

**Board of Selectmen's Meeting  
October 5, 2020 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Staff Present:** Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Barbara Saint André, Director, Community and Economic Development; Susy Affleck-Childs, Coordinator, Planning and Economic Development; Sandy Johnston, Communications Director.

**Others Present:** Andy Rodenhiser, Chair, Planning and Economic Development Board (PEDB).

**Others Participated Remotely:** Dave D'Amico, Director, Department of Public Works (DPW); Peter Pelletier, Deputy Director, DPW; Barry Smith, Water Superintendent; Medway Business Council: Julie Dennehy and Art Prutsalis.

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

**Public Comments:** There were none.

**Approval of Minutes**

*The Board reviewed the draft minutes of September 21, 2020.*

**Selectman Foresto moved that the Board approve the minutes of September 21, 2020. Selectman D'Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

**Presentation: Medway Business Council (MBC)**

*The Board reviewed the PowerPoint presentation.*

Ms. Dennehy reviewed the three objectives of the MBC to assist local businesses: (1) advocacy at the state and local level, (2) networking, and (3) marketing. They gained over a dozen members this summer and continue to grow. She reviewed the group's leadership members as well as the diverse membership relative to the type of business. She reviewed their on-line business directory on their website that will be expanded from members only to all Medway businesses. Yearly, they have a fall kick-off meeting as well as three networking events and four educational events. Ms. Dennehy reviewed their philanthropic efforts including two annual high school scholarships, sponsorship of Town events, annual Coats for Kids collection, and donations upon request for civic and school events. She then reviewed the #ShopMedway campaign and the specific efforts planned for this year. She lastly reviewed their upcoming events. The Selectmen thanked Ms. Dennehy for their efforts. Selectmen Trindade encouraged continued feedback from the group to the Town.

**Approval: Contract with GLM Engineering Consultants, Inc. for Applegate Street Acceptance Plan - \$26,000**

*The Board reviewed the (1) memo from Susy Affleck-Childs, and (2) contract.*

Mr. Boynton stated we will not address this tonight as we have to appropriate the funds at Fall Town Meeting prior to approval of the contract. Ms. Sainte André stated there is a subdivision default fund and thought this was approved by the Finance Director. Mr. Boynton stated based on the direction from Town Counsel he would like to wait on the contract approval. Selectman Crowley requested that Mr. Pelletier look at the following: (1) the drainage problem specifically near 11 Applegate, (2) his concern about enough available funding for the provided work items list based on this quote of \$26,000, specifically the cost for the as-builds \$8,700 and engineering services \$5,000 and the impact on the work items listing, and (3) a reevaluation of the topcoat on the sidewalk for the lower part of the hill as it is just dirt. He asked for confirmation that the topcoat for the roadway means paving of the entire roadway. Mr. Pelletier confirmed.

**Approval: Contact with CBA Landscape Architects, LLC for Three Athletic Projects Not to Exceed \$29,370**

*The Board reviewed the contract.*

Town Manager Boynton stated spring Town Meeting appropriated \$80,000 for site selection for a pickle ball court, scope and work on the field off of Center Street, as well as design and cost estimate for the Middle School Softball Field. Selectman Trindade reminded all of the successful projects at both Choate and Oakland Parks by CBA and stated his concern that engineering is not their strong suit. Ms. Potter stated we have only asked them to do a schematic and no significant engineering is planned to take place and, if needed, engineering will be most likely be subbed out. Selectman Trindade further explained his concern with the Center Street Field flooding and if this is not really in CBA's wheelhouse have we looked into hiring a firm to address the drainage. Mr. Boynton stated that CBA understands the project scope and recognizes the need for the survey to include a topographic survey noting the cost of \$9,500. Mr. Boynton stated that we recognize CBA will not complete that site work but will work with someone else in determining what will be needed. It was understood that additional funds for these three projects beyond this contract will be needed. There was further explanation about the specific location of the Center Street field.

**Selectman Foresto moved that the Board authorize the Chair to execute the contract with CBA Landscape Architects LLC for the three athletic projects in an amount not to exceed \$29,370 as presented. Selectman D'Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

**Discussion: Oakland Well Improvements and Transmission Line**

*The Board reviewed the memo from Dave D'Amico.*

Mr. Boynton stated we are installing a new raw water line from the Oakland Street well back into the line from Village Street and those will feed the new treatment facility at Populatic Street.

Mr. D'Amico stated there are two projects: (1) installing the new water transmission line and (2) installing a satellite well at the Oakland well site in order to achieve the permitted capacity. He noted all of these projects were already approved for the design work at the last Town Meeting. He explained as soon as the treatment facility is on-line, the Oakland Well that has high iron will feed into the treatment facility thereby improving the water quality.

Selectman Trindade asked how far a satellite well is located from the existing well. Mr. Smith stated all are within 50 feet of the existing well. Selectman Trindade asked if these wells have their own pumping system. Mr. D'Amico confirmed. Selectman Crowley asked if the engineering work will be simultaneously done for both projects. Mr. D'Amico confirmed. Selectman Crowley asked if the

\$63,000 for this phase is part of the \$272,000 contract. Mr. D'Amico confirmed. Selectman Crowley asked why the engineering is being done now when the construction schedule for Oakland was not until 2023. Mr. D'Amico stated that with the design completed, we can move forward potentially ahead of schedule should circumstances permit. Selectman Crowley asked if the waterline work came in under the budgeted amount of \$284,000 as it is showing we spent \$216,000 to date. Mr. D'Amico stated the construction management is not included in that number and so we will come in close to what was budgeted. Selectman Crowley stated the Populatic Well project that is almost done looks like it will run overbudget and asked how those additional necessary funds will be addressed. Mr. D'Amico stated the funds would come from the water operating expenses or the contingency budget. Selectman Crowley asked if Selectmen approval is needed to use the contingency budget for this portion of the project. Town Manager Boynton stated no. Selectman Crowley asked what happens if we are over the \$1,224,000 budget for the total project. Mr. Boynton stated we cannot go over what was appropriated at Town Meeting and, if that occurs, we will need to determine how to address any budget overruns.

**Vote Recommendations: Fall Town Meeting Warrant and Discussion of Citizens' Petition**

*The Board reviewed the November 16, 2020 Fall Town Meeting Warrant.*

Mr. Boynton stated the Selectmen received a citizens' petition with the duly certified number of signatures needed, 100, to place on the warrant an article to amend the name of the Board of Selectmen to Select Board. This article is the last on the warrant and the Selectmen do not need to take any further action at this time.

ARTICLE 1: (Raise and Appropriate Funds: FY21 Operating Budget)

This article was not discussed.

ARTICLE 2: (Prior Year Bills)

Mr. Boynton stated we have a handful of prior year bills that came to us late due to COVID-19.

ARTICLE 3: (Fund Sewer Inflow and Infiltration Work)

Mr. Boynton stated we hope to use \$100,000 to continue work on our inflow and infiltration project.

ARTICLE 4: (Accept Gift of Land: 76 Summer St)

Mr. Boynton stated this is to receive a gift of land at 76 Summer Street in front of the high school which was previously discussed with the Selectmen and this is closing out that process.

ARTICLE 5: (Authorize PILOT – 73R Oakland St) - Placeholder

Mr. Boynton stated this is a placeholder article as the property owners have worked on a solar program there which requires a Payment in Lieu of Taxes (PILOT).

ARTICLE 6: (Fund Affordable Housing Production Plan)

Mr. Boynton stated this is \$18,000 to update the Affordable Housing Production Plan which is coming up for renewal.

ARTICLE 7: (Fund Fence at Guernsey Dog Park) - Placeholder

Mr. Boynton stated this is to fix the fence at the dog park.

ARTICLE 8: (Street Acceptance – Applegate Rd)

Mr. Boynton stated this is to accept Applegate Road and the appropriate associated the work that entails.

It was noted that the Finance Committee Public hearing is on Wednesday October 28<sup>th</sup>. The PEDB public hearing will be next Tuesday, October 13<sup>th</sup>. Selectman Trindade requested the draft warrant be posted to the Town website.

ARTICLE 9: (Amend Zoning Bylaw – Outdoor Lighting)

Ms. Affleck-Childs stated this is a minor tweak to the outdoor lighting section of the by-law to provide flexibility to the PEDB when reviewing projects for site plans or special permits. Mr. Rodenhiser stated this would be for any project where light spills off the property (e.g. into woods or the street) but benefits the location. Selectman White asked if this is only for commercial/industrial, not residential. Ms. Affleck-Childs confirmed along with including multifamily.

ARTICLE 10: (Amend Zoning Bylaw: Electric Power Generation, Alternative Energy and Renewal Energy)

Ms. Affleck-Childs stated this is an adjustment to the language of alternative energy to reflect language and technology now in place.

ARTICLE 11: (Amend Zoning Bylaw: Schedule of Uses)

Ms. Affleck-Childs stated this includes a series of changes to the use table, including combining all the marijuana uses in one area, distinguishing between hotel and motel as well as where a drive through facility would be allowed specific to the oak grove district, clarification that indoor sales of motor vehicles is not an allowed use in the central business district, replacement of language for multifamily in residential and commercial to mixed use, and the addition to say parking lots as a principal use is not allowed but must be associated with a business.

ARTICLE 12: (Amend Zoning Bylaw: Multi-Family Housing)

Ms. Affleck-Childs stated this is to add a statement to multi-family housing to emphasize that formulas provided are discretionary and not by right. There was discussion if this actually invites a developer to build many units on a one-acre lot. Mr. Rodenhiser stated this allows for more discretion by the PEDB to only allow multiple units where it makes sense. Selectman Crowley asked if we are opening ourselves to any lawsuits since this is at the discretion of the PEDB and if this has been approved by Town Counsel. Mr. Rodenhiser stated as long as the PEDB is not arbitrary or capricious then that should not be an issue.

ARTICLE 13: (Amend Zoning Bylaw: Setbacks)

Ms. Affleck-Childs stated this provides a way for the zoning enforcement officer and PEDB when reviewing sites to ensure that a line of site remains for safety purposes. There was discussion about the parking by Mechanic Street where the planters are now located and how and when this could be addressed. Selectman Crowley asked if preexisting fences are grandfathered. Mr. Rodenhiser confirmed.

ARTICLE 14: (Amend Zoning Bylaws: Environmental Standards)

Ms. Affleck-Childs stated this is a substantive rewrite of the environmental standard as it has not been redone since the 1970s. There was Town Meeting supported funding for this endeavor. Weston and Sampson, the Board of Health, the Building Commissioner, and the PEDB all worked on this content. It became known that this was needed during the approval of the marijuana facilities. Mr. Rodenhiser thanked Mr. Gay and John Lally for their efforts and expertise as well. This outlines the noise and odor process in detail. Selectman Crowley asked if this will resolve the problem with a neighbor playing music too loudly. Mr. Rodenhiser stated it provided the tools for zoning enforcement for it to be addressed.

ARTICLE 15: (Amend Zoning Bylaw: Miscellaneous Housekeeping)

Ms. Affleck-Childs explained the various changes here including defining of parking lots and changes in language to address other changes that have occurred.

ARTICLE 16: (Amend Zoning Bylaw: Adaptive Use Overlay District)

Ms. Affleck-Childs stated these edits allow consistency in terms and the by-law language.

ARTICLE 17: (Amend Zoning Bylaws: Definitions – Incidental Accessory Object)

Ms. Affleck-Childs stated this creates a definition and the list of items that would not be allowed to be in this standard zoning setback area. Examples would include chicken coops, outdoor play gyms, batting cages, etc. The provides the tools for zoning enforcement to address encroachments within neighborhoods.

ARTICLE 18: (Amend Zoning Bylaw: Building Size)

Ms. Affleck-Childs stated this is new and was prompted by Holliston dealing with the Hopping Brook Industrial Park issues noting we are trying to be proactive. Building or industrial buildings larger than 100,000 square feet would need a special permit from the PEDB. Ms. Saint André stated for reference that Spencer Technology's building is 100,000 square feet.

ARTICLE 19: (Amend Zoning Bylaw: Central Business District Special Permits)

Ms. Affleck-Childs stated these are changes in the special permit in the mixed-use option, clarifying purposes, language, and referencing definitions on the mixed uses. Mr. Rodenhiser stated this was so not to lose taxable square footage in the first-floor area.

Selectman Crowley requested if there will be any more changes to identify the actual changes somehow in the document.

**Consideration of and Appointment Considerations to the Water Facility Building Committee (5): Michael Callahan, John Foresto, Timothy Harris, Ted Kenney, and Michael Schrader**

*The Board reviewed the proposed composition and responsibility of the Water Facility Building Committee.*

**Selectman Foresto moved that the Board of Selectmen establish a Water Facility Building Committee and approve the Committee composition and responsibility document. Selectman White second.** Selectman Crowley asked why not making it a working group instead of committee. Mr. Boynton stated he wants the group responsive to the Selectmen and due to the cost of the facility project. Selectman Crowley asked if the engineer is a voting member. Mr. Boynton confirmed. **No Discussion. VOTE: 5-0-0.**

**Selectman Foresto moved that the Board appoint Michael Callahan, John Foresto, Timothy Harris, Ted Kenney, and Michael Schrader to the Water Facility Building Committee for a term expiring upon project completion. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

Selectman Foresto asked for the next steps. Mr. Boynton stated to have the Owner’s Project Manager meet with the Committee to discuss the plan and then begin the process to select the design architect.

**Approval: Medway Lions Club 2020 Christmas Tree Sale at the Medway Plaza**

*The Board reviewed the letter from Medway Lions President Brian Fox.*

**Selectman Foresto moved that the Board approve the 2020 Medway Lions Christmas Tree Sale at the Medway Plaza as discussed. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

**Authorization to Expend Grant Funds: Center for Tech and Civic Life Grant for Planning and Operationalizing Safe and Secure Election Administration - \$5,000**

*The Board reviewed the (1) Notice of Grant Award form, and (2) notice of grant award*

Selectman White stated there are a lot of added costs associated with early voting so these funds will assist with these additional costs. The ballot voting box in the back of Town Hall cost \$2,000.

**Selectman Foresto moved that the Board authorize the expenditure of the Center for Tech and Civic Life grant for planning and operationalizing safe and secure election administration in the amount of \$5,000 as presented. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the Action Items dated September 21, 2020.*

**DPS Facility Building Project:** Town Manager Boynton stated he participated in a walk through with the architect last Friday and a punch list was developed. There was also a meeting held on the transition plan into the building with the DPW, Information Services, and Building departments. The solar panel system is operational as well as our reimbursement program with Eversource. Selectman Crowley asked if the consultant and architect will need an extension of their contracts beyond the end of November. Mr. Boynton stated they would not.

Selectman Foresto requested that Battery Storage at the new DPW facility be added to the action item list.

### **Town Manager's Report**

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

#### **COVID Update:**

- 14 Active Cases-Town Manager Boynton stated there are currently 14 active cases, the numbers are trending up, and there were three positive cases in the school system, which were students. He anticipates we may move into a "red" Town on the State COVID map.
- Updated Costs-Town Manager Boynton stated there have been additional costs on the school side.

Christmas Parade – Modified Rolling Rally: Town Manager Boynton stated there will be no fireworks, no meet and greet with Santa, but we will do a rolling rally on a longer parade route.

COLUMBUS DAY HOLIDAY – MONDAY OCTOBER 12TH: Town Manager Boynton stated we will be closed next Monday on Columbus Day.

Mr. Boynton commended Ms. Potter on her ability to negotiate a zero percent renewal for our senior health plan for next year.

Town Manager Out of the Office: Town Manager Boynton stated he has nothing scheduled.

NEXT Regular Selectmen's Meeting – Monday, October 19, 2020

### **Selectmen's Reports**

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

Selectman White reported that she just received the ballots from the State today and 1,000 were sent out today with 5,000 planned to be mailed out this week. She requested that if a resident does not receive their ballot by mid-week next week to reach out to Town Clerk's office. There is a ballot box outside behind Town Hall that is locked and safe and emptied daily.

**At 8:22PM, Selectman Foresto moved that the Board enter Executive Session Under Reason 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 [Collective Bargaining Strategy] and Reason Exemption 6: To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body [123 Holliston Street], and the chair so declares, with no intention of returning to open session, Selectman White seconded and it was so voted by roll call: 5-0-0 (Crowley, aye; D'Innocenzo aye; Foresto aye; Trindade aye; White, aye).**

Respectfully submitted,  
Liz Langley  
Executive Assistant  
Town Manager's Office