

**Board of Selectmen's Meeting
January 6, 2020 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Glenn Trindade, Vice Chair; Dennis Crowley, Clerk; Richard D’Innocenzo (7:06pm), Member; Maryjane White, Member.

Absent: John Foresto, Chair.

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

Others Present: Lawrence Waste: Keith Lawrence and Jim Lawrence.

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

Public Comments: None

Approval of Minutes

The Board reviewed the draft minutes of December 16, 2019.

Selectman White moved that the Board approve the minutes of December 16, 2019. Selectman Crowley seconded. No Discussion. VOTE: 3-0-0.

Approval: Environmental Zoning Consulting – Weston & Sampson Engineers, Inc. - \$13,942

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

Ms. Saint Andre stated the current zoning that governs environmental issues is somewhat out of date, i.e. noise, smoke, dust, etc. Town Meeting appropriated \$15,000 to update these as we don’t have the in-house experience to do so. The contract is with Weston & Sampson in the amount of \$13,942.

Selectman White moved that the Board approve and authorize the Chair to execute a contract with Weston & Sampson for environmental zoning consulting as presented. Selectman Crowley seconded. No Discussion. VOTE: 3-0-0.

Approval – Advance of Funds in Lieu of Borrowing – 16 Alder St Purchase - \$250,000

The Board reviewed the (1) memo from Finance Director Carol Pratt, and (2) Advance of Funds in Lieu of Borrowing Report.

Ms. Pratt stated this is the first expenditure of the \$1.8 million approved at Annual Town Meeting and would be included in the permanent borrowing in the fall. Selectman Crowley requested that Board be provided the balance available after each expenditure of this \$1.8 million appropriation.

Selectman White moved that the Board vote to approve the Advance of Funds In Lieu of Borrowing Report in the amount of \$250,000 for the purpose of purchasing 16 Alder Street as presented. Selectman Crowley seconded. No Discussion. VOTE: 3-0-0.

Discussion: Recommendation for Solid Waste Contract – Lawrence Waste Services

The Board reviewed the memo from DPW Director Dave D’Amico.

Town Administrator Boynton stated we have a three year contract with Waste Management which expires at the end of June this year. Harvey, Lawrence Waste, and Waste Management were all invited to bid. A comparative spreadsheet was put together of all the specific work categories for all of the potential vendors. He stated we are not asking for a vote on the contract but for two decisions: (1) whether or not to change vendors from Waste Management to Lawrence Waste Services, as with every change, risk is involved, noting staying with Waste Management would result in a substantial increase in cost, and (2) whether or not to expand to weekly recycling which would add more cost and require the vendor to purchase additional equipment. This contract is another cost containment process and also supports our goal of working with local businesses. Mr. Boynton recognized Selectman Crowley who worked on this and asked many important questions. He asked Selectman Crowley to provide feedback to the Board. Selectman Crowley stated the he looked at the base information with the contract and found it acceptable and does not see any issues. He then explained the fluctuating cost for recycling tonnage based on the current market noting the contract quotes \$79/ton and today the cost is at \$75/ton. He noted that Lawrence Waste committed to only charge the Town for what it costs them to recycle. He noted that this is their first venture into town-wide pick-up. Mr. D’Amico stated the company is located in Medway and the president of the company lives here. Selectman White asked if the services would be the same as Waste Management. Mr. D’Amico stated they will be the same or somewhat improved. Selectman Crowley noted that Lawrence Waste is not charging the Town for pick-up of white goods while the other two bidders were and Lawrence’s base contract is still lower.

Selectman Crowley then requested a discussion on weekly recycling. He reviewed the advantages and disadvantages noting the bins would not change. Lawrence Waste’s initial price was \$50,000 with the competitors at \$120,000 and \$124,000. He said they have agreed to lower the price to \$45,000, as they think weekly recycling is in the best interest of the Town. He reported that we have a problem with contamination and it is costing the Town \$5,000-\$10,000 per year. He anticipates that we can decrease the contamination from 12% to 6% using Lawrence Waste due to the types of trucks they use resulting in a further cost savings to the Town of \$7,500. Selectman Crowley stated there are 695 residents that have 2 bins and noted that we purchase 50 bins per year at a cost of \$2,500. With weekly recycling, these residents would not need a second bin and, if returned, we would save the additional \$2,500 to purchase more bins. He reported that we have a surplus in the solid waste account at this time that could be used to pay for this. He noted the additional cost for weekly recycling, taking into account the stated cost savings, would translate into 17 cents more per week per household. He noted that 76 residents have 3 bins. Selectman Trindade stated his agreement with all these points and reviewed the current issues in recycling: (1) there is less of a market for the recycling products and no market for glass and other materials resulting in us not making money by recycling, and (2) we have an issue with contamination which contributes to the lack of value. He reminded all that our trash goes to a facility in Millbury and not a landfill. Selectman Crowley asked if there is a reason we are waiting until the next meeting to approve the contract as they will need to purchase additional equipment if we go to weekly recycling. Mr. Boynton stated we do not have the contract finalized as a decision on the frequency of recycling was needed. Selectman D’Innocenzo was in agreement with the benefits and reasonable cost of weekly recycling. Selectman White confirmed her agreement as well with the additional benefit of no change in cost on the trash bill or trash bags. Selectman D’Innocenzo asked how this cost compares to

the old contract. Mr. D'Amico stated the current contract cost is \$746,000 and year one with Lawrence Waste is \$752,000 noting our current vendor was going to charge \$811,000. Mr. Boynton pointed out a potential benefit related to the yellow bags as residents may recycle more and not put recyclables in the yellow bags. Selectman Crowley requested a report on who got a contamination sticker on their bin on a monthly basis. He pointed out that the Town can only give three year contracts and this is a three year contract with optional one year renewals for two additional years.

Mr. Boynton noted that this is a very challenging business and wants all to know that many meetings were held with each of the three potential vendors. While this is the Lawrence's first town curbside pick-up, they have done curbside pick-up business in the past. This is a local company that will work closely with the Town. Selectman Crowley noted that only two trucks that will be empty will be going out of the industrial park in the morning and returning empty at the end of the day. There is no trash going to the Medway facility.

Selectman White moved that the Board approve the change to weekly recycling. Selectman D'Innocenzo seconded. Selectman Crowley made a friendly amendment to the motion that this be at an additional cost of \$45,000 per year. Selectman D'Innocenzo seconded. No discussion. VOTE: 4-0-0.

Vote to Open May 11, 2020 Special and Annual Town Meeting Warrants

The Board reviewed the Fiscal Year 2021 budget and 2020 Town Meeting calendar.

Selectman White moved that the Board vote to open the May 11, 2020 Special and Annual Town Meeting Warrants. Selectman D'Innocenzo seconded. Discussion: Selectman Trindade noted that this is a procedural vote that allows us to accept warrant articles. **VOTE: 4-0-0.**

Action Items from Previous Meeting

The Board reviewed the Action Items dated December 16, 2019.

Unaccounted for water loss status report: Selectman Crowley reminded all that this is due to the Board in February. He also requested quarterly reports from the Charles River Pollution District.

Follow up on Dog Policy/By-law update re: Allowing on Trails if on leash: Selectman Crowley asked if this is still on someone's radar. Selectman Trindade stated yes that he as Chair needs to schedule a meeting of the By-Law Committee.

Town Administrator's Report

There were no items for the Board to review.

Mr. Boynton announced he has reappointed both Chief Lynch and Ms. Pratt for three year terms.

Mr. Boynton reported that we have received information from a third party that there is movement relative to potential development on the land across from Medway Plaza. We will reach out to the property owner to discuss. It was noted that the Planning Board meeting tomorrow evening will be discussing potential zoning changes to that area. Selectman Trindade will be in attendance.

Charter Update – Senate Requested Change(s): Town Administrator Boynton stated the House approved the Charter with some suggested changes that were made per their request. There were two issues identified from Senator Spilka's office: (1) section 5-4-1 regarding removal of the Town Manager, the specific chapter referenced was repealed so we just want to refer in general to Massachusetts

General Laws, and (2) the recall provisions for elected officials currently requires a two-step process: (1) an affidavit is created on who is to be recalled including what the charge is and this is presented to the Town Clerk with signatures of 2% of the registered voters who then notifies the Selectmen, then (2) nomination sheets are presented back to the Town Clerk which would need signatures of 10% of the registered voters which would need to be verified by the Board of Registrars. Mr. Boynton spoke with both the Town Clerk/Selectman White and Mr. Jeff Segara, Chair of the Town Charter Committee, noting that changing that process would exceed what was voted for changes to the Charter at Town Meeting.

Selectman D’Innocenzo moved that the Medway Board of Selectmen moves and votes to recommend to the Massachusetts Senate to amend the Medway Charter bill, in section 2, in proposed subsection 5-4-1 of section 4 of chapter 5 of the proposed charter of the Town of Medway, by replacing the subsection with the following:

(d) Faced with action by the Board of Selectmen to terminate, remove or suspend, the town manager shall be afforded all of the provisions provided municipal employees under Massachusetts General Law.

And further authorized the Massachusetts Senate, and House of Representatives as may be required, to make the change as presented herein.

Selectman White seconded. Discussion: Selectman Crowley asked when Selectman White needs the charter changes approved in preparation for the upcoming election. Ms. White stated these do not impact the upcoming election. **VOTE: 4-0-0.**

FY2021 Budget Process Update – GF Budget/Capital Update: Town Administrator Boynton stated the departments have submitted their requests and we are reviewing the preliminary numbers. He reported that he is looking at the gap noting the following: (1) Tri-County shows a \$30,000 increase from last year even though enrollment continues to drop, (2) Charter School shows a \$23,000 increase which will change until the final state budget is approved, and (3) we are being quoted potentially up to a 15% increase for health insurance and have budgeted for 10%. He stated we are not being too aggressive with revenues. There is \$1.7 million available for the Capital Budget and municipal building projects were not included due to the municipal building study in progress. He will be meeting with the Capital Improvement Planning Committee tomorrow night.

Legislative Breakfast – February 29th – Agenda Items: Town Administrator Boynton reminded the Board to provide agenda items to Ms. Langley.

MLK Day Holiday – Town Offices Closed – January 20th: Town Administrator Boynton reminded all that Town Offices will be closed on January 20th in observance of Martin Luther King Day.

Town Administrator Out of the Office:

- Thursday, January 9 – Out of Office - Tentative
- VACATION – February 5-12 – Allison Acting TA

NEXT Regular Selectmen’s Meeting – Tuesday, January 21, 2020

Selectmen’s Reports

There were no items for the Board to review.

Selectman Crowley asked if the thank you letters were sent out to the Route 109 committee members as requested at the last meeting. Mr. Boynton confirmed. Selectman Crowley stated the he and Selectman White did not receive one. Ms. Langley stated that Chairman Foresto stated letters did not need to be sent to the Selectmen on the committee. He then asked about the status of Applegate. Town Administrator Boynton explained the issue with the developer walking away and not completing the road and side walk work. We are looking into the liability and the Town's obligation if we take the bond money. DPW and the engineering group is determining what work could be done with the \$270,000 bond funds and, if that is not enough to complete the work, what we would need to do to make up the gap, i.e. betterments. He noted we need information from Town Counsel and engineering before we can set up a meeting with the neighbors as suggested by Selectman Crowley. Selectman Crowley stated his concern was if we take the bond money whether the Town then has an obligation to finish the balance of the road work.

At 7:54 PM, Selectman D'Innocenzo moved that the Board enter Executive Session to vote to approve and release Executive Session Minutes as referenced on the agenda 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 litigation position of the public body and 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 and the chair so declares, with no intention of returning to open session. Selectman White seconded. The Chair so declared. (Crowley - aye; D'Innocenzo – aye; Trindade - aye; White - aye).

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