

**Board of Selectmen's Meeting
September 8, 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; Deputy Fire Chief Fasolino; Police Chief Tingley; Police Lieutenants Kingsbury and Reardon.

Others Participated Remotely: PhytoTherapy, Inc.: Dale Buckman, President and CEO; Pat Russolillo, Attorney.

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 August 3 and August 13, 2020.

Selectman D’Innocenzo moved that the Board approve the minutes of August 3 and August 13, 2020. Selectman White seconded. Discussion: Selectman White asked who was responsible for weeding the area in front of the plaza. Selectman Crowley stated the plaza. Mr. Boynton stated he will have a discussion with them as the Town will not go on private property. **VOTE: 5-0-0.**

Appointment Considerations: Cultural Council (2) – Joanne Williams and Ancelin Wolfe; Energy and Sustainability Committee – David Travalini; Historical Commission – Morgan Harris

The Board reviewed the (1) Cultural Council candidates’ e-mails of interest requesting appointment and Chair’s recommendation for each candidate, (2) Energy and Sustainability Committee candidate’s e-mail of interest requesting appointment and Chair’s recommendation for candidate (3) Historical Commission candidate’s letter of interest, resume, and Chair’s recommendation for candidate.

Ms. Wolf stated she lived in Medfield for 25 years, was on their Historical Commission for 22 years, and reviewed her employment history while a resident of Rhode Island, including her employment with Brown University. She has been a resident of Medway for past one- and one-half years.

Selectman D’Innocenzo moved that the Board appoint Ancelin Wolfe to the Cultural Council for a one-year term. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Ms. Williams stated she has lived in Medway 20 years, studied art history, teaches piano and guitar, and is very interested in the Medway cultural scene, specifically, doing more to connect outdoor spaces with the arts. She is a member of the Trail Club, Parks Commission, Open Space Committee and has an idea for a trail project. Selectman Crowley thanked her for her work on the Trail Club.

Selectman D’Innocenzo moved that the Board appoint Joanne Williams to the Cultural Council for a one-year term. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Mr. Travalini stated he has been attending these meetings for a couple of years, is concerned with global warming, and is interested in assisting with their mission.

Selectman D’Innocenzo moved that the Board appoint David Travalini to the Energy and Sustainability Committee for a four-year term. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Ms. Harris stated she graduated from UMass Amherst last year, has attended a couple of the Commission’s Zoom meetings, is very interested in this Commission and hopes to get more younger people involved.

Selectman D’Innocenzo moved that the Board appoint Morgan Harris to the Historical Commission for a one-year term. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Selectman Trindade reminded all that they need to be officially sworn in by the Town Clerk.

Approval: Host Community Agreement (HCA) with Good Feels, Inc. for Marijuana Product Manufacturing at 23 Jayar Road

The Board reviewed the HCA.

Mr. Reposa stated he is a Medway resident, 1 Shady Lane, and is on the Energy and Sustainability Committee. Good Feels, Inc. is a marijuana product manufacturer. They are not growing marijuana so there will not be an odor issue. All products are non-combustible. He was interested in creating these products as there was nothing in the market for himself. He has had two other companies in the past. He will be creating water soluble drinks which makes it fast acting, effective, and consistent. He stated with edibles, it may take up to one hour to feel the effects. His product is almost as fast and effective as vaping. He also reported he is working with other Medway residents on this project.

Town Manager Boynton stated Mr. Reposa has been great to work with and this HCA will provide the Town with 3% of gross sales. The HCA has minor tweaks to the ones executed in the past, has been reviewed by Town Counsel and is ready to move forward. Selectman Crowley asked for confirmation that he will buy the product from a wholesaler, create his products, and then sell them to a retail space. Mr. Reposa confirmed noting that he is also working with warehouses to store the products, so the liability moves onto them. Selectman Crowley asked if it was harder to get through the State or Town. Mr. Reposa stated he is only working with Town at this point. Selectman Crowley asked if this is a Corporation or LLC and if he is the only stockholder. Mr. Reposa stated it is an LLC and confirmed he is the only stockholder.

Selectman D’Innocenzo moved that the Board approve the Host Community Agreement with Good Feels, Inc. for a marijuana product manufacturing facility at 23 Jayar Road as presented. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Selectman Crowley asked that he report back on his experience with the State. Mr. Boynton noted it is still too early to determine the financial impact to the Town.

Approval: Amended Host Community Agreement (HCA) and Certification with PhytoTherapy, Inc.

The Board reviewed the (1) amended HCA dated June 17, 2020, (2) amended HCA dated September 8, 2020, and (3) HCA certification.

Town Manager Boynton stated PhytoTherapy was the second marijuana company in Town and is located at 6 Industrial Park Road. CommCan was the first and Neo Alternatives was the third. He stated that this HCA goes back a few years. Their corporate staff has changed, and guidance from the Department of Revenue (DOR) required changes to their original HCA. The agreement now meets the State's requirements.

Dale Buckman, President and CEO, reported this is a cultivation, processing, and manufacturing facility noting the HCA is updated based on the updated State requirements. Selectman Trindade asked when they anticipate beginning the permitting process. Ms. Buckman stated they are just waiting on the environmental results and then will move forward with permitting. Selectman Trindade asked when they anticipate commencing production. Ms. Buckman stated they anticipate breaking ground by end of the year noting the builder indicated they should be operational in eight months, so hopefully by the spring. Selectman Crowley asked if they have a Purchase and Sale Agreement or if they have bought the property. Ms. Buckman stated they have purchased the property. Selectman Trindade suggested they reach out to the Town to discuss any potential issues based on our experience to date, referring specifically to the noise issue with CommCan. Ms. Buckman stated she is aware of noise mitigation and will reach out to Town Manager Boynton.

Selectman D'Innocenzo moved that the Board approve the amended Host Community Agreement and authorize the Chair to execute the Certification with PhytoTherapy, Inc. as presented. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Authorization to Expend Grant Funds: FY20 Coronavirus Supplemental Funding Program for Police Station and Vehicle Cleaning - \$15,239.24; FY20 Coronavirus Supplemental Funding Program for Fire Station Prevention, Preparation and Response - \$26,927.80; CARES Act Relief Fund for COVID-19 Related Expenses- \$1,183,828

The Board reviewed the (1) notice of grant awards, (2) Police grant award letters from Governor Baker and the Executive Office of Public Safety and Security, and (3) Fire grant award letter from Governor Baker.

Mr. Boynton stated one grant is for Police, one grant is for Fire, and the last is for CARES Act funding. He asked for the Board's approval on the Police and Fire grant funds and to discuss in greater depth the CARES Act funding. Lieutenant Reardon stated they worked jointly with the Fire Department to identify both of their needs.

Selectman Foresto moved that the Board authorize the expenditure of the FY20 Coronavirus Supplemental Funding Program for Police Station and vehicle cleaning in the amount of \$15,239.24 as presented. Selectman D'Innocenzo seconded. Discussion: Selectman Crowley asked if the checks have arrived. Mr. Boynton stated no. Selectman Crowley asked for confirmation that no work will begin until the checks arrive. Mr. Boynton confirmed. **VOTE: 5-0-0.**

Deputy Chief Fasolino reiterated that they worked with Police to determine their needs, and these funds are specifically for fit testing for the N95 masks, Personal Protective Equipment, and other cleaning items related to COVID.

Selectman D'Innocenzo moved that the Board authorize the expenditure of the FY20 Coronavirus Supplemental Funding Program for Fire Station prevention, preparation and response in the amount \$26,927.80 of as presented. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Mr. Boynton stated the Town is entitled to receive the CARES Act funds up until December of this year. We now know there are higher costs related to COVID, the largest of which are associated with the School, so we are asking the Board to authorize this amount. We will be submitting \$124,000 for COVID related protocols for the new DPW facility which is a pass through from the contractor and \$650,000 for identified school costs. The school costs will exceed \$650,000 but that is what has been identified at this time. That will leave \$300-\$400,000. We will look at further needs as time progresses. Selectman Foresto asked if we have any idea of what the additional school costs will be. Mr. Boynton stated no one knows the impact of the virus on the return to school at this time. We do know there are costs over the \$650,000 with the big impact being the potential for long term testing. Selectman Crowley asked if these funds will indeed be reimbursed. Mr. Boynton stated as long as they meet the requirements. Selectman Crowley asked why we can't wait. Mr. Boynton stated these costs have already been incurred and that the Town will not submit for anything further without bringing the request to the Selectmen. There was further discussion about how to handle further costs and the impact if the State does not approve the submitted costs.

Selectman D'Innocenzo moved that the Board authorize the expenditure of the CARES Act Relief Funds in the amount of \$1,183,828 as presented. Selectman White seconded. Discussion: Selectman Crowley asked if a list was provided that details the \$650,000 spent by the schools. Mr. Boynton stated no. Selectman Crowley stated he would approve as long as Finance Director Pratt reviewed and approved each listed expenditure prior to submission for reimbursement. Selectman Trindade noted what was spent has to be submitted to Finance Director Pratt to confirm they are allowable expenses. There was discussion on how the funds are categorized and tracked by the Town Accountant. Mr. Boynton will request the details of the \$650,000 in school expenditures. Selectman Foresto reminded all that at the last meeting the Town Accountant stated she was reviewing each of these to make sure they would be viable for this grant funding. **VOTE: 5-0-0.**

Discussion: Renaming North Street Park Lieutenant Colonel Harry "Buz" Johnson, Jr. and Playground Rededication to Lillian Hodgson

There were no materials for the Board to review.

Selectman Trindade stated there has been a move to honor Buz Johnson for the past two years and he explained the past and current history of this endeavor. The question came up about the process to move this forward for the larger dedication area and the need for public input. Mr. Boynton reported that Town Counsel confirmed the Selectmen have authority to name public spaces noting the Parks Commission has already approved this. The memorial which is the next step is also under the Selectmen's purview. The process would be the private group creating the plans, presenting them to the Selectmen, and, if the Selectmen approve, a license would be issued. The Selectmen have the authority to name the park and to rededicate the playground. Selectman White stated the process for Rossetti Corner and Matondi Square was via Selectmen approval and does not see a need to change the process. Selectman Trindade asked if that is the right way to do it. Selectman Crowley asked if Selectman Trindade has had any push back. Selectman Trindade stated six people had concerns including Dick Parrella who is on the Memorial Committee. Selectman Crowley stated we may want to have a policy in the future although he doesn't feel the need. Mr. Boynton stated a by-law would be needed. He reiterated that the larger planned memorial needs to be presented to the Selectmen and possibly the Planning Board as well.

Selectman Foresto moved that the Board approve the renaming North Street Park Lieutenant Colonel Harry "Buz" Johnson, Jr. and playground rededication to Lillian Hodgson as discussed. Selectman White second. VOTE: 5-0-0.

Discussion: Exelon Emissions – Proposed Energy Facilities Siting Board (EFSB) Permit Amendment

The Board reviewed the letter to the EFSB from attorney John DeTore dated August 31, 2020.

Town Manager Boynton stated Exelon has been operational for almost two years on natural gas. Part of their EFSB permit states the emissions from the stacks can be no greater than 5% opacity. They were allowed to operate with ultra-low sulfur diesel only as an alternative fuel source if needed for any reason and there is a penalty clause in their HCA should they actually operate with diesel. They have been unable to reach the 5% opacity limit using the ultra-low sulfur diesel and have been hitting 15-18%. They have tried another fuel, kerosene which is still hitting 15-18%. There is good reason for the Town to be disappointed as this was a concern during initial negotiations of the HCA and General Electric confirmed to Exelon that they could meet the 5% threshold. Mr. Boynton suggested we utilize BCK Law and ask to get the air quality consultant back to review the requested amendments to the EFSB permit in order to understand what the impact of the requested change to opacity is relative to air quality. Mr. Boynton will request that Exelon cover these costs. He would like to review their testing to date and suggested the subject be open for public comment. Selectman Crowley wants the results from the consultant before we get public comments. Selectman Trindade asked who the decision maker is on approving these changes to the permit even if the Town/Selectmen are not happy. He stated the EFSB has the decision so why would we spend money on a consultant and why don't we ask the EFSB to do this investigation. It was noted that the EFSB would not be a non-biased source and Selectman Crowley stated he felt it was important for the Town to have data from our own consultant in order to go before the EFSB if necessary. There was further discussion on the need for a consultant. Selectman Crowley asked if the change to kerosene impacts the Fire Department response. Lieutenant Fasolino confirmed the process would be the same for oil versus kerosene. Selectman Crowley would like the consultant to look into how long they were running on the diesel and if we are due any formal payback per the HCA if this is efficacious from a cost perspective.

Selectman Foresto moved that the Board authorize the Town Manager to engage BCK Law and to engage an energy consultant to evaluate the impact of the requested opacity changes to the Exelon EFSB permit in an amount not to exceed \$10,000. Seconded White. No Discussion. VOTE: 5-0-0.

Discussion: Proposed Massachusetts Police Reform Bill

The Board reviewed the (1) House Bill H4794, and (2) Senate Bill S2800.

Mr. Boynton stated there are two bills, one from the Senate and one from the House. This issue front and center across the country is known and the House bill addressed one direction and the Senate another direction. The bills are currently in conference. The task of policing the community is not a simple or straight forward task with each incident being unique. There are mandates in place from the State and Federal governments, and they are in conflict based on these bills. We don't ever want to lose sight of the fact we have an incredible Police Department, Chief, training programs, and staff. The final bill should not hamstring our officers from doing the essential part(s) of their job, as this would prevent law enforcement completing their charge. Something as broad reaching as the approval of this bill should take time to ensure it is well thought out. Lieutenant Kingsbury stated that the end goal of this bill has been supported by the Police. One process the Police would not support would be being judged by those without any experience in the business. There are also conflicts within the use of force which are based on case law. He noted that our State has provisions that other states do not, and we are way further along. The bill wants to take away from state law. It was further noted that the Police are still required to follow the Fourth Amendment. An additional concern are the potential changes to qualified immunity which was established by the supreme court in the late 60s. This bill would create a means for the Attorney General's Office to sue municipalities and individuals to sue specific Police Officers. It was

suggested this be removed until the impact can be further studied. He stated there are a lot of monetary issues as well impacting municipalities. The issue and impacts of wearing of body cameras include no existing framework and implementation costs. He noted that the Police are not opposed to wearing body cameras noting there is very little in these bills that the Police are opposed to. Other issues include: (1) when the bill is signed it goes directly into effect with no training or education, (2) changes to use of force relative to mental health, alcohol and drugs, (3) the need for having enough information to arrest a subject or you cannot put hands on the individual, and (4) the inability to intervene in an ongoing crime until the crime is actually done, i.e. knowing someone is going to hit someone but you can't intervene. This impacts our ability to deal with those with mental health issues in a more positive way, as now we don't arrest but get them help; these changes would mean that now we will have to arrest them and not have the ability to get them the psychiatric help needed. Selectman Crowley asked if the House or Senate bills are supported as written. Lieutenant Kingsbury stated no. Selectman Crowley asked if there was a public hearing for either of these bills. Lieutenant Kingsbury stated no. Selectman Crowley asked if these bills had gone to the Police Association for review. Lieutenant Kingsbury stated no. Selectman Crowley asked if our Senator and Representatives voted for these bills. This was confirmed. Mr. Boynton noted that there should have been feedback requested from those doing the job and also that funding should be provided to implement these changes. The Senate bill took three weeks to approve. Representative Roy had a listening session, but the bills had already been passed. Selectman Foresto asked who actually wrote the bills. Lieutenant Kingsbury stated much of the content was proposed over the years. Selectman Foresto stated that we all agree that a three-week look means that they have not done their due diligence. Mr. Boynton stated the importance of sending a letter regarding the need to take the time and steps to get it right. All the Selectmen agreed. Selectman Crowley stated his concern about the equality in the makeup of the Municipal Police Training Committee as stated, as there is a possibility that twelve of the fourteen members to be appointed could be minorities. He stated his lack of understanding on how our State representatives could pass these documents in their current state. Selectman Trindade requested that Mr. Boynton generate a letter to be addressed at the next Selectmen's meeting. The Selectmen agree that change needs to happen but with the appropriate public input. Lieutenant Kingsbury stated Representatives Roy and Murray have been involved and very responsive since he sent his letter. It was noted there are six members in the committee working to combine the two bills and none are Medway representatives. The bill would then need to get approved by the House and Senate and then the Governor.

Discussion: Police Chief Position - Civil Service Removal Proposal

The Board reviewed the proposed November 16 Fall Town Meeting warrant articles.

Mr. Boynton stated the goal going forward for the long term is to fill the Police Chief position with someone who has served in one of the Lieutenant roles for the Town. Civil Service requires three viable candidates, however, so we would need to open the job up to a person who is not a Lieutenant. We would still include assessment evaluation for this role. The proposal is to add a by-law with companion Town Meeting warrant articles to remove the Police Chief position from Civil Service and, if that passes, put in place a by-law that would include the need for a unanimous Selectmen vote to allow the Town Manager to fill the position externally. Selectman White asked how many other towns have pulled out of Civil Service. Mr. Boynton stated there are fewer Chief Positions still in civil service. Selectman Crowley asked for a reexplanation of the process. Mr. Boynton stated in order for the Town Manager to post the position externally, a unanimous vote of the Selectman would be required. The Board would prefer a majority versus unanimous vote.

Selectman Foresto moved that the Board support the inclusion of the Fall Town Meeting warrant articles for the Police Chief position to be removed from Civil Service and the article proposing a general by-law to identify the manner of selection for both Police and Fire Chief positions as discussed. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Vote: Fiscal Year (FY) 2022 Budget Calendar

The Board reviewed the proposed FY22 budget calendar.

Selectman D’Innocenzo moved that the Board approve the FY22 budget calendar as presented. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Vote: Open November 16, 2020 Fall Town Meeting Warrant

There were no materials for the Board to review.

Selectman D’Innocenzo moved that the Board vote to open the November 16, 2020 Fall Town Meeting warrant. Selectman White seconded. No Discussion. VOTE: 5-0-0.

One-Day Liquor License Application

The Board reviewed the Police Chief’s recommendation for Allison Young.

Selectman D’Innocenzo moved that the Board approve the one-day liquor license as presented subject to the Police Chief’s recommendations and proof of appropriate insurance coverage. Selectman White seconded. No Discussion. VOTE: 5-0-0.

Action Items from Previous Meeting

The Board reviewed the Action Items dated August 3, 2020.

Medway Plaza Redevelopment: Town Manager Boynton stated there is a status update meeting tomorrow morning.

Status on Grant Funding for Solar at New DPW Facility: Town Manager Boynton stated the power is live, the panels are functional, meters are set to be installed, and he has signed off on the account set up for the funding from Eversource.

Town Manager’s Report

There were no items for the Board to review.

COVID Update:

- Crossing Guards & Schools-Town Manager Boynton stated there are some challenges relative to school reopening. He noted that, under the Department of Labor, Crossing Guards are not to be traffic officers so we will need additional staff. We also have no idea what will happen if a positive COVID case happens once school starts.
- Senior Center Status-Town Manager Boynton stated the Senior Center is still closed; meals programs are in place which are being held outside. We are not in a situation to reopen until Phase 4.
- Looking Ahead (holidays, staffing, parade, etc.)-Town Manager Boynton stated there are other issues of concern, including Halloween, the Christmas Parade, etc. He noted we continue to monitor employees, have proper sanitization, and social distancing.

VFW Lease Status: Town Manager Boynton stated he had a conversation with Mr. Larney regarding the lease expiration as of December 31st and, if they wish to renew, there are specific terms and associated costs. Their VFW board is meeting this month. Ms. Pratt is holding the final payment until we understand how they want to proceed.

MPO Election Update – Medway Representation??: Town Manager Boynton stated our MPO SWAP seat is up and asked if there is anyone who would like to step up or would we like to have another community take the seat. Selectman Foresto stated we got involved due to projects that we had in the pipeline which are completed. There was further discussion on maintaining this seat in Medway. Mr. Boynton will ask specific staff if they are interested in this seat, Mr. D’Amico, Mr. Pelletier, or Ms. Saint Andre.

FY’2020 Close Out & FY’2021 Budget Update: Town Manager Boynton stated we are finishing the FY20 financial close out and will be submitting numbers to State for certification. He reported that for FY21, we dodged a bullet with DOR based on how we decreased state aide. We would have had to appropriate an additional \$1 million if DOR did not address the issue he identified, and it would have impacted all municipalities.

September 11 Observance – Friday 11AM Fire Headquarters: Town Manager Boynton stated anyone interested should attend.

Hyannis Fire Assessment Center – Management Assist-September 24: Town Manager Boynton stated he will be in Hyannis assisting at the assessment center.

Town Manager Out of the Office:

- Thursday September 24 – Hyannis Fire Assessment Center
- Friday September 25 – Out of Office

NEXT Regular Selectmen’s Meeting – Monday, September 14, 2020

Selectmen’s Reports

There were no items for the Board to review.

Selectman Crowley stated we have allowed outside dining until November 1st and asked about the possibility to revisit tents with heaters and extend the deadline. The Town Manager’s office will investigate these issues and report back to the Selectmen.

Selectman White thanked the Fire Chief and staff who allowed use of the Fire Station behind Town Hall for voting. Mr. Boynton commended Ms. White and her office on their efforts. Selectman White stated there were over 3,000 voters noting there is usually only 1,000. Selectman Crowley asked for confirmation that the ballot must be in hand of Clerk by 8pm. Ms. White confirmed.

At 9:10 PM, Selectman D’Innocenzo moved to adjourn. Selectman White seconded. VOTE: 5-0-0

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