

**Board of Selectmen's Meeting
May 4, 2020 – 7:00 PM
Sanford Hall
155 Village Street**

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

Participated Remotely: John Foresto, Chair; Bridget Graziano, Conservation Agent; Courtney Riley, Director, Council on Aging; Dave D'Amico, Director, Department of Public Works (DPW); Pete Pelletier, Deputy Director; Stephanie Carlisle, Compliance Coordinator.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Barbara Saint Andre, Director, Community and Economic Development, Sandy Johnston, Communications Director.

Others Participated Remotely: Brian Salisbury, attorney for Mr. Rivard, Forest Road developer.

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

Public Comments: There were none.

COVID-19 Update – Town Manager

There were no materials for the Board to review.

Town Manager Boynton stated, as of today, total cases in Medway are at 59; 22 have cleared the protocol and have recovered. He wished all a speedy recovery. He commended Board of Health (BOH) Agent Hallal and Public Health Nurse Ann Labonte for their efforts. The Town has spent \$91,856 in COVID-19 related costs to date. The breakdown by department is: (1) Information Systems, \$52,856 - most of these costs were for purchasing Chrome Books for students' home schooling, (2) Fire Department, \$10,931, (3) Police Department, \$6,040, (4) DPW, 11,051, and (5) School Department, \$10,978. Mr. Boynton reported that these costs are being spent out of existing budgets and we will make transfers at the end of the year, if needed. These costs were also shared with the Finance Committee. He stated that masks are a hot button topic and, per the Governor's order effective Wednesday, anyone in public areas must wear a mask. DPW personnel in the field will be required to wear masks. Police and Fire have already implemented this practice. Interior Town operations will not require masks as long as employees can socially distance. However, when we open to the public, the wearing of masks will be implemented. The BOH voted to have businesses open to the public place signs at entry points that masks must be worn. Reopening plans have been under discussion, including: (1) wearing masks, (2) increasing disinfectant practices, and (3) cleaning fields and parks. Budget impacts have been discussed and Mr. Boynton requested that the Selectmen appoint Selectmen Foresto and Crowley to work with him and Finance Director Pratt on the budget impact. The Selectmen agreed. Selectman Crowley stated he does not want to raise an alarm and pointed out that we are in a strong financial position for Fiscal Year (FY)21 but he is more concerned with FY22. Mr. Boynton stated his concern about future state aid availability and the duration of the potential impact on state aid. Selectman Trindade addressed the issue of DPW staff outside not wearing masks noting that, as of Wednesday, all Town staff will be issued and wearing masks. Mr. Boynton directed residents to contact him should they have any concerns.

Approval of Minutes

The Board reviewed the draft minutes of April 21, 2020.

Selectman D’Innocenzo moved that the Board approve the minutes of April 21, 2020. Selectman White seconded. Discussion. Selectman White requested the change on page 2, line 58, Foresto to Forest. Selectman Crowley requested the change on page 2, line 54, to change the sentence to read Selectman Crowley asked why the PEDB would spend money requesting their consultant to prepare a punch list of outstanding work but then ask the Selectman to accept the road prior to seeing the results of the punch list. He requested that on page 2, line 90, Board be changed to Selectmen. **It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).**

Mr. Boynton commended Ms. Johnston’s efforts to place graduating seniors’ names and photos on the message board. He noted the Town and Selectmen’s support of the school children during this difficult time.

Approval: Bond Agreement for Timber Crest Estates - \$36,000

The Board reviewed the (1) memo from Bridget Graziano, and (2) bond agreement.

Mr. Boynton stated the Timber Crest project has several required environmental steps. The Planning and Economic Development Board (PEDB) can accept the bond on a surety on behalf of the Town for projects. This is a surety for conservation work that is done as part of a comprehensive permit and must be accepted by the Selectmen. He noted that Ms. Graziano provided the Selectmen with a breakdown of the items related to the bond that make up the \$36,000. Selectman Trindade asked Ms. Graziano if \$36,000 is enough based on the size of the project. Ms. Graziano stated this portion of the performance guarantee is specifically related to the wetland resource restoration and there may be additional bonding through the Zoning Board of Appeals (ZBA), noting this is strictly to address the Conservation Commission (Con Com) order of conditions. She noted there has been no permitting of the units to date and this is strictly for stormwater management, infrastructure, and roadways. Selectman Trindade asked when this work would be completed by the contractor. Ms. Graziano explained that wetlands replication is required to be done prior to or in conjunction with the start of Phase 1 for the eastern portion of the project as the wetland impacts are on the eastern portion. She explained the purpose of the items quoted in the estimate provided to the Selectmen and that she anticipates these funds will be enough to address these issues. Selectman Trindade asked how we manage the project to ensure that the developer will do what they state they will so that we do not experience the same issues as we have with Applegate and Forest Roads. Ms. Saint Andre explained that what Ms. Graziano addressed were the conservation issues. The ZBA currently has a covenant in place under the comprehensive permit and when they start building houses they will need to request to be released from the covenant. At that point, they will need to put up a bond or surety, and we can ask Tetra Tech for pricing to complete the roadways and infrastructure at that time. She stated it is a big project over several years, but they will do best to keep handle on this. Selectman Crowley referenced the memo provided to the Selectmen from Ms. Graziano, specifically the excerpt from the order of conditions and the three bullets on the second page noting that there is no date associated with the tree canopy work in the bond agreement. He noted that this is an 18-year project, yet this agreement does not span that same period. Ms. Graziano noted that we would not want the tree canopy work to be completed until after the construction is completed and therefore the developer would have to get an extension as the Con Com agreement is for three years. Selectman Crowley asked for confirmation that they have 18 years to build this project out. Mr. Boynton confirmed noting that any work covered under the conservation restriction, which is for three years, would need to be renewed. Selectman Crowley asked for confirmation that the tree canopy work would not have to be completed until the end of the project,

which is 18 years. Ms. Graziano answered that was not necessarily the case and explained the many requirements under the order of conditions for this project, each of which has various deadlines. Selectman Crowley asked who has the authorization to release the bond money. Ms. Graziano stated Con Com would make a recommendation to the Selectmen based on the developer's adherence to the order of conditions. Selectman Crowley asked if, as each of the conditions are met, Con Com would reduce the number in the bond associated with each condition. Ms. Graziano stated in theory, the developer could come in and request that to occur but since the amount of money is small, she does not anticipate that occurring. Selectmen Crowley and Trindade stated that is exactly the point as the developer would not be concerned enough with that amount of money to complete the work. Selectman Trindade asked if there is anything that we can do differently to prevent situations in projects where the developer walks away from the project without completing the work. Mr. Boynton reminded the Selectmen that this is a 40B and therefore different from projects like Applegate Road. He stated that what Ms. Graziano has presented to the Selectmen is as protective as we can get based on the environmental engineer's estimates. He further stated that before the Selectmen approve release of bond funds based on the recommendation of Con Com, the Selectmen would need to be very comfortable that the work has been completed to their satisfaction. Selectman Crowley asked why we are always adding Fern Path in the agreement. Ms. Graziano explained that was just the title that the engineer gave to the plan. Selectman Crowley asked if there was any replication of wetland resources in Fern Path. Ms. Graziano stated no. Selectman Crowley asked if there was anything in the document provided that pertains to any work that will be done on Fern Path. Ms. Graziano stated these plans show the two units at the end of Fern Path but the ZBA has conditions in the comprehensive permit that they must meet certain criteria in order to complete that specific development. She noted that those houses are not approved by Con Com, but the lots are still shown on the plan. Selectman Crowley asked if they are building houses on those two lots. Ms. Graziano stated that would depend on if the application can meet the conditions of the comprehensive permit and they can get an order of conditions for two units from Con Com. There was further discussion about the inability of the Selectmen to have an impact on the project as it is a 40B. Selectman Crowley stated this bond is specific to the conservation issues, so the Selectmen need to focus on the future bonding. Ms. Saint Andre stated there are several conditions in the comprehensive permit that state you will not receive a building or occupancy permit unless these conditions are met, some of which are tied into different project phases. This bond is a limited bond, for 3 years, for conservation work that they would have to come back in three years for renewal and is not at the same level as a subdivision bond. Selectman Crowley asked for the results of the Con Com vote. Ms. Graziano stated 5-0.

Selectman D'Innocenzo moved that the Board authorize the vice-chair to execute the bond agreement for Timber Crest Estates as presented. Selectman White seconded. No Discussion. It was so voted by roll call: 4-1-0 (Crowley, nay; D'Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Authorization to Expend Grant Funds: Fiscal Year (FY) 2020 Office of Elder Affairs Formula Grant - \$24,036

The Board reviewed the (1) notice of grant award, and (2) Office of Elder Affairs formula grant spreadsheet.

Mr. Boynton stated there is a formula we work with based on the population of the town. Ms. Riley explained this is a yearly grant based on the Town census of senior residents and she can spend these funds beginning July 1.

Selectman D’Innocenzo moved that the Board authorize the expenditure of the FY2020 Office of Elder Affairs formula grant as presented. Selectman White seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Approval: Mutual Release of Claims for Forest Road

The Board reviewed the (1) memo from Susy Affleck-Childs and (2) mutual release of claims.

Ms. Saint Andre stated Forest Road is on the Annual Town Meeting warrant for acceptance as a public way. There is \$6,500 in bond funds available and the Planning and Economic Development Board (PEDB) has been taking steps to seize the bond funds. She reported the developer has agreed to give the Town the bond money and a deed to the road. Town Counsel has prepared this mutual release and she recommended the Selectmen vote to execute the document as presented.

Selectman D’Innocenzo moved that the Board authorize the vice-chair to execute the mutual release of claims for Forest Road as presented. Selectman White seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Approval: Contract with Enstrat, Inc. for a Phase I Environmental Assessment of 13 and 15R Populatic Streets - \$2,300

The Board reviewed the (1) memo from Barbara Saint Andre, and (2) contract.

Selectman Trindade explained that we will be purchasing this property to support the future water treatment facility. Mr. Boynton explained the prudence of completing this assessment noting the \$2,300 will be paid from the Water Enterprise Fund.

Selectman D’Innocenzo moved that the Board authorize the vice-chair to execute the contract with Enstrat, Inc. for a Phase I environmental assessment of 13 and 15R Populatic Streets as presented. Selectman White seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Discussion: Solid Waste Utility Program Changes

The Board reviewed the (1) memo from Dave D’Amico and (2) sample resident notification.

Mr. Boynton noted that DPW is working with Lawrence Waste on the transition to this new vendor.

Mr. D’Amico reported this was an opportunity to address some past issues and inconsistencies uncovered with their existing process. Mr. D’Amico noted the biggest change will be weekly recycling, noting there is no change on what goes in the bins and no change in pricing of the yellow bags. Curbside special item pick-up differences were discussed, noting currently eight items are allowed per year which will be reduced to four but will now include larger metal items and large bulk items, further noting anything over 6 feet or 100 pounds is considered a special pick up item. He noted that one bulk item per week allowed to be put out with regular trash pick-up remains the same. He stated a new computer program was implemented at the recycling center and blue stickers will be swapped out as residents visit the recycling center as there have been issues with the stickers. He stated trash routes remain the same noting the trucks will have a video camera on it with video recording should there be any complaints. He did note that the time of pick-up may not stay the same. Selectman Crowley asked if a cover letter was completed. Mr. Boynton stated he wanted the changes reviewed first. Selectman Crowley explained that residents do not understand the process as much as we do so the process should be succinctly documented. He asked about the contamination of the recycling bin and if they can see if there is contamination. Mr. D’Amico confirmed. Selectman Crowley stated more information is needed

on what will happen if contamination is found. Selectman Crowley asked if the 618 extra recycling carts are stored or if the residents have them. Mr. D'Amico stated that residents have them. Mr. D'Amico explained anyone can call for extra recycling carts and DPW will deliver them to the resident at no charge. Mr. Boynton stated this was due to only bi-weekly recycling. Since we are going to weekly, these extras should no longer be needed. Mr. D'Amico stated they would like to add an additional fee for an extra cart, anticipating these would be returned as the extra carts would no longer be needed with weekly recycling. Selectman D'Innocenzo asked where they would be stored. Mr. D'Amico stated they are stackable and DPW has the room. Selectman Crowley asked about the four versus two family homes and in-law apartment changes including the rationale for these changes. Mr. D'Amico detailed the charges for single family at \$250/year, two family at \$500/year and three family at \$700/year. He noted DPW has found inconsistency in the charges for some of these homes which they are hoping to address by adhering to their classification in the Assessors' database. If the Assessors' database is inaccurate, the homeowner will need to correct it with the Assessors' office, and DPW will bill accordingly. Selectman Trindade stated his concern about only four large items allowed for pick-up. Mr. D'Amico stated residents could still call Lawrence Waste if they have met their four-item pick up for additional items and Lawrence Waste would charge the resident directly. Selectman Crowley asked what the Curbside Chronicle is. Ms. Carlisle explained it is the large document with the calendar and specifics about the recycling center mailed to residents. There was discussion about the outreach timing which the Selectmen found acceptable. Selectman Crowley asked about charging for electronic recycling. Mr. Boynton stated that this will be removed at this point in time and we will monitor the impact over the next six months. He stated that we want to get away from the cash process as much as possible at the recycling center.

Mr. Boynton asked for feedback on the policy. Selectmen Foresto and White agreed with the content of the policy. Selectman White asked if the senior rate still applies. Mr. D'Amico confirmed. The notification card was then discussed. Selectman Crowley requested that HHWD be spelled out on the flyer and to include the actual dates. He requested that the need to remove gasoline for the Special Item Pickup be included as well. There was discussion about the definition of a burnable item. Mr. Boynton suggested the language to be changed to any bulk item not including construction related materials. Selectman Crowley requested to just state that blue stickers will be replaced by orange stickers. Selectman Crowley asked that an explanation be included regarding how residents return the extra recycling bin and the cut-off date before charges are incurred. Selectman Crowley stated that it should also be noted that there is a penalty for contaminated items. Selectman Crowley asked what the Town has been charged for contamination from Waste Management. Mr. D'Amico stated Waste Management has not charged the Town and confirmed Lawrence Waste will remove any contamination and return it to the resident's recycling bin. Selectman Crowley suggested that a separate website be set up where residents can ask a question and receive an answer about this process. Selectman Foresto asked what the senior program is. Mr. D'Amico explained if you are single and over a certain age you historically received ½ off the yearly price. This is no longer in effect, but there are residents who were grandfathered in. Mr. Boynton asked if the Selectmen agreed with the policy. The Selectmen confirmed. Selectman Crowley requested that he review any document prior to it going out to residents. Selectman D'Innocenzo requested confirmation that Lawrence Waste will remove Freon from items residents have dropped at the recycling center.

Selectman D'Innocenzo moved that the Board approve the solid waste utility changes as discussed and that Selectman Crowley have final approval of all resident notification materials. Selectman White seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D'Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Approval: Contract with GHD for Inflow and Infiltration Consulting Services – Not to Exceed \$20,000

The Board reviewed the (1) memo from Dave D’Amico, (2) and contract.

Mr. Pelletier stated they were highly recommended by other towns and DPW was impressed with the aggressiveness in their investigation practices.

Selectman D’Innocenzo moved that the Board authorize the vice-chair to execute the contract with GHD for inflow and infiltration consulting services in an amount not to exceed \$20,000 as presented. Selectman White seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Discussion/Vote: Special Town Meeting (STM) and Annual Town Meeting (ATM) Warrant Articles Pending: STM Articles 1, 2, and 8, and ATM Articles 11, 16, 18, and 22

The Board reviewed (1) STM Articles 1, 2, and 8, and (2) ATM Articles 11, 16, 18 and 22.

Town Manager Boynton requested that this agenda item will be deferred to the next meeting. There was discussion about the impact if Town Meeting cannot occur on June 8th and goes beyond June 30th.

Consideration: Public Event Permit – Ride for Food Bike-A-Thon, October 4, 2020

The Board reviewed the (1) public event permit application and (2) Police Chief’s recommendations.

Selectman D’Innocenzo moved that the Board approve the public event application as presented subject to the Police Chief’s recommendations and proof of appropriate insurance coverage. Selectman White seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

One-day Liquor License Applications

The Board reviewed the Police Chief’s recommendations for Jessica Nylander, Matthew Roy, Sharon Whittier, Medway Youth Baseball/Tiffany Duguay, Cindy DiGiosa, and Jamie Van Buren.

Selectman White moved that the Board approve the one-day liquor licenses as presented subject to the Police Chief’s recommendations and proof of appropriate insurance coverage. Selectman D’Innocenzo seconded. No Discussion. It was so voted by roll call: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Action Items from Previous Meeting

The Board reviewed the Action Items dated April 21, 2020.

Name of Board of Selectmen: Selectman Crowley requested this be removed.

Report on Sewer Capacity from CRPCD: Selectman Crowley requested the new due date be July 2020.

Town Manager’s Report

There were no items for the Board to review.

DPW Garage Update: Town Manager Boynton stated the solar panel issue is on track for resolution. The state will regard this as a minor change.

Town Manager Out of the Office:

- Friday, May 15, 2020 – Personal Day
- May 21-29 - VACATION

NEXT Regular Selectmen's Meeting – Monday, May 18, 2020

Selectmen's Reports

There were no items for the Board to review.

Selectman White stated the absentee ballots are available for the annual election. Residents can e-mail her to request the ballot and she is encouraging residents to vote in this manner. Ms. Johnston has put this information out on social media and the Town website.

Selectman Crowley sent condolences from the Selectmen to Buzz Johnson's family. Mr. Johnson was a past Selectman, served on the Board of Assessors, and will be missed by all. Selectman Trindade asked for a moment of silence.

Ms. Johnston also wanted to extend condolences to the Mitchell family, as we lost Jan Mitchell last week. She was a very active member of the Senior Center, a member of the Council on Aging, and worked in many Town Hall offices, always with a ready smile.

At 8:40 PM, Selectman White moved to adjourn. Selectman D'Innocenzo seconded. 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