

**Select Board Meeting
April 5, 2021 – 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; Rich Boucher, Director, Information Services; Joanne Russo, Treasurer-Collector; Barbara Saint Andre, Director, Community and Economic Development; Sandy Johnston, Communications Director, Police Lieutenant Kingsbury.

Participated Remotely: Bridget Graziano, Conservation Agent.

Others Participated Remotely: Merit Award Recipients: Sujith Atluri and Nicholas Zanella; Eagle Scout Carter Pomponio; OSJL Spirits, LLC: Lisa Adelman, Attorney; Keystone Liquors: Gregory Dukakis, Sharon Franco, Ankit Patel.

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

Public Comments: Darshan Brahmhatt of 5 Pine Ridge Drive, Unit 1 stated his opposition for the Beer and Wine license for the Ocean State Job Lot siting there are enough liquor stores in Medway already and he goes shopping with his family and children there and that would make him uncomfortable.

Recognition of Merit Award Recipients: Sujith Atluri and Nicholas Zanella

There were no materials for the Board to review.

The Select Board commended both Sujith Atluri and Nicholas Zanella on their recognition by the National Merit Scholarship Program as Commended Students. In order to receive this prestigious recognition, students who take the College Board PSAT their junior year must attain a certain benchmark score on the exam which varies from year to year. Of the 50,000 highest scorers out of more than 1.5 million total students, approximately two-thirds receive this commendation. Both students’ achievements during their High School years were acknowledged. Lt. Kingsbury speaking as the High School Football Coach commended Nicholas on this achievement. Both students explained their achievements and extracurricular activities to date and their plans to attend four-year colleges.

Approval of Minutes: March 15, 2021

The Board reviewed the draft minutes of March 15, 2021.

Mr Foresto moved that the Board approve the minutes of March 15, 2021. Mr. White seconded.

Discussion: Mr. Crowley referenced page 6, line 284 requesting that the line be changed to reflect the staff not the Town felt rezoning would be the appropriate course of action. **VOTE: 5-0-0.**

Discussion/Vote: Eagle Scout Project - Bat House Installations - Adams to Lovering Street Trail

The Board reviewed the (1) PowerPoint Presentation, (2) map of Adams to Lovering Street Trail with proposed bat house locations, and (3) photos of proposed bat house locations.

Town Manager Boynton stated this is a fantastic project. It is on property under the jurisdiction of the Select Board not the Conservation Commission (ConCom) hence requiring Select Board approval. Ms. Graziano stated that Carter has been working with ConCom for over one month, attended their last two meetings, walked the site with Chair Travalini, and ConCom voted to approve the bat house on ConCom land. Ms. Graziano stated the Lee Property and Adams Street parcel were purchased with Community Preservation Act (CPA) funds. Carter showed the specific locations of each of the proposed bat house installations as well as the specific structure planned to be implemented: (1) twenty-foot poles with six feet in the ground, (2) fourteen feet will be above ground, and (3) the diameter is 6x6. Mr. Trindade asked how many he is planning to install. Carter stated five in total with one at Idylbrook, one at the Community Farm, and three on the Adams to Lovering Street Trail. Mr. Foresto commended him on this project noting the woodchuck boxes need to be addressed at Idylbrook if any potential Eagle Scout is interested. Mr. Crowley commended Carter on his PowerPoint presentation. Ms. White asked if a certain amount of bat houses per a certain amount of land is recommended. Carter stated there is no minimum or maximum amount recommended.

Mr. Foresto moved that the Board approve the bat house installations on the Adams to Lovering Street Trail as discussed. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Mr. Trindade asked when the installation is planned. Carter stated on April 19th. Mr. Trindade requested a calendar invite be sent to the Board for this date.

Discussion/Vote: New Application for Wine and Malt Package Store License – OSJL Spirits LLC, D/B/A Ocean State Job Lot, 114 Main Street

The Board reviewed the (1) updated Page 1 of the Alcoholic Beverages Control Commission (ABCC) application for a new wine and malt package store license, (2) updated Floor Plan depicting proposed storage and sale locations, and (3) Certificate of Insurance

Mr. Boynton stated Ms. Adelman was online to address the issues raised at the prior meeting. Ms. Adelman stated she submitted the updated site plan showing the specific locations of where the alcohol will be located for storage and sale, the certificate of insurance, and the liability issue was addressed with the submission of an updated page 1 of the ABCC application reflecting the D/B/A of Ocean State Job Lot (OSJL). She stressed the alcohol will be located in a very small area within the store, it is not in any coolers, and the product would not compete with local package stores. Mr. Crowley was concerned about where the liquor is being sold as well as stored in the store and asked what mechanism is in place to ensure underage residents will not be able to purchase liquor. Ms. Adelman stated it will be stored closer to the front of the store near the register, they have real-time cameras above this area with the tapes stored for ninety days, and the store only has one entrance. She stated the primary product is OSJL private label wine and reiterated that it will not be cold. Ms. Adelman noted there will still only be one entrance to the store with the expansion into the old hardware store space. Mr. Trindade asked if this will be the location after the reconfiguration. Ms. Adelman confirmed. Mr. Crowley restated his concern about theft by underage residents. Ms. Adelman stated they sell more wine than beer noting the beer is in nothing smaller than a six-pack.

Gregory Dumakis stated he represents the corporation that owns Keystone Liquors, and the owner Anit Patel who purchased the package store last October. He noted that Main Street Shell has a beer and wine license now. He stated that the ABCC has been consistent that there has to be a public need and stated his strong opposition to issuing this license. Ms. White stated if the Select Board does not approve this, then OSJL can go to the ABCC who can then approve this. Mr. Trindade stated that he has always been a proponent of more choice for the consumer. There was discussion about the Medway quota for all types of alcohol licenses. Mr. Crowley asked if Keystone has a provision in their lease that

no other alcohol can be sold in the plaza. Mr. Dumakis referred to the lease dated 2002 where there is a restriction that states liquor could only be sold at Keystone. Mr. Crowley stated that they should go to the owner of the property and note their opposition. Mr. Dumakis restated that he feels there is no public need. Mr. Boynton stated the public hearing was held at the last Select Board meeting noting the Board can determine public need and, if they deny the application, the applicant can appeal to the ABCC or, if we approve the application, an aggrieved party can appeal to the ABCC. Mr. Brahmabhatt stated he feels there is no public need and we already have a lot of options in Town. Ankit Patel, current Keystone Liquor owner, stated he feels it is not fair to him as he just bought his store six months ago, Main Street Shell was just approved for a Wine and Beer license as well, and he is not sure of OSJL's experience selling alcohol. Sharon Franco stated she is the broker who facilitated the sale from Mr. Passmore to Mr. Patel noting Keystone has been in business in Medway for over twenty years and stated she does not feel there is a need for so many locations so close to Keystone.

Mr. Foresto stated we like and appreciate small businesses in the Town and thinks we are putting someone who purchased a small business in jeopardy. Ms. White stated that she feels Keystone's issue should be addressed with the landlord. Dr. D'Innocenzo stated his agreement with Mr. Foresto. Mr. Trindade noted that he prefers consumer choice. Mr. Crowley stated OSJL has a perfect right to sell beer and wine but understands that Keystone has given a lot to the Town. Ms. Adelman wanted to stress this is a very small area with minimal product and does not feel this would impact existing businesses noting they have seven stores that sell these products in other towns in the state. Mr. Crowley asked if we could restrict the space and amount to be sold. Mr. Boynton confirmed but noted that any restrictions can be appealed to the ABCC as well. The Board postponed a decision until it can understand what restrictions can be placed on the license.

Discussion: Increase Departmental Data Stored in Treeno and Implement Website Access

The Board reviewed the memo from Rich Boucher, IT Director.

Mr. Boucher stated this topic arose from the January Select Board meeting. He reported that on average digitized documentation starts in 2010, which is the first step to make this information accessible to the public. He stated there are three goals of this project: (1) digitize the paper including curating all electronic data in one location, indexing the files, and make sure files are searchable, (2) develop tools which allow for ease of accessibility using as few platforms as possible, and (3) limiting the cost of implementation including ensuring scanning capabilities that allow us to do the work ourselves. He stated moving Treeno access onto the website and upgrading of the website have been added to his capital plan. He then reviewed the specific costs to upgrade Treeno for website access and additional functionality, the costs for outside scanning noting the higher priority documents can be completed in-house, and the cost to upgrade the Town website. Mr. Boynton stated that options were reviewed with the ultimate goal of transparency as well as determining how to best set up and store the data noting this will take some time. Mr. Crowley asked if the \$120,000 in cost includes any internal labor costs, if this would take staff away from being able to do their current jobs, and what the yearly will be cost moving forward. Mr. Boucher stated moving forward the cost would be \$10,600 for Treeno and \$5,800 for the website. Mr. Boynton stated the biggest impact is on public record requests. Mr. Crowley stated he would support these expenses but would like to see the available free cash. Mr. Trindade noted the importance of the ability to access the historical record and ease of access for the public.

Vote: Open, Close, and Reorganize the May 10, 2021 Annual Town Meeting Warrant to Include the Citizen's Zoning Petition and Vote to Refer the Citizen's Petition to Planning and Economic Development Board

The Board reviewed the citizen's zoning petition warrant article.

Mr. Foresto moved to open the May 10, 2021 Annual Town Meeting Warrant. Ms. White seconded. No discussion. VOTE: 5-0-0.

Mr. Boynton stated the citizen's petition has been certified with enough signatures to include in the warrant.

Mr. Foresto moved to add the Citizen's Zoning Petition warrant article to the May 10, 2021 Annual Town Meeting Warrant. Dr. D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Mr. Boynton stated it was determined that we could find sufficient funds to assist with the study for battery storage so we don't need a warrant article, the cemetery article is back on the warrant as well, as the individual that was prepared to take over may not now, and the Planning and Economic Development Board (PEDB) is recommending removal of Article 24, the rezoning of the parcels on Milford Street.

Mr. Foresto moved to remove Article 24 from the May 10, 2021 Annual Town Meeting Warrant. Mr. Crowley seconded. No discussion. VOTE: 5-0-0.

Mr. Foresto moved to close the May 10, 2021 Annual Town Meeting Warrant. Dr. D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Mr. Foresto moved to refer the Citizen's Zoning Petition warrant article to the Planning and Economic Development Board for review. Dr. D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Discussion/Vote Recommendations: May 10, 2021 Special Town Meeting Warrant Articles 1, 2 and 9 and Annual Town Meeting Warrant Articles 9, 17, 20 – 29, and 32.

The Board reviewed the (1) May 10, 2021 Special Town Meeting Warrant (2) May 10, 2021 Annual Town Meeting Warrant, and (3) memo from Barbara Saint Andre with the Planning Board recommendations for the Annual Town Meeting zoning articles.

Special Town Meeting Warrant

ARTICLE 1: (Free Cash Transfer: Snow and Ice Deficit)

Mr. Boynton stated right now there is a deficit of \$26,000 and would recommend this remain as TBD as we will have final number by Town Meeting.

Mr. Foresto moved that the Board vote that Article 1 remain TBD. Dr. D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Mr. Crowley stated it looks like in the free cash number there is \$200,000 in reserve in case there was a deficit in snow and ice. If the deficit remains as it, that will free up around \$175,000. Mr. Boynton confirmed. Mr. Crowley asked what the intent is for those funds. Mr. Boynton stated we will need some of that for the Evergreen Cemetery issue, we will not need it for the energy study, therefore the free cash balance estimated at \$370,000 should fall to free cash. Mr. Crowley asked how we arrived at \$370,000. Mr. Boynton stated \$200,000 we were carrying forward and another \$170,000 that we will not use. Mr. Crowley asked the Board if they would consider putting some of this into the Capital Improvement Stabilization Fund.

ARTICLE 2: (Prior Year Bills)

Mr. Boynton stated this amount is set as we do not anticipate any further bills.

Mr. Foresto moved that the Board vote to recommend approval of Article 2. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

ARTICLE 9: (Repurpose Monetary Articles – Open Space)
Mr. Boynton stated these funds will be used for the projects shown.

Mr. Foresto moved that the Board vote to recommend approval of Article 9. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Annual Town Meeting Warrant

ARTICLE 9: (Fund Parks Projects, Incl. Possible CPA Funds)
Mr. Boynton stated this will need to be voted at the next meeting as Mr. Trindade and Mr. Crowley will be meeting with the Community Preservation Committee later this evening to discuss.

ARTICLE 17: (Appropriation: Community Preservation Committee)
Mr. Boynton stated this will also need to be voted at next meeting as Mr. Trindade and Mr. Crowley will be meeting with the Community Preservation Committee later this evening to discuss.

ARTICLE 20: (Amend Zoning Bylaws: Central Business District)

Ms. White moved that the Board vote to recommend approval of Article 20. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

ARTICLE 21: (Amend Zoning Bylaws: Site Plan Review)
Ms. Saint Andre stated this is modifying activities subject to the administrative site review including the creation of a new streamlined process.

Mr. Foresto moved that the Board vote to recommend approval of Article 21. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

ARTICLE 22: (Amend Zoning Bylaws: Solar Electric Installations)

Dr. D’Innocenzo moved that the Board vote to recommend approval of Article 22. Ms. White seconded. No discussion. VOTE: 5-0-0.

ARTICLE 23: (Amend Zoning Bylaws: Flood Plain)

Ms. White moved that the Board vote to recommend approval of Article 23. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

ARTICLE 24: (Amend Zoning Bylaws: Re-zoning to Energy Resources)
Ms. Saint Andre stated the PEDB recommended this be removed from warrant.

ARTICLE 25: (Amend Zoning Bylaws: Nonconforming Structures)
Mr. Foresto moved that the Board vote to recommend approval of Article 25. Ms. White seconded. No discussion. VOTE: 5-0-0.

ARTICLE 26: (Amend Zoning Bylaws: New Section – Cottage Zoning)

Dr. D’Innocenzo moved that the Board vote to recommend approval of Article 26. Ms. White seconded. Discussion: Mr. Foresto does not think Medway should be a leader on this type of initiative since no one else has done this and we do not know the ramifications. Mr. Crowley agreed with Mr. Foresto stating he likes the concept but would like more study on this topic. Ms. White agreed with both Mr. Crowley and Foresto. **Dr. D’Innocenzo moved to rescind his prior motion. Mr. Foresto moved that the Board vote to recommend not approving Article 26. Ms. White seconded. No discussion. VOTE: 5-0-0.**

At 8:28pm, Mr. Crowley and Mr. Trindade exited the meeting to attend the Community Preservation Committee meeting.

ARTICLE 27: (Amend Zoning Bylaws: Electronic Vehicle Charging Stations)

Mr. Foresto stated there was a lot of discussion on this topic at the PEDB meeting noting this only relates to business, requires a site plan review and a special permit, and is allowed in certain zones only by special permit of the PEDB.

Mr. Foresto moved that the Board vote to recommend approval of Article 27. Dr. D’Innocenzo seconded. No discussion. VOTE: 3-0-0.

ARTICLE 28: (Amend Zoning Bylaws: Accessory Family Dwelling Units)

Ms. Saint Andre stated this is to put standards in place for accessory family dwellings when a separate building/new structure other than primary residence is planned.

Mr. Foresto moved that the Board vote to recommend approval of Article 28. Dr. D’Innocenzo seconded. No discussion. VOTE: 3-0-0.

ARTICLE 29: (Amend Zoning Bylaws: Housekeeping)

Ms. Saint Andre stated these are not substantive changes but minor definitions and corrections to match the by-law.

Mr. Foresto moved that the Board vote to recommend approval of Article 29. Dr. D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Approval: Contract Amendment with CBA Landscape Architects LLC for a New Softball Field at the Middle School - not to exceed \$11,700

The Board reviewed the contract amendment.

Ms. Potter explained purpose of the contract amendment along with the scope of work.

Mr. Foresto moved that the Board approve the contract amendment with CBA Landscape Architects LLC in an amount not to exceed \$11,700 as presented. Dr. D’Innocenzo seconded. No discussion. VOTE: 3-0-0.

Advance of Funds In Lieu of Borrowing for the purchase of the New England Power Milford Street property by the Medway Redevelopment Authority - \$135,000

The Board reviewed the (1) memo from Joanne Russo, and (2) Advance of Funds In Lieu of Borrowing Form.

Mr. Foresto moved that the Board approve the Advance of Funds In Lieu of Borrowing for the purchase of the New England Power Milford Street property by the Medway Redevelopment Authority in the amount of \$135,000 as presented. Dr. D’Innocenzo seconded. Discussion: Ms. White asked if this must be done tonight. Ms. Saint Andre stated yes as the closing is this Friday. **VOTE: 3-0-0.**

One-Day Liquor License Application: Peg Santos – Thayer Homestead – 4/24/2021

The Board reviewed Lieutenant Kingsbury’s recommendation for Peg Santos.

Mr. Foresto moved that the Board approve the one-day liquor license as presented subject to the Police Lieutenant’s recommendation and proof of appropriate insurance coverage. Dr. D’Innocenzo seconded. No discussion. VOTE: 3-0-0.

Select Board Member Designations to: Facilities Planning Committee and Master Plan Committee

There were no materials for the Board to review.

Mr. Foresto stated that he would participate on the Master Plan Committee. Ms. Potter confirmed that Mr. Trindade would participate on the Facilities Committee.

Discussion: Trash Bag Cost Comparison – Twist Tie versus Draw String Closure

The Board reviewed the spreadsheet comparison from Dave D’Amico.

Mr. Foresto asked why we are adding more cost to a department that has costs going up. Mr. Boynton stated Mr. Trindade requested that this be investigated noting that these types of closures are helpful for both the elderly and disabled and he feels that we can absorb any extra costs. Mr. Boynton stated the cost would not be passed onto the residents. Mr. Boynton stated there was a question from a resident about stickers and tags and noted that there is a lot of fraud associated with this option, so we have not pursued this. Mr. Boynton said bags were implemented once recycling became the focus for equity for those who have more trash versus those with less trash. The decision to implement this change was deferred to next meeting.

Action Items from Previous Meeting

The Board reviewed the action items dated March 15, 2021

This agenda item was not discussion.

Town Manager’s Report

There were no items for the Board to review.

COVID Update:

- Vaccine Update – 90 RECEIVED! Homebound Priority – Mr. Boynton stated the Fire Department is working with the Health Agent with vaccine distribution to the homebound which will hopefully occur Wednesday and Thursday of this week. We anticipate there are twenty-five homebound residents who will receive the vaccine.
- 25 Active Cases – Mr. Boynton stated there are 25 active cases in Medway.
- Memorial Day Impacts— Mr. Boynton stated the Chair of the Memorial Committee has reached out to see about the status of the parade. Since this is not allowed until we move into Phase 4 Step 2, we are looking at potential options.

Clark Street/South Street Heavy Vehicle Exclusion Update: Mr. Boynton stated Holliston has the traffic study data and will be presenting it to their Board and then we will bring the information before this

Board. He stated it looks like the exclusion will be available noting there will need to be a detour route identified.

Regional Dispatch – Investigating Options: Mr. Boynton stated both Police and Fire are looking at regional dispatch noting it is a substantial undertaking so it will take time to investigate this. Mr. Boynton reviewed the existing regionalized entities and the towns included within them. He stated the Holbrook Regional Center reached out to Medway noting the dispatch center does not need to be within the Town. He stated his preference would be to look for an existing entity. Mr. Foresto asked if there would be any cost savings. Mr. Boynton stated there would not be any cost savings.

PATRIOTS DAY HOLIDAY – APRIL 19 – TOWN OFFICES CLOSED: Mr. Boynton reminded all that the Town offices would be closed on the Patriots Day holiday.

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

- Friday, April 9 – Out of Office
- Friday, April 23 – North Andover Fire Chief Assessment
- April 28-30 - Vacation

NEXT Regular Select Board Meeting – Tuesday, April 20, 2021.

Select Board's Reports

There were no items for the Board to review.

Ms. White stated the streets are looking great and commended the efforts of the Department of Public Works staff.

At 8:52 PM, Mr. Foresto 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 [Police and Fire Contracts] with the intention to returning to open session. Dr. D’Innocenzo seconded. It was so called by roll call: D’Innocenzo aye; Foresto aye, White abstained. VOTE: 2-0-1.

Return from Executive Session: Possible Vote on Adoption of Police Contract

There we no materials for the Board to review.

Mr. Foresto moved that the Board approve the Police contract as presented and allow the Town Manager to execute the contract. Dr. D’Innocenzo seconded. Discussion: Mr. Boynton commended the Police’s professionalism throughout this process. **VOTE: 2-0-1. Ms. White abstained.**

At 9:01 pm, Mr. Foresto moved to adjourn. Dr. D’Innocenzo seconded. No discussion. VOTE: 3-0-0.

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