

**Select Board Meeting
July 12, 2021 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Maryjane White, Chair; Dennis Crowley, Vice-Chair; Frank Rossi, Clerk; Glenn Trindade Member.

Absent: John Foresto.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Joanne Russo, Treasurer-Collector; Peter Pelletier, Department of Public Works (DPW) Director; Sean Harrington, DPW Deputy Director; Sandy Johnston, Communications Director; Jack Mee, Building Commissioner; Courtney Riley, Senior Center Director.

Other Participants: Susan Dietrich, Chair, School Committee; Andy Rodenhiser, Planning and Economic Development Board Chair.

At 7:00 PM, Ms. White called the meeting to order and led the Pledge of Allegiance.

Public Comments: Susan Dietrich of 46 Fisher Street, requested her written comments be attached to the minutes of this meeting. She reviewed the transparency of the Town government via the Medway Cable Access (MCA) recordings of meetings and listed those currently recorded. She requested that the following three committees also be recorded by MCA, as many funding decisions are addressed at these meetings including funding to be voted on at Town Meeting: (1) Affordable Housing Committee (AHC), (2) Community Preservation Committee (CPC), and (3) Parks Commission. Ms. White asked why they are not currently recorded. Mr. Boynton explained it is due to the availability of MCA equipment based on the meeting location noting the AHC meets at the Senior Center, CPC at the Medway High School Library, and Parks in Sanford Hall, as well as other locations. The Senior Center and High School Library do not have recording capabilities. Ms. Dietrich stated the Middle School Presentation Room is available the first Monday of the month when CPC meets, which would allow for meeting recording. Mr. Crowley asked where we draw the line and why not include the Water Treatment Facility Committee, Water and Sewer Commission, and Capital Improvement Planning Committee. Ms. Dietrich stated she requested these specific three as funding decisions are addressed by these three committees that are included in the Town Meeting warrant. Mr. Crowley said if we do for one committee, then we should do for all committees, versus just picking and choosing. Mr. Trindade stating the issue will be the ability to record in a specific meeting space as well as overlapping times of meetings. Mr. Boynton stated we will investigate this noting the Town is in a partnership with MCA, and he is not sure of staff availability for multiple meetings on the same night noting there will not be a quick solution to this.

Mr. Boynton introduced Pete Pelletier as the new DPW Director and Sean Harrington as the new DPW Deputy Director and reviewed Mr. Harrington's background and experience relative to this position. Mr. Harrington came from Needham where he was the Water and Sewer Superintendent. Mr. Boynton reported that the West Street Bridge culvert work starts on next Wednesday, July 21, and will involve road closures noting that Ms. Johnston will be doing significant outreach about this project to make the community aware of road closures and detours. Mr. Pelletier stated letters are going to homeowners. Mr. Rossi asked the anticipated length of the project. Mr. Pelletier stated the goal is one month. Mr.

Trindade recommended extending the timeline communicated to residents of one month to at least six weeks in case of contingencies. There was further discussion on the specific aspects of the project. Mr. Rossi asked Mr. Harrington for his impressions based on his fresh eyes of the Town and DPW. Mr. Harrington stated that he noticed fire hydrants are in good shape as well as other water system infrastructure items. The trees are in good shape and the military memorials are immaculate. Mr. Crowley asked how long he has been in Medway. Mr. Harrington stated since July 1. The Board welcomed Mr. Harrington and congratulated Mr. Pelletier on his promotion to the director position. Mr. Crowley asked if most of the primary work in the Brentwood area is complete. Mr. Pelletier confirmed. Mr. Crowley asked about the timeline for Maple Street. Mr. Pelletier stated Spring to Summer of next year. The Board asked about Police details relative to the speeding on Holliston and Coffee Streets. Mr. Boynton confirmed noting there was an auto accident at the Holliston and Lovering intersection today. Mr. Boynton noted that we are delayed on a couple of the street paving projects including Broad Street due to the weather. Mr. Crowley asked for an update on the tennis-pickleball courts at the High School. Mr. Pelletier stated they are in the process of demolition of the unsuitable surface. Mr. Crowley asked when this will be completed as his last discussion with the contractor an eight-week timeline was stated with the goal for completion prior to the start of the school year. This was confirmed.

Approval of Minutes: June 7 and June 21, 2021

The Board reviewed the draft minutes of June 7 and June 21, 2021.

Mr. Trindade moved that the Board approve the minutes of June 7 and June 21, 2021 as presented. Mr. Crowley seconded. No discussion. VOTE: 4-0-0.

Consideration of Appointment to Medway Housing Authority – Tenant Board Member (1): Thomas Bowen, James Coyle, Ramona Fiorentino, Jenni Lynch

The Board reviewed the candidates' interest in appointment.

This agenda item was moved to the August 9th Select Board meeting as two of the candidates were unable to attend.

Consideration of Appointments to Cable Advisory Committee (5): Richard Boucher, John Foresto, Robert O'Neill, Timothy Rice, Brian Warfield

There were no materials for the Board's review.

Mr. Trindade moved that the Board appoint Richard Boucher, John Foresto, Robert O'Neill, Timothy Rice, and Brian Warfield to the Cable Advisory Committee for a three-year term. Mr. Crowley seconded. Discussion: Mr. Rossi asked about the function of this committee. Mr. Boynton stated that they interface between the Town and Medway Cable Access (MCA), as MCA is a private and independent 501(c)(3) using the funding the Town received from Verizon and Comcast. This group works on how those funds are allocated noting that they work with MCA to develop policies and funding priorities. **VOTE: 4-0-0.**

Approval: Advance of Funds In Lieu of Borrowing - Parks Projects Approved at May 10, 2021 Annual Town Meeting - \$600,000

The Board reviewed the (1) memo from Joanne Russo, and (2) advance of funds in lieu of borrowing form.

Mr. Boynton stated that this is a cash advance for lack of better explanation noting that we are already beginning these projects so want to ensure that we have the funding. He stated the final borrowing will take place in October. Mr. Rossi and Ms. White asked if the cash flow is from Town funds and then replenished once we borrow. Mr. Boynton confirmed. Mr. Crowley stated there are three projects, including the tennis courts, and probably the most expensive was the softball fields going behind the Middle School. Mr. Boynton stated we are working with DJ Chagnon on the final design. Mr. Crowley asked about the possibility of getting the bid out and the project completed before the start of school next September. Mr. Boynton explained the three projects that are included in the October borrowing noting Community Preservation Act funds are being used for the tennis courts, and these three projects specifically include the softball field at the Middle School, Center Street field renovations, and the \$300,000 for the Cassidy Field parking. Mr. Boynton stated the goal is to begin these now and confirmed that these projects will be completed before the start of school next September. Mr. Crowley asked if the School Committee will have any issues with the Middle School field work that may be occurring when school is in session. Mr. Boynton stated we will be coordinating with Dr. Pires. Mr. Crowley requested that we confirm this is OK with Dr. Pires.

Mr. Trindade moved that the Board approve the Advance of Funds in Lieu of Borrowing in the amount of \$600,000 for the purpose of designing, engineering, constructing, and installing the projects approved in Article 9 of the Annual Town Meeting. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Approval: Contract with Katherine Tonelli for Council on Aging Nursing Services – Not to Exceed \$7,000

The Board reviewed the (1) memo from Courtney Riley, and (2) contract.

Mr. Boynton noted this is a yearly renewal for the Council on Aging nurse's contract.

Mr. Trindade moved that the Board approve the contract in an amount not to exceed \$7,000 as presented subject to proof of appropriate insurance coverage. Mr. Rossi seconded. No discussion. VOTE: 4-0-0.

Extended Pandemic Related Remote Participation Policy

The Board reviewed the (1) current policy and (2) proposed addendum to the policy.

Mr. Boynton stated since this was first discussed, the legislature has extended remote participation through April of 2022, noting the Select Board requested we revisit this policy. Mr. Crowley stated he had no issue and thinks each board should determine what is the most appropriate for the board and allow them to handle this individually. Ms. White asked for confirmation that this would extend through April of 2022. Mr. Boynton confirmed. Mr. Rossi noted a physical presence of a quorum should still be in place. Mr. Boynton stated this is not part of the legislation. Mr. Rodenhiser stated if a quorum in person is needed, that negates allowing remote participation which allows for more flexibility in participation. Mr. Boynton stated remote participation has always been allowed and noted the legislature stopped short of continuing this without an end date. He said the Select Board can decide whatever they wish to allow. Mr. Crowley stated his concern that some committee members may abuse this and felt that an elected official should participate in person. Mr. Rodenhiser suggested a certain percentage of meetings be allowed to be remote. Mr. Boynton suggested allowing the remote participation and revisiting this in three months. He suggested removal of the last paragraph of the addendum noting that the staff of the Board would need to coordinate the zoom portion of the meeting. Mr. Rodenhiser explained the specific situations where fully remote meetings would be

efficacious. Mr. Rossi felt the addendum should remain as is and Ms. White agreed. Mr. Rossi asked who will keep track of remote participation. Mr. Boynton stated it may be anecdotal reporting only.

Mr. Rossi moved that the Board approve the remote participation policy addendum as discussed and revisit results by December 1st. Mr. Trindade seconded. No discussion. VOTE: 4-0-0.

Mr. Crowley asked if the Select Board would consider that we utilize Zoom and only have the chat feature allowed for questions to be answered. He stated there can be the same question asked many times over and over and handling it this way would alleviate that. Mr. Rodenhiser noted you always have the ability to consolidate questions, to state that the answer was already provided, and to assign someone to monitor and respond to the chat. There was further discussion on how the chat function could be managed. Mr. Boynton asked for confirmation that at the August 9th meeting, we are going back to Zoom with the Chromebooks. The Board requested that we ask Town Counsel if this would be allowed based on Open Meeting Law and the new regulations. Mr. Boynton noted that public hearings must allow for verbal public comment. The Board requested that the results of the investigation of the chat only during meetings be reported at the August 9th meeting and the Board will then decide how to move forward. The concern was voiced regarding the potential to know who was actually commenting or asking questions if only the chat function was utilized.

Consideration of Public Event Application: Medway Turkey Trot – 11/25/2021

The Board reviewed the (1) application, and (2) Lieutenant Kingsbury's recommendation.

Mr. Trindade moved that the Board approve the Medway Turkey Trot as presented subject to the Police Lieutenant's recommendations and proof of appropriate insurance coverage. Mr. Crowley seconded. No discussion. VOTE: 4-0-0.

One-Day Liquor License Applications:

- **Rob Rorke – Thayer Homestead – 7/25/2021**
- **Ellen Allard – Thayer Homestead – 8/1/2021**
- **Sharon Ross – Thayer Homestead – 8/6/2021**
- **Lindsey Colelli – Thayer Homestead – 8/7/2021**
- **Josephine Messier – Thayer Homestead – 8/8/2021**
- **Michael Coletti – Thayer Homestead – 8/13/2021**
- **Penny Boule – Thayer Homestead – 8/14/2021**
- **Tony Cedrone – Thayer Homestead 8/22/2021**

The Board reviewed the Police Lieutenant's recommendations for Rob Rorke, Ellen Allard, Sharon Ross, Lindsey Colelli, Josephine Messier, Michael Coletti, Penny Boule, and Tony Cedrone.

Mr. Trindade moved that the Board approve the one-day liquor applications as presented subject to the Police Lieutenant's recommendations and proof of appropriate insurance coverage. Mr. Crowley seconded. No discussion. VOTE: 4-0-0.

Action Items from Previous Meeting

The Board reviewed the (1) action items dated June 7, 2021, and (2) June Water Treatment Facility Status Report.

Unaccounted for water loss status report: Mr. Crowley stated this was to be presented to the Board in July and requested that this be presented to the Board in August and that the Board be provided the data prior to the meeting.

Mr. Crowley asked about the Water Treatment Facility Project Committee and if the committee has come in with the projected project cost as he thought they were close to determining this. Mr. Boynton stated that no as of last Thursday night's meeting noting they are at thirty percent on the design and are waiting for the latest estimator's report, which should be in a week or so. Mr. Pelletier stated the goal was to have that information by the next meeting, next Thursday. Mr. Crowley requested that the Select Board be provided with that information once available, well before the August 9 Select Board meeting. Mr. Crowley asked about the billing report provided noting that construction management was not listed. He asked who will be doing the construction management. Mr. Boynton stated the construction management is a dual piece noting the overall construction management will be Environmental Partners the Owners Project Manager (OPM). We did not contract with Wright-Pierce as of yet for the full construction management function. The decision was made to wait until the final project cost is determined, so we will be back before the Board for that cost. Mr. Crowley asked if that is a change order. Mr. Boynton stated it will be a contract amendment. Mr. Crowley asked if we know roughly what that cost will be. Mr. Boynton stated no as they were providing a best guess number between twelve to fifteen percent of the contract price. We decided to hold off until an accurate cost could be provided. He anticipates the cost would be around twelve percent of the project value. Mr. Crowley asked, based on the possible project cost of \$14 million, did we put in \$1.4 million for construction management costs into the budget number on the bond. Mr. Boynton stated an amount was included, but this process occurred after the debt projections for the year were put together. He would like to go to Fall Town Meeting with the most accurate cost projections possible and reviewed the specific costs that would be included. He noted the current costs and supply chain issues due to COVID if we went out to bid now and the hope that, when we do go out to bid, they will be significantly lower. He explained the difference between the DPW facility included costs and this facility. Mr. Crowley stated that he would like to see the estimated number for construction including the number plugged into the budget tracking summary spreadsheet so that we have a total estimated number for this project noting the Board has not seen that final number to date. There was further discussion on what project costs would be included and reported in the debt projections relative to the water projects for Fiscal Year (FY) 2022 in order to know what delta is needed for the FY2023 budget. Mr. Trindade stated he has an issue with the project oversight cost being based on a percentage of the cost of the project since the building specifications do not change just total project cost. He was particularly concerned given our experience with Compass Project Management and the DPW Facility. Mr. Boynton discussed the plan for determining the project management cost moving forward, including the amount of involvement with the architect during the construction phase. Mr. Trindade asked how we ensure that we retain the same Project Manager throughout the entire project. Mr. Pelletier stated the Project Manager confirmed that she will be involved until the conclusion of the project. There was further discussion on the ability to ensure the retention of the Project Manager throughout the life of the project.

Town Manager's Report

There were no items for the Board to review.

State Aid: Mr. Boynton stated he is working with Ms. Pratt to determine the final State aid amount. He explained the charter school tuition and reimbursement as well as the school choice tuition and revenue. He stated that the total State budget to the Town is approximately \$60,000 less than what we projected in the spring at Annual Town Meeting noting this is not a concern as other budget items will

account for this. Mr. Crowley asked how this compares to what we actually received for FY21. Mr. Boynton stated for FY21 total revenue we were at \$12.2 million and this year, FY22 we are at \$12.4 million, FY21 charges were \$852,000 and \$944,000 for FY22. Mr. Crowley stated that we roughly picked up \$300,000 and the Massachusetts Municipal Association reported that the State had \$4.5 billion in excess revenue at the close of FY21. He looked at where that funding was to be allocated, which is to education, which he agreed with, but no funding was going to cities and towns for COVID relief. Mr. Boynton stated that revenue increased \$210,000 and approximately \$100,000 in expenses.

COVID Update:

- Funding – Feds and County (\$705,413.73 received): Mr. Boynton stated this is the first half of the American Rescue Plan Act (ARPA) funding that we have received noting the next anticipated funding would be in June of next year.
- Planning – Mr. Boynton stated that we have no intention to touch/spend these funds. He stated we were notified that the County intends to pass through most of the funding to the towns noting he does not have this final number yet. Mr. Crowley asked for clarification as to the \$705,000 funding. Mr. Boynton stated we have identified and spent all of the \$1.1 million in CARES Act funding for COVID related costs. Mr. Crowley asked if all of that was spent. Mr. Boynton confirmed noting that most of that was school related COVID costs. Mr. Crowley asked if this is the second bite of the apple. Mr. Boynton stated that this is ARPA funding, which is the second federal COVID relief package.

Police Retirements & Hiring Process Update: Mr. Boynton recognized two retirements, Officer John Rojee and Joe MacDougall, commending them on outstanding careers. He noted that Sergeant Mitchell retired at the beginning of the year and we anticipate one additional retirement. We have extended four conditional offers to candidates and will move forward with the hiring process. He noted that three hundred names were reviewed, and seven interviews were conducted last Wednesday and Thursday.

West Street – Bridge & Road Closure – JULY 21: Mr. Boynton stated this was already discussed.

BESS Finance Study & Legal Update: Mr. Boynton stated Glenn Walker of Sansoucy is working on this study to ensure doing a PILOT makes sense, as well as the related legal piece of the likelihood of the introduction of the Energy Facilities Siting Board (EFSB) in the process. He noted that we do not have a Host Community Agreement (HCA) in place as we did with Exelon and the company has hired an attorney to look at local permitting. He stated that with the Exelon project, we had an HCA and the EFSB used our HCA for a lot of the EFSB Exelon conditions. EFSB's involvement changes the dialog significantly, as well as the work that is involved. He noted the presentation is planned for Fall Town Meeting. Mr. Crowley asked when EFSB will take jurisdiction. Mr. Boynton stated it could happen within sixty days. Mr. Crowley asked if the EFSB can change Town zoning by-laws. Mr. Boynton stated they cannot change them, but they can override zoning by-laws. There was further discussion about the past experience with Exelon and how this compares with this project.

Regional Dispatch Review Process Update: Mr. Boynton stated he has a meeting next week with Frank Pozniak, Executive Director at Massachusetts State 911 Department, to continue the discussion on regional dispatch to include Medfield, Millis, Medway, Holliston, and Dover. He noted this does not result in a cost savings but a cost shift and that our dispatchers complete more functions than dispatch. He said there are three choices: (1) do nothing, (2) join an existing regional center, or (3) create a new regional center.

Health Insurance Update: Mr. Boynton stated we have met with consultants and are looking at other brokers/agents to work with us. We will address this topic with the Board at a later date. Mr. Crowley asked when the contract expires. Mr. Boynton stated next year noting that we do the brokerage piece on yearly basis usually in December but are starting this process early this year.

TC Scoops Liquor License Update: Mr. Boynton reported he requested Ms. Langley to send Ms. Chemini a letter noting that her liquor license is strictly only for that location at the Plaza and cannot be utilized off that specific premises. Mr. Crowley asked if the cost of her license would get prorated if it is surrendered. Mr. Boynton stated that we have never had to do this before. There was discussion about the process for an alternative location and the need to submit a change of location application to the Alcoholic Beverages Control Commission.

Town Manager Out of Office: Mr. Boynton stated he will be out of the office as follows:

- Thursday July 15 – Out of Office
- July 29 & 30 - Tentative

NEXT Regular Select Board Meeting – Monday, August 9, 2021.

Select Board's Reports

There were no items for the Board to review.

Mr. Crowley commended Julie Harrington and the Parks Commission on their outstanding job and specifically all of programs being offered noting that his daughter who lives in an affluent Town only has a third of the available programs. Mr. Boynton commended Ms. Harrington, as well, noting he would likely be requesting additional staff for her department in the next budget cycle.

Mr. Rossi reported he attended the summer concert series last Monday stating it was awesome and again commended Ms. Harrington on her efforts.

At 8:26 PM, Mr. Trindade 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 and the chair so declares [Zoning Enforcement Matter – D&D Mulch – Winthrop Street] with no intention to return to open session. Mr. Rossi seconded. Ms. White declared as chair the need for Executive Session. It was voted by roll call: Crowley aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

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

Comments by Susan Dietrich follow:

Good Evening,

My name is Susan Dietrich, and I live at 46 Fisher Street here in Medway. As I mentioned during my comments at the July 12, 2021 Select Board meeting, I am sending a written copy of my comments to be attached to the minutes of this meeting:

Medway is fortunate to have many dedicated volunteers on various boards and committees. We are also fortunate that Medway is committed to transparency in local government, as transparency is an important foundation for a well-functioning town.

A key element of this transparency is an outstanding partnership with Medway Cable Access, which records and makes available the meetings of many of our town boards and committees, including:

- Select Board
- Finance Committee
- School Committee
- Planning and Economic Development Board
- Zoning Board of Appeals
- Conservation Commission

Even the newly-formed IDEA and Master Plan Committee meetings are recorded and rebroadcast.

This shows the value the town places on documenting the discussions of our hard-working elected and appointed officials, as the recordings provide helpful insight into issues of importance in our town that cannot be captured through summary meeting minutes.

While I recognize that it is not feasible to record the meetings of every board and committee, there are three that I am requesting that the town add to this list, as these three make decisions regarding multi-million dollar projects and recommend fund allocations that can expend hundreds of thousands of dollars at one time. These three committees are:

- Affordable Housing Committee
- Community Preservation Committee
- Parks Commission

Often residents are asked to vote for warrant articles at Town Meeting on projects that are discussed in-depth by these committees. Recording their meetings would improve transparency and allow residents to be informed.

We all acknowledge that it is not possible for residents to attend every meeting of every board discussing an issue in which they might be interested, so adding these three boards to the list of those whose meetings are recorded would greatly improve residents' ability to understand the decisions being made and the issues they might need to decide at Town Meeting.

Summer is traditionally a time when many boards take a well-deserved break from their typical busy meeting schedules, so summer would be an ideal time to work with Medway Cable Access to ensure they can record the meetings of the Affordable Housing Committee, Community Preservation Committee, and Parks Commission.

In the same way that the Select Board appointed the members of the IDEA Committee and have made sure those meetings are recorded, the Select Board also appoints members of the Affordable Housing Committee, Community Preservation Committee, and the Parks Commission, so I am formally requesting that those meetings also be recorded and made available for viewing.

Thank you for your commitment to transparency and for helping the residents of Medway to stay informed.