hazardous Waste Day – May 19 – DPS Facility Broad Street: Mr. Boynton reported that Director D'Amico changed the location to the DPS facility in an effort to save money and have a better configuration. If items can be placed at the recycling center versus in the Clean Harbor containers, this could save money. The financial impact will be assessed to determine if this location will remain moving forward.

Communications Director Selected – Matthew Fitzgerald: Mr. Boynton reported the new Director of Communications, Matthew Fitzgerald, is scheduled to start next Monday, February 26th. Selectman Trindade requested that his resume be circulated to the Board.

Snow & Ice Spending Update – FY'2018 - \$351,487 to Date: Mr. Boynton reported the expenditure to date of the total \$450,000 authorized funds noting two storms reported to occur within the next week.

Budget Meeting – This Saturday: Mr. Boynton reminded the Board about the Budget Workshop at 8:30am in Sanford Hall this Saturday, February 24th.

Town Administrator Out of Office: Mr. Boynton reported he has no time out of the office planned as of this date.

Selectmen's Reports:

Selectman White reminded all of the Special Election on March 6th at the Middle School from 7am-8pm to vote on the marijuana question stating a yes vote on the ballot means not allowing recreational

marijuana businesses and a no vote means allowing recreational marijuana businesses. Absentee ballots are available and residents may also come to the Town Clerk's office to vote. She also reported Election papers are available for the May Town election until March 23rd, papers must be returned by March 27th and fifty signatures needed for a name to be placed on the ballot.

7:51 PM Selectman Foresto moved to adjourn. Selectman Trindade seconded. VOTE: 4-0-0

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