

**Board of Selectmen's Meeting  
March 2, 2020 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Absent:** Maryjane White, Member.

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Barbara Saint Andre, Director, Community and Economic Development; Susy Affleck-Childs, Planning and Economic Development Board Coordinator; Carol Pratt, Finance Director; Dave D'Amico, Director, Department of Public Works (DPW); Pete Pelletier, Deputy Director, DPW; Sandy Johnston, Communications Director.

**Others Present:** Planning and Economic Development Board (PEDB): Andy Rodenhiser, Chair; Robert Tucker, Vice-Chair, Tom Gay, Clerk; Richard Di Iulio, Associate Member.

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

**Public Comments:** None

**Appointment Consideration: Planning and Economic Development Board (PEDB) – Associate Member – Jessica Chabot**

*The Board reviewed the (1) memo dated February 26, 2020 from Susy Affleck-Childs, (2) appointment of PEDB associate zoning by-law explanation, (3) e-mail of interest dated February 6, 2020 from Jessica Chabot, and (4) Jessica Chabot's resume.*

Ms. Chabot of 4 Milford Street introduced herself and reviewed her background and interest in serving on the PEDB. She stated she has been on the Design Review Committee (DRC) for the past four years along with chairing the Oak Grove Zoning Taskforce and would like to expand her volunteering efforts. Selectman Trindade noted that she is good at articulating the Town's position and dealing very respectfully with angry residents. Selectman Crowley asked if she was planning to stay on the DRC. She confirmed. Mr. Rodenhiser stated he has enjoyed working with Jessica noting at a previous PEDB meeting, all were in favor of her appointment to the PEDB. The PEDB then voted and seconded her appointment. Selectman Crowley asked if she can sit in with full member privileges if someone is not available. Mr. Rodenhiser explained that can she sit in if someone is not available and can vote under certain circumstances. Ms. Affleck-Childs explained that Ms. Chabot can participate but cannot vote unless a specific set of situations exist that would allow her to vote.

**Selectman Crowley moved that the Board appoint Jessica Chabot as an associate member of the Planning and Economic Development Board for a two-year term. Selectman Trindade seconded. No Discussion. VOTE: 4-0-0.**

**Approval of Minutes**

*The Board reviewed the draft minutes of February 18, 2020.*

Selectman Trindade moved that the Board approve the minutes of February 18, 2020. Selectman D’Innocenzo seconded. No Discussion. VOTE: 3-0-1. (Selectman Crowley abstained as he was not present at the meeting.)

**Approval: Contract with CJP and Sons Construction Company, Inc. for Road Repair – Not to Exceed \$200,000**

*The Board reviewed the (1) memo dated March 2, 2019 from Dave D’Amico, (2) bid summary, and (3) contract.*

Mr. D’Amico stated CJP has been doing business with the Town in the past, they work on smaller projects, and they were the lowest bidder.

**Selectman D’Innocenzo moved that the Board authorize the chair to execute the contract with CJP and Sons Construction Company, Inc. for road repair in an amount not to exceed \$200,000 annually as presented. Selectman Trindade seconded.** Discussion: Selectman Foresto asked how they are held accountable for completing the work based on the matrix. Mr. D’Amico stated because they submitted unit pricing. He stated the matrix was utilized for bid comparison as they must be very specific with the unit pricing for comparison of all the bid submissions. He stated they will group the work for efficient use of the contractor. Selectman D’Innocenzo asked why the bids vary so greatly. Mr. D’Amico stated this company has the one advantage of working with us before noting that they are based in Millis. He believes the large gaps in bids is based on how busy some of these contractor are. Selectman Crowley noted that this states work must be completed in twenty days and asked about the cost impact if it goes beyond those twenty days. Mr. D’Amico stated the bid pricing will hold. Selectman Crowley asked who had the contract last year and what has been the expenditure to date. Mr. D’Amico stated this company did and did not have the spending to date available at this time. Ms. Pratt will provide this to the Board. **VOTE: 4-0-0.**

**Discussion: Roadway Rehabilitation Program**

*The Board reviewed the (1) memo dated 24, 2019 from Dave D’Amico, and (2) the road rehabilitation plan.*

Mr. D’Amico explained that this document includes a summary of expenses detailing what was done and spent last year, leftover funds from last year, and additional funding received. He is anticipating total available funding of \$4.1 million and has developed a road plan of which roads will be addressed. There are additional projects outside of this including culvert work, Lovering Heights sidewalks, etc. listed on the final spreadsheet. Selectmen Trindade asked for validation that those streets listed under calendar year 2020 are all we are doing this year. Mr. D’Amico confirmed along with the other projects listed on the third sheet spreadsheet provided. Town Administrator Boynton stated the prioritization was based on those roads that have the most immediate need noting that some on the list are related to the water project. He noted that there is no way we will be doing the amount of work currently listed in calendar year 2021 year which is year four of the plan. He stated we will need to discuss how we will be funding those projects. He further noted that this is a fluid plan beyond this year due to the final implementation dates of the water projects along with yearly adjustments needed to address weather impact on streets. He stated this is a very aggressive plan. Mr. D’Amico stated that certain roads that currently have sidewalks on both sides will be reduced to a sidewalk on one side of the road only. Selectman Crowley noted that the original decision and plan was to do sidewalks on both sides so that should free up revenue and this plan should be adjusted to reflect this. Selectman Foresto asked for the rationale to have roads not considered poor done in 2021 and those that are considered poor for 2022.

Mr. D'Amico stated it is to keep the projects in the same area to minimize mobilization and demobilization by the contractor which is very inefficient and increases costs.

Selectman Crowley requested a status on the bids for the Brentwood project. Mr. Pelletier stated they hope to get those out next week. Selectman Crowley asked what caused the delay. Mr. Pelletier answered it was largely due to the need to add Wellington Street to the project, as well as addressing the State Revolving Funds (SRF) component of the procurement. Selectman Crowley was concerned that the bond was issued, preventing the project change to include Wellington Street. Town Administrator Boynton stated the bond has not been issued. The request to borrow for the project is in this upcoming Town Meeting warrant. Selectman Crowley requested details about the Village Street repairs. Mr. D'Amico stated the Village Street transmission line work was completed resulting in that area requiring road work. There was further discussion on the Walker Street to Millis line project including the change in project plan. Mr. D'Amico then explained the work plan for the Brentwood project. There was further discussion about the \$450,000 leftover Chapter 90 funds which was moved to the following year and increased to \$495,000 as we received additional Chapter 90 funding. Selectman Crowley asked why the Walker Street bridge project came in over budget. Mr. Pelletier stated it was due to additional sidewalk and decking work that was found during the project that needed to be addressed. Selectman Crowley stated that the Board should have been made aware of this. He noted that we received a grant for \$40,000 for the West Street design and asked who is paying for the sidewalks once the project is completed. Town Administrator Boynton stated the plan is to apply for further State grant funds. There was further discussion about the West Street project plan. Selectman Foresto noted his concern about the costs of the actual project based on the \$40,000 cost for project design. Selectman Crowley asked who put the project budget together. Mr. D'Amico stated the engineers. Town Administrator Boynton noted that this road and sidewalk plan is a moving target as when we first started planning two years ago, the intent was to keep the expenditures at \$2million per year however with the drop in Chapter 90 funds and changing road conditions, mostly caused by winter conditions, the plan continues to be fluid. He appreciated the feedback by the Board. Selectman Crowley requested that the Board be kept updated on any changes so they can appropriately address resident concerns. He voiced his concern about the condition of Coffee Street.

**Discussion/Vote Recommendations: May 11, 2020 Special and Annual Town Meeting Warrants (Excluding Planning Board and Zoning Articles)**

*The Board reviewed May 11, 2020 Special and Annual Town Meeting Warrants.*

**Special Town Meeting Warrant**

ARTICLE 1: (Free Cash Transfer: Snow and Ice Deficit)

Town Administrator Boynton stated that we do not have a dollar value for this yet and anticipates a change based on the potential storm the end of this week.

ARTICLE 2: (Prior Year Bills)

Town Administrator Boynton stated we do not have a dollar value for this yet; there are currently no known outstanding bills.

ARTICLE 3: (Transfer to Ambulance Receipts Reserved Account)

Town Administrator Boynton stated this ends the enterprise fund piece and is a housekeeping item. Selectman Foresto asked for the reason that we are keeping the old ambulance since we bought a new ambulance. Town Administrator Boynton stated we have two Advanced Life Support fully stocked ambulances and will keep the third as a back-up. He explained the expected lifetime for an ambulance of four to five years in front line use, three to four years as back-up use, and then one year as a mechanical back-up. He noted that we are very busy and can support these uses. The plan is to purchase an ambulance from the ambulance fund every four to five years.

ARTICLE 4: (Repurpose Monetary Article – Police Dept)

Town Administrator Boynton stated we are still evaluating the need to do this. We may need to use these funds on radio equipment as the current software being used will no longer be supported.

Annual Town Meeting Warrant:

ARTICLE 1: (Debt Stabilization Fund Transfer)

Town Administrator Boynton stated this is the Exelon money.

ARTICLE 2: (Appropriation: FY21 Operating Budget)

Town Administrator Boynton stated this is the annual operation budget to be reviewed at Saturday's budget meeting.

ARTICLE 3: (Appropriation: FY21 Water Enterprise Fund))

Town Administrator Boynton stated that we may be able to lessen the impact on water rates but he is not anticipating a significant change. He reported we are not selling as much water. Ms. Pratt will provide the Board with information about the feathering of rates and the Board will need to decide how much they want to feather. It was noted that there is a 5.5 to 6% increase in construction costs per year if a water project is postponed.

ARTICLE 4: (Appropriation: FY21 Sewer Enterprise Fund)

Town Administrator Boynton stated the anticipated rate increase is 11% with the same issue as water rates that was previously discussed.

ARTICLE 5: (Appropriation: FY21 Solid Waste Enterprise Fund)

Town Administrator Boynton stated there are no substantial changes anticipated.

ARTICLE 6: (Free Cash Appropriation: Capital and Other Items)

Town Administrator Boynton stated this was already presented to the Board at a prior meeting by the Capital Improvement Planning Committee. Selectman Foresto asked why the Chromebooks for the schools are listed under Information Services and not the School Department budget. Town Administrator Boynton stated because Mr. Boucher submits the capital requests.

ARTICLE 7: (Raise & Appropriate: Roads & Sidewalks)

Town Administrator Boynton stated this is for the previously discussed road and sidewalk plan.

ARTICLE 8: (Free Cash Appropriation: Zoning Consulting Services)

Town Administrator Boynton stated this is to change to the central business district zoning at the request of the PEDB. Selectman Foresto asked if the PEDB has access their own funds that they can spend outside of this appropriation. Town Administrator Boynton stated the funds they take in they pay out.

ARTICLE 9: (Borrowing – Water Enterprise – Brentwood Water Project)

Town Administrator Boynton stated we are waiting on bid results for the specific amount. We anticipated \$5.6 million for construction costs but the engineer stated they expect the costs to be higher.

ARTICLE 10: (Transfer – Ambulance Receipts Reserved for New Ambulance)

Town Administrator Boynton explained this is the counterpart to the Special Town Meeting warrant article previously discussed. Selectman Crowley asked where the funds that come out are placed. Ms. Pratt stated the general fund. Town Administrator Boynton explained the flow of funds for these receipts noting that only Town Meeting can appropriate funds out of this account. Selectman Crowley asked what this account is named. Ms. Pratt stated Receipts Reserved for Appropriation is the name of account.

ARTICLE 11: (Design – Parks and Fields Improvement Projects)

Town Administrator Boynton stated this is for the design only and he anticipates \$80,000 as a free cash transfer. Selectman Foresto asked if there will be any Community Preservation Act funding for these projects. Town Administrator Boynton stated that the Community Preservation Committee is not interested in funding these projects.

ARTICLE 12: (General Stabilization Appropriation)

Town Administrator Boynton stated this is the continued commitment to funding this account.

ARTICLE 13: (Appropriation: OPEB Trust)

Town Administrator Boynton stated there is no change from prior years.

ARTICLE 14: (Appropriation: Medway Day)

Town Administrator Boynton stated there is no change to this. Selectman Foresto stated this is not enough funding as only \$850 is left over in the account. He suggested the Board consider increasing the amount to \$15,000.

ARTICLE 15: (Appropriation: Community Preservation Committee)

Town Administrator Boynton stated this is the annual shoring up of Community Preservation Act monies.

ARTICLE 16: (Revolving Funds –Authorize FY21 Spending Limits)

Ms. Pratt explained the need to increase the funding limits because we are spending more and reviewed those specific funds that were increased. Selectman Trindade requested a report from Ms. Harrington regarding participation statistics for Parks programming. Selectman Foresto noted that these are all new programs and both residents and Ms. Harrington are working out what works and what does not. Selectman Trindade requested a report in May.

ARTICLE 17: (Purchase Real Property – 13 and 15R Populatic St)

Town Administrator Boynton stated there is no agreement yet, but this has been put in as a placeholder noting this will protect the existing well site. It was noted any further discussion on this topic would need to occur in executive session.

ARTICLE 18: (Accept MGL Ch. 138, Sec. 33B – Sunday Morning Alcohol Sales by On-Premise Licensees)

Town Administrator Boynton stated this was at the request of Restaurant 45 as discussed at a prior Selectmen’s meeting. Selectman Crowley stated the wording makes it sound like it is only allowed from 10am-12pm. Town Administrator Boynton stated this is the timeframe associated with this specific State law.

ARTICLE 19: (Amend General Bylaws – Article XII, Penal Laws, and XX, Noncriminal Disposition)

Ms. Saint Andre stated in the process of reviewing the general by-law, it was noted there is inconsistency in the charging of penalties and enforcements. They would like to increase some of the penalties and balance these with warnings. The specific change for swimming pools is to make it consistent with the State law at four feet.

ARTICLE 20: (Amend General Bylaws – Stormwater)

Town Administrator Boynton stated this is a placeholder article.

ARTICLE 21: (Amend General Bylaws – Placeholder for Bylaw Review Com.)

Town Administrator Boynton stated this is a placeholder article.

**Consideration of Public Event Permit: Open Space Committee/Medway Trail Club – Winterfire – 3/15/2020**

*The Board reviewed the (1) public event application, (2) comments by Fire Chief Lynch, (3) approval by Police Chief Tingley, and (4) approval by Health Agent Hallal.*

**Selectman Trindade moved that the Board approve the public event application as presented subject to the Police Chief’s recommendation and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded. Discussion.** Selectman Foresto noted that since the Open Space Committee is co-sponsoring the event, the insurance is covered through the Town. It was confirmed that the Fire Chief is aware of this event and the need for a burning permit. **VOTE: 4-0-0.**

**One-day Liquor License Applications**

*The Board reviewed the Police Chief's recommendations for Matthew Keras, Katie Ambrosini, Tracey Twamley, Andrew Gallo, Mary Aronson, and Jamie Van Buren.*

**Selectman Trindade moved that the Board approve the one-day liquor licenses as presented subject to the Police Chief's recommendation 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 dated February 18, 2020.*

Unaccounted for water loss status report: Selectman Crowley asked why this was not presented at tonight's meeting. Town Administrator Boynton stated due to new Department of Environmental Protection reporting requirements. Selectman Crowley requested this be moved to the second meeting in April.

Medway Plaza Redevelopment: Town Administrator Boynton stated this is now in the purview of the PEDB.

Name of Board of Selectmen: Selectman Foresto asked the time frame needed in order to get this on the May ballot. Ms. Potter will determine the date. Selectman Crowley noted that we need three names from Board.

Report on Sewer Capacity from CRPCD: Selectman Crowley asked when the Board will be receiving this information. Town Administrator Boynton stated he will e-mail that to the Board.

#### **Town Administrator's Report**

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

Charles River Pollution Control District (CRPCD) Flows & Capacity: Town Administrator Boynton reported that he met with Doug Downing and the administration of the CRPCD. The current flow and approved projects were discussed. We are currently still below capacity but with our additional projects will reach capacity. Using average flow, our current flow rate is still at 900,000 gallons per day. The upcoming projects will add 45,000 additional gallons per day so we will be at our capacity at 945,000 gallons per day. There was discussion about the water treatment plant and the need to either discharge or remove what is left following water treatment. Town Administrator Boynton noted that following discussion with the Town of Franklin, they were not willing to change the formula to provide Medway with increased capacity nor allow Medway to purchase additional capacity from them. He noted that, as a district, we need to determine what needs to occur to increase the flow at the plant. He further noted that we have a by-law that prohibits sewer extensions and we need to determine what legal authority the CRPCD has to say yes or no to these extensions. He stated there is sufficient capacity built into the plant as they are running at 80% capacity. Selectman Foresto stated that these are all short term solutions. Town Administrator Boynton also noted that we are spending a lot of time to put together a development plan for Oak Grove which will further impact capacity noting negotiating with neighboring towns will not solve our issues. There was further discussion about the agreement between Franklin and Medway noting that Franklin would save money if they go to 200 gallons versus the current 300 gallons in the contract. Mr. Boynton reiterated that the issue of plant expansion is for the CRPCD. Selectman Crowley noted that the Zoning Board of Appeals gave Timbercrest eighteen years to complete their build out which ties up their anticipated sewer usage for that period of time.

Snow & Ice Update: Town Administrator Boynton directed the Board to the latest snow and ice document provided and to contact him with any questions.

Budget Meeting – Saturday 8:30am: Town Administrator Boynton reminded all of the budget meeting scheduled for this Saturday.

Town Administrator Out of the Office:

- Nothing Scheduled

NEXT Regular Selectmen's Meeting – Monday, March 16, 2020

Selectman Crowley asked what additional capacity is achieved if CRPCD increases from 80-90% and the process to get increased capacity. Town Administrator Boynton stated the State approved their capacity at 80% and would need to approve any increase. Selectman Foresto requested that the Board be kept updated of any changes.

### **Selectmen's Reports**

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

Selectman D'Innocenzo reported that girls basketball plays Saturday and boys hockey plays tomorrow in Bourne.

Selectman Foresto stated he was involved in the selection process for the Owner's Project Manager (OPM) for the water treatment facility. The group met and reviewed four submittals, interviewed two companies, and came to a final recommendation. They have done work for both for Medfield and Franklin with positive feedback from both of these communities.

Selectman Crowley congratulated the boys basketball team.

**At 8:17 PM, 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 [Potential Litigation, Applegate Subdivision] and the chair so declares, with no intention of returning to open session. Selectman D'Innocenzo seconded. (Crowley - aye; D'Innocenzo – aye; Foresto – aye; Trindade - aye).**

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