

**Board of Selectmen's Meeting  
June 1, 2020 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Participated Remotely;** Carol Pratt, Finance Director; Dave D’Amico, Director, Department of Public Works (DPW); Pete Pelletier, Deputy Director; Don Aicardi, Finance and Operations Director, Medway Schools.

**Staff Present:** Michael Boynton, Town Manager; Sandy Johnston, Communications Director.

**Others Participated Remotely:** Senate President Karen Spilka; Representatives Jeffrey Roy and Brian Murray; Susan Nichol, Aide to Senate President Spilka.

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

**Public Comments:** There were none.

**Senate President Karen Spilka – COVID-19 and State Update**

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

Selectman Foresto thanked the legislators for taking the time to participate in the meeting this evening noting that we really need straight answers on what to expect related to the budget as we have Town Meeting next Monday.

Senator Spilka first wished Selectman Trindade a happy birthday and thanked the Selectmen, School Committee, and all the Medway school and town staff for all that they do to keep things going despite these difficult times. She stated that COVID-19 represents a two-fold crisis at the State level: (1) the public health crisis and (2) the expenses related to this crisis. She reported that from February to April, the unemployment rate went from 2.8% to greater than 15% noting the rate had not exceeded 10% since 1976. She stated that sales tax, meals tax, and motor vehicle taxes have fallen. She reported the House and Senate had an economic summit with top economic leaders in March and April noting they are working very well together. The consensus from this summit was that the State would have a revenue drop of between \$4-6 billion noting this is now anticipated to be up to \$7 billion. She noted in 2009 during the last recession the State revenue dropped by \$2.5 billion. It is estimated that the State will be \$700-\$800 million in the red for Fiscal Year (FY)2020. She stated they have worked aggressively to not have cuts for this fiscal year to local aid noting that decreasing the Chapter 70 state aid at this point in the year would inflict a lot of pain. For FY21, providing a definite answer is very difficult as we don’t know: (1) how the pandemic will play out and if there will be another spike, (2) how much the state revenues will decline, and (3) what the federal government will do for state and local aid. In 2009-2010 the federal government provided \$1 billion in Chapter 70 aid. Thus far, the State has received \$200 million, however, the costs are greater. The plan is for \$2.7 billion in COVID-19 relief funds from the federal government, but a lot of strings are attached on what these funds can be spent on. They must be directly related to COVID-19, they can’t be part of planning prior to March and there are several

other criteria. She stated we are urging municipalities not to use the Governor's budget numbers from January. She stated the House and Senate Ways and Means Committees are meeting to discuss the budget. The Senate wrote a letter to urge the federal government to pass as much of the Heroes Act as possible, which includes \$250 billion for local government. She urged the Town to write a similar letter as well. She reported the House and Senate are trying to come up with the budget process and, for the first time in history, it may be a joint budget with the House and Senate. It may also be in pieces as we do not know what the State will be getting from the federal government. She stated she is hoping to have the local aid resolution completed so towns can plan. She noted they recognize that municipalities need to know in order to plan their budgets. She stated they are all working to minimize any reduction in State aid and have fair, equitable, flexible funds. She again urged the Town to write a letter to assist with this.

Representative Roy echoed all that Senator Spilka laid out noting these are times that no one has seen before and they are working hard to come up with a budget process. He noted that in the past, the House would have completed its budget in April and the Senate would have completed their budget in May and it would have been sent to the Governor. He noted that moving up of the tax deadline from April 15<sup>th</sup> to July 15<sup>th</sup> has been impacting the amount of revenue coming in. He stated the expectation is that we may be doing one twelfth budgets as we move forward, as to predict a number is impossible at this juncture as these numbers keep moving. He stated that they are also working on several other important issues for communities. Representative Murray stated that both Senator Spilka and Representative Roy both already summed up the current situation. He stated the only other thing communities should focus on is clearly documenting their COVID-19 expenses for the Cares Act money that is available and noted that Medway is slated to receive \$1.2 million. Selectman Foresto stated this has been discussed. He reiterated that we are going to Town Meeting next Monday to present the budget and we are not sure if it is correct. He further stated that we have cut the FY21 budget significantly and as much as we can; any more will mean a reduction in staff. He asked what the Selectmen should tell residents next week at Town Meeting. Selectman Crowley asked if we wouldn't be better to have the State at least pass Chapter 70 and local aid budget line items versus working every month on a one twelfth budget. Mr. Boynton stated that a one twelfth budgeting process is not really an option. He noted that working through the Selectmen and Finance Committee, the Town's FY21 budget was slashed 10% or \$1.25 million. He stated we were able to reallocate Exelon funds to support the operating budget, we have stopped hiring, and cut new FY21 positions. The next round of cuts is actual people. Mr. Boynton stated this is not a criticism of our State partners, voicing the concern and frustration of being on the lowest end of the totem pole as to how we move forward. He stated that we cannot absorb more than a 10% budget cut explaining that a loss of \$50,000 in August to September to October is two positions versus the one position at that cost that we cut in the budget planning for FY21. Selectman Crowley asked about the impact if we pass the budget at the June 8<sup>th</sup> Town Meeting and we don't receive the State budget by June 15<sup>th</sup>. Mr. Boynton stated that we would either cut positions or access reserves. Selectman Crowley asked the legislators if they were in our position, what percentage they would cut from the budget.

Senator Spilka stated they are hoping before June is over that the legislature will pass a budget for July 1<sup>st</sup> and, before that, you will know what your unrestricted local aid, other aid, as well as Chapter 70 funds will be. She stated that if the federal government does nothing in the month of June, we will all be in tough shape. If they do, hopefully there will be a large influx of flexible funds for the State and local municipalities. She asked if the federal government still does nothing by the end of June, would the Town rather have a very low local aid resolution or not. Selectman Crowley stated he would prefer that we have some guidance. Senator Spilka stated that has been her assumption, that some guidance would be needed. Representative Roy stated what would he do if in the Town's shoes is do different

levels of cuts as to what this would look like and share this with the residents, State, and federal government. Selectman Foresto stated we have already done these scenarios and we know exactly what will happen at a 20% and up to 30% cut in State aid. Mr. Boynton stated he understands the dilemma at the state level and gives them all credit in what they are doing knowing how long it took to recover in 2008, 2009, and 2010, and some municipalities have still not recovered. There was further discussion on the impact of a larger percentage cut to State aid at the municipal level. Selectman Crowley reported he looked at the Heroes Act, the \$3 trillion package, and \$540 billion is slated for the states, and there are formulas for how much each state would get, which depends on percentage of population in the U.S. and we are running at 2.3% and the percentage of COVID-19 cases out of the total in the county. His calculation was that the State would be eligible \$7.2 billion. He asked if local aid is cut, would we be made whole if this is passed. He stated he is concerned that if the money comes in, it may not all come back to the municipalities. Senator Spilka stated \$500 billion would go to the State and \$250 billion would go to cities and towns. She stated there was also specific funding for K through 12 and higher education, which would help the State to pass funds on as well. She noted that we talked about the 2009 and 2010 recession where there was a \$30 billion State budget at that time, noting we are now at \$44 billion. The State lost \$2.5 billion at that time. She stated that back then, local aid was cut just over 28%. Chapter 70 was cut at the level that we knew the federal government was providing back to the State, so Chapter 70 was level funded. She stated back in 2009 and 2010, the municipalities did take a big hit and it took a long time to recover. She stated her promise that Chapter 70 and local aid have been top priorities with both the Senate and House and, if funds are received from the federal government, the State will surely pass it on. Representative Roy stated he is asking municipalities to develop scenarios to share with both the State and federal government so we can paint a picture on how important these funds are. He also confirmed that if the federal government puts \$7 billion in the State coffers, you should plan to be made whole. Selectman Trindade stated his belief that the federal government will come through, but the question is when. He asked if the legislature would consider allowing the Town to appropriate these funds without a Town Meeting due to concerns of meeting the quorum requirements. Senator Spilka reported they are hoping to pass a bill tomorrow to allow Town Meeting to take place at 10% of the current quorum requirement. Mr. Boynton stated the bill should be flexible to allow the Town to take action stating his concern with the definition of publish in the specific wording, "the Board of Selectmen after notice would publish the decision to decrease the quorum". We could not put a notice in the paper to meet this requirement, however, if it means just to post to the website, we could meet that requirement. Mr. Boynton asked if the \$7-8 billion potential deficit is as of today and if this shut down continues, the deficit would then be at \$8 billion based on the 3.5-4 months of closure to date and what the impact will be if this continues. Senator Spilka stated that they ask the same questions and are hoping the recovery goes smoothly noting even the economic experts don't know.

Selectman Crowley reported he has spoken to many of the restaurants in town regarding allowing outside dining effective June 8<sup>th</sup>. Their issue is the serving of alcohol and the need to submit an application to the Alcoholic Beverages Control Commission (ABCC) for an alteration of premises and the time it takes for an approval. He asked if the Selectmen could approve a temporary alcohol license for a faster turnaround. Selectman Trindade asked the same question. Senator Spilka reported there are bills in both the House and Senate that are addressing issues allowing outdoor seating and serving alcohol and have talked about the Governor instituting an executive order that will allow them to serve alcohol outside. Once the bill passes, this would supersede the executive order. She stated that the Selectmen should process these requests now. Representative Roy explained that the legislation gives local authority and there will be an end-date that would revert to the old rules.

Mr. Boynton reported that Town Hall has been open during this entire time with employees rotating through those departments where social distancing was not possible. He stated all staff returned today with proper social distancing, masks, plexiglass shields, and, next week, Town Hall will be open to the public by appointment. He thanked the legislators stating that we want to be part of the solution. Selectman Foresto thanked the legislators for their time and efforts. Selectman Crowley requested Senator Spilka provide the letter the State sent to the federal government to Town Manager Boynton.

#### **Approval of Minutes**

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

**Selectman Trindade moved that the Board approve the minutes of May 18, 2020. Selectman D’Innocenzo seconded.** Discussion: Selectman Crowley requested on page2, lines 84 to 85 be changed to reflect the discussion. **VOTE: 5-0-0.**

#### **Approval: Contract with Dankris Builders, Corporation for the Populatic Well Replacement Project – \$254,000**

*The Board reviewed the (1) memo from Dave D’Amico, (2) bid results, (3) contract, and (4) project costs.*

**Selectman Trindade moved that the Board authorize the chair to execute the contract with Dankris Builders, Corporation for the Populatic well replacement project in the amount of \$254,000 as presented. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

Selectman Crowley asked for an explanation of the terminology of Contract Amount versus Expected Amount in the letter dated April 9, 2020 from Haley and Ward. Mr. Boynton explained the contracted amount is the budgeted contracted amount and the expected amount is what was spent to date and what we are anticipating being spent on those line items that have not begun or been completed yet. He noted that the first two items listed came in under the budgeted/contracted amount. Mr. Pelletier stated he will reach out to Selectman Crowley to discuss these numbers. Selectman Trindade asked if we anticipate any issues for residents with water quality as a result of this project. Mr. D’Amico stated not with this project. Mr. Boynton stated this may be issue with the Brentwood project.

Selectman Crowley requested that in order to save paper, contracts with many pages only be printed out once for the Selectmen to review and not be included in each Selectmen’s packet. An electronic link to the contract will be provided to all.

#### **Discussion/Vote: Reduction of Town Meeting Quorum Size**

*The Board reviewed the Town of Medway General By-laws, Article 1, Section 1.5.*

Town Manager Boynton stated this cannot be discussed or voted on until the legislation is passed, or this vote could be challenged.

#### **Discussion/Vote: Reduction of Hours of Annual Town Election**

*The were no materials for the Board to review.*

Selectman White stated, historically, the time period has been between 7am-8pm noting that legislation was passed allowing for absentee voting and providing the Selectman the authority to vote to decrease the number of hours for voting. She reported her investigation of other towns who don’t have the hours specified in their Charter like Medway and 85% have reduced their hours. She stated Holliston has scheduled their election from 12pm-4pm. Medfield had scheduled their election from 6am-8pm,

had 600 absentee ballots, and 125 residents voted in person. She noted that we are putting both the election workers and those coming into vote at risk. Selectman Foresto stated his approval in cutting back the hours, but they should cover hours when people would not be working. There was further discussion on the specific time frame. It was noted that absentee ballots can be requested up to 12 noon the day before the election. Selectman White reported there will be limited staff. The Selectmen agreed to the 12pm-7pm timeframe.

**Selectman Trindade moved that the Board vote to reduce the hours of the annual town election for the year 2020 from 12pm to 7pm as discussed. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

Selectman Crowley asked if the quorum reduction is for both Special and Annual Town Meetings. Mr. Boynton believed it was for both noting there are other options he has been discussing with Town Counsel.

**Discussion/Vote: Temporary Outdoor Dining Policy and Application**

*The Board reviewed the proposed temporary outdoor dining policy and application.*

Town Manager Boynton commended the efforts of Selectmen Crowley and Trindade along with Mses. Saint Andre and Potter noting there was input from the department heads as well. He suggested that the approval for licensees who also have alcohol licenses be approved by the Selectmen and those that do not be approved by departmental sign-off. The Selectmen requested that non-alcohol licensees be approved by Town Manager Boynton following departmental sign-off. Selectmen Crowley and Trindade suggested scheduling additional Selectmen meetings next Wednesday and Friday to facilitate these license approvals. There was discussion about the total number of outside seating allowed noting the need for proper separation. Selectman Crowley asked why tenting and sheltering structures are not allowed. Mr. Boynton stated there was concern about the tenting being too close to the buildings. Selectman Crowley requested that limitation be eliminated.

**Selectman Trindade moved that the Board approve the temporary outdoor dining policy and application as presented with the changes to non-alcohol licensees requiring administrative approval of the Town Manager and the removal of the “no tents or similar sheltering structures allowed”. Selectman D’Innocenzo seconded. Discussion:** Selectman Crowley asked for the turn-around time for departmental approvals. Mr. Boynton stated 1-2 days assuming the application is complete. There was discussion about the need for the specific fire lane requirements. **VOTE: 5-0-0.**

**Discussion: Board of Selectmen Fiscal Year 2021 Meeting Schedule:**

*The Board reviewed the proposed FY21 meeting schedule.*

**Selectman Trindade moved that the Board approve the Fiscal Year 2021 Selectmen’s meeting schedule as presented. Selectman D’Innocenzo seconded. No Discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the Action Items dated May 4, 2020.*

Water/Sewer Informational Flyer: Mr. D’Amico stated the Water and Sewer Commission just voted to recommend FY21 water and sewer rates and the Selectmen will need to vote on these rates. He noted the first bill will be sent out in August. Ms. Johnston will work with Mr. D’Amico on the information to be presented to residents.

Selectman Foresto asked for a status on the facility study. Mr. Boynton stated it has slowed down due to COVID-19 but they are at the last step of scheduling time with department heads.

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

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

Town Meeting Room Set-Up: Town Manager Boynton stated he has scheduled a meeting on Monday at 9am to look at the specific layout and set-up requirements for this town meeting. He noted the stage will look different due to the need for social distancing with the plan of a u-shaped table and the possibility of putting the non-resident department heads in a different room.

DPW Facility Project: Mr. Boynton reported that contractors can pass along COVID-19 direct costs and Colantonio has submitted \$124,000. He has been in conversation with Town Counsel about this. Selectman Foresto asked if this could be paid for by the federal grant. Selectman D'Innocenzo asked if this included everything up to now. Mr. Boynton confirmed both noting this will be processed like a change order.

Joint School Committee/BOS Meeting – June 15: Town Manager Boynton stated he and Superintendent Pires are requesting a joint meeting with the School Committee at the beginning of next Selectmen's meeting to discuss the school budget. The Selectmen agreed.

Safe Harbor Extension Request: Town Manager Boynton stated we have been discussing our safe harbor status based on the impact of the 39 main street permitting. They sent a letter to the Department of Housing and Community Development (DHCD) to request an extension to the Town's safe harbor status for 365 days as one of their permit conditions was to have their permits pulled so the Town can maintain its safe harbor status. Ms. Saint Andre has asked that the Selectmen also send a letter as well to DHCD requesting an extension of our safe harbor status. She will draft the letter for Selectman Foresto's signature.

Permit Tolling – Variances & Special Permits: Town Manager Boynton stated he had a discussion with Ms. Saint Andre today about the impact of permits pulled noting that variances that have a 20-day appeal period have been extended to June 30<sup>th</sup> which means that no work can begin. A special permit approval allows you to work at your own risk. There was further discussion about the economic impact on businesses due to this issue.

Cutler Street Update – RFP for Broker Services: Town Manager Boynton stated the Affordable Housing Trust is sending an RFP for brokers to market the property as the last two RFPS were unsuccessful.

Peace Marches: Town Manager Boynton reported he was notified today about two peace events scheduled for Sunday in Medway: (1) Milford Street at Highland Street will be a stand-out event and (2) a march from McGovern or Memorial School to Choate Park. The Police Department is aware and will be putting safety measures in place. Selectman Trindade stated they want to do this while this is still fresh in everyone's mind. Mr. Boynton stated his concern about the impact of any social media outreach on the size of the event and the potential for attendees that may have ulterior motives. He stated that the organizers of these events can plan them with the full involvement of the Police Department. The preference for the route of the peace march was starting at the McGovern School and ending at Choate Park.

Town Manager Out of the Office:

- June 23-30 - VACATION

NEXT Regular Selectmen's Meeting – Monday, June 15, 2020

**Selectmen's Reports**

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

Selectman Crowley reminded all that the liquor and grocery stores are not allowing bottle and can redemption. The Medway Lions will be picking up this Saturday starting at 9am. He reported that he saw the 7-5 Kingson Lane affordable unit on Zillow for sale at \$240,000. He requested that Ms. Saint investigate. He then reported that the Medway Lions Club will be have a free shredding event for residents starting at 9am or 10am this Saturday at the Medway Middle School. They take the documents and shred them for you.

**At 8:53 PM, Selectman Trindade moved to adjourn. Selectman D'Innocenzo seconded. VOTE: 5-0-0.**

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