

**Select Board Meeting
October 3, 2022 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Glenn Trindade, Vice-Chair; Frank Rossi, Clerk; Todd Alessandri, Member (via phone); Maryjane White, Member.

Absent: Dennis Crowley, Chair.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Stefany Ohannesian, Town Clerk; Pete Pelletier, Department of Public Works (DPW) Director; Barbara Saint Andre, Community & Economic Development Director; Sandra Johnston, Communications Director.

Other Participants: Native American & Indigenous Peoples (NAIP) National Heritage Commemoration Day Steering Committee: Jo-Ann Venezia-Phillips, Chair, Liam McDermott, Vice-Chair.

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

Public Comments

Michael Regan of 10 Lovering Street stated he had two points relative to the Fall Town Meeting warrant. The first, relative to the public comments warrant article, he stated he believes like the Select Board that having public comments at the beginning of the meeting encourages dialog, the free exchange of ideas and thoughts, and makes it easier for the public to speak up on issues versus waiting further on in a meeting. He noted that putting public comments at the end of a meeting is a delay tactic. He stated that diversity of thought has been diminished and hopes that others in the community will speak out about the importance of public comments at the beginning of a meeting. The second topic relates to the warrant article about voter identification. He stated his support of the article, noting that if we are not going to enforce our current federal immigration laws, then, as a community, it is the least that we should do to ensure that every person voting and coming to Town Meeting is a Medway resident.

Approval of Minutes: September 12, 2022

The Board reviewed the draft minutes of September 12, 2022.

Mr. Rossi requested three changes on page 3, that line 99 and 108 be changed to add appoint in front of both names and line 121 be changed to remove “the Board” in front of “that”. **Mr. Rossi moved that the Board approve the minutes of September 12, 2022, as amended. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.**

Appointment Consideration: Board of Registrars – Craig Vinton – Unenrolled

The Board reviewed the (1) memo from Stefany Ohannesian, and (2) candidate’s letter of interest.

Mr. Boynton stated we had an opening in the Democratic Party Representative on this Board. Ms. Ohannesian had reached out to the Chair of this party to attempt to fill this vacancy. After a period of time, the only person submitting their interest was Larry Ellsworth, the Chair. However, the statute states that the Chair cannot serve on this Board. We had posted this vacancy and Deputy Chief Vinton stepped forward indicating his interest in serving. He has served as a poll worker in Town for a number

of years. Ms. White noted that in her past role as Town Clerk, she has experience working with Deputy Chief Vinton and that Ms. Ohannesian is very lucky that he has stepped forward because he has been very helpful and knowledgeable.

Mr. Rossi moved that the Board appoint Craig Vinton to the Board of Registrars for a term expiring on March 31, 2025. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi ay; Trindade aye; White aye. VOTE: 4-0-0.

Approval: Contract with Clean Harbors Environmental Services, Inc. for Household Hazardous Waste Day – October 22, 2022, and May 13, 2023

The Board reviewed the (1) memo from Pete Pelletier, and (2) contract.

Mr. Pelletier stated we have used this vendor since he began here in 2018 noting we are just awaiting Town Counsel to approve the contract. Mr. Trindade noted the importance of this event; it is the safest and easiest way to dispose of these materials, and it is free. Mr. Pelletier noted the location is 46 Broad Street in front of the salt shed. Mr. Trindade noted that they will take the items directly out of your vehicle. Mr. Rossi noted some of the items accepted.

Mr. Rossi moved that the Board authorize the Vice-Chair to execute the contract with the Clean Harbors Environmental Services, Inc. conditioned upon approval as to form by Town Counsel and availability of funds by the Town Accountant. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

Discussion/Vote: Right of First Refusal for Town Purchase of Affordable Unit 7 Williamsburg Way

The Board reviewed the memo from Doug Havens.

Ms. Saint Andre stated, under the regulatory agreement, when affordable housing units come up for sale, the Town is issued a right of first refusal. Generally, we do not exercise that right unless they cannot find a buyer. As Mr. Havens explained in his memo, if for some reason they cannot sell the unit, we will again have the opportunity to purchase it. Mr. Trindade explained that these are affordable units. When the person initially got the unit, it was at a significant discount over market rate, and when they go to sell, they cannot get the appreciation in value. There is a formula calculating the sale price within that affordable range. The hope is that a buyer is found. Mr. Alessandri asked how long the unit is allowed to remain on the market. Ms. Saint Andre stated it is usually between sixty to ninety days.

Mr. Rossi moved that the Board decline to exercise its right of first refusal of the 7 Williamsburg Way affordable unit. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

Report from the Native American & Indigenous Peoples (NAIP) National Heritage Commemoration Day Steering Committee

The Board reviewed (1) NAIP flyer, (2) NAIP map, and (3) NAIP tri-fold informational flyer.

Mr. Trindade stated the purpose of this was to update the Select Board on where the Committee is and provide information about the planned event. Ms. Venezia-Phillips stated the Committee decided the event will be on Saturday, October 15th at Choate Park Pavilion at noon via a successful collaboration with the Parks Commission, Historical Society, and Massachusetts Tribe. She noted the short turnaround time for this event tempered expectation. However, the Committee is pleased with their plans, which have exceeded their expectations. The Parks Commission has made the Pavilion, kiosks, and bulletin

boards available for their use to display event information. The information includes maps and historical information via collaboration with the Historical Society. Ms. Hamilton and Ms. Dubrawski will have a Historical Society table at the event with books available that have information about indigenous people. Medway Library will have a table with books about indigenous people and their history curated by Ms. Perkins. There will also be a kids' event with art projects and story circle. Mr. McDermott reported that their speaker is Thomas Grant from the Massachusetts Ponkapoag Tribe. He shared some of the facts learned from this Committee's journey including there are fifty English words from the Algonquin Tribe including caucus, meaning a meeting of elders, as well as all the tribes that bordered Medway including Massachusett, Narraganset, and Nipmuc. Mr. Rossi noted information about this event is on the Town website and Friends of Medway Facebook page and asked how else this is being advertised. Mr. McDermott stated there are flyers up around Town, but most publicity is via social media and the Choate Park electronic sign. It was noted that the Library, Historical Society, and School will also be putting this in their newsletters. Mr. Trindade commended Ms. Cher Hamilton on her efforts towards this event. Ms. Venezia-Phillips asked if the Select Board would entertain changing the name of the Committee to the Indigenous Peoples Day Committee. The Board agreed. Mr. Boynton noted this would need to be added to the next Select Board meeting.

Re-open Fall Town Meeting Warrant, Insert Articles to Fund Water Line Study, to Supplement Fiscal Year 2023 Vehicle Fuel Budget, to Require Public Comment at Beginning of All Committee Meetings, and Citizens' Petition to Require Resident/Voter Identification at Medway Town Meetings and Elections, Re-close Warrant

The Board reviewed the (1) November 14, 2022, Fall Town Meeting Warrant, and (2) Citizens' petition.

Mr. Boynton noted the four articles proposed for submission to the Fall Town Meeting warrant. The first is Article 5 to insert an article to raise and appropriate \$85,000, as our vehicle fuel budget is considerably underfunded. The second is Article 10 which is a borrowing authorization of \$140,000 for a lead water line survey. The Massachusetts Department of Environmental Protection (MassDEP) is putting forth a zero percent loan for this. Mr. Boynton noted the need to inform the State of what we have left of lead water lines. We would be working with Kleinfelder on this, noting this study includes both public and private water lines. There was further discussion on the implementation aspects should lead pipes be found in private residences. The third is Article 12 relative to public comments noting that we do not have the language at this time, but a draft was sent to Town Counsel. The final article is the Citizens' Petition, which will be Article 25 relative to showing identification at Town elections and Town Meeting.

Relative to Article 12, Mr. Trindade noted that it is a controversial issue and important discussion topic, as there have been complaints that public comments are not available until well into the meeting for some committees and the preference is for this to be at the beginning of these meetings. However, this is the Select Board telling another board how to operate and based on Mr. Boynton's discussion with Town Counsel, that is a very gray area as to whether we could do that. His suggestion is that we put this aside and reach out to other committees to provide them with the residents' feedback and pursue this at Spring Town Meeting, if necessary. Ms. White stated that when she was running for re-election, the biggest issue was transparency with voters wishing some Boards were more transparent than they appear to be. She thinks this is a good idea to allow residents to voice their opinions/ask questions. She noted that the Select Board does answer questions posed to it during public comments, but the School Committee does not, but thanks them for their comments. She noted that we cannot add answering of the questions but allowing residents to voice opinions is a good thing and agreed with discussing this with other boards before implementing this process. Mr. Rossi stated his agreement with having public comments at the beginning of a meeting but agrees this requires further discussion and due diligence.

Mr. Alessandri agreed with the rest of the Board members' statements regarding inclusion of public comments, the need for further information and discussion with other boards, including any parameters around public comments. Mr. Boynton stated the language he drafted based on discussions at prior Select Board meetings was for elected board and commissions. The word elected was included for a reason. For example, the Zoning Board of Appeals (ZBA) is a quasi-judicial Board with public hearings scheduled for very specific topics. People are allowed to speak at a posted public hearing. The challenge would be allowing comment on a subject already scheduled for a public hearing so it would not work for this Board. The Conservation Commission is very similar. It makes sense for elected boards, those directly responsible to the voters of the Town, including the Select Board, School Committee, Board of Health, Parks and Recreation Commission, Library Trustees, and Water and Sewer Advisory Committee. These boards are developing policy. It is important to have public comment for boards that develop public policy noting we were also looking at the Tri-County Vocational Technical High School Representative Appointing Committee. He noted that Town Counsel was looking at if the district agreement with Tri-County would in any way supersede that. He is also looking at if we need to do a Charter amendment, as the by-law would be secondary to Open Meeting Law, while a Charter change has the effect of a legislative act. A legislative act would grant that authority to those various groups. He believes the Select Board is on the right track and, if we have voluntary collaboration, then maybe it does not have to go in the Charter. Mr. Rossi noted that the Select Board Chair has boards and committees attend their meetings to report to the Select Board and this will provide the opportunity for this to be discussed. Mr. Trindade reiterated that the Citizens' Petition is to have residents show identification at Town elections and Town Meeting and noted that they satisfied the requirements for signatures to have this included in the Fall Town Meeting warrant.

Mr. Rossi moved that the Board reopen the November 14, 2022, Fall Town Meeting Warrant to add the articles noted in the agenda with the exception of the article to require public comment at the beginning of all committee meetings and re-close the warrant. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

Review November 14, 2022, Fall Town Meeting Warrant and Refer Zoning Articles to the Planning and Economic Develop Board for Review and Recommendation

The Board reviewed the November 14, 2022, Fall Town Meeting Warrant.

The Board deferred reviewing each warrant article until the Select Board Chair was present. Mr. Boynton noted that the cost must still be added to Article 8, the lighting for the Tennis/Pickleball Courts noting the initial estimate was \$40,000 just to do the quadrant where the Pickleball Courts are located. Mr. Pelletier has subsequently received an estimate of \$210,000 to do the entire complex. Mr. Boynton's recommendation, since we have the free cash available, is to do the full complex, which would include installing the conduit and wiring. There was also a question about the intensity of the lighting – either recreational or competition. The recommendation is to light the courts for competition.

ARTICLE 1: (Raise and Appropriate: Fiscal Year 2023 Debt Budget)

Mr. Boynton stated this is the funding necessary to purchase both the Medway Block property (Article 2) and to procure 72 Main Street (Article 3).

ARTICLE 4: (Accept Gift of Land: 72A Main Street)

Mr. Boynton stated this is for the gift of land, the other parcel from Charles River Bank.

Mr. Trindade stated that relative to the lights, his understanding is that if you vote it at the Annual Town Meeting, you cannot spend that money until July 1. Mr. Boynton stated that is not true. That as long as free cash has been certified, it can be spent immediately. He noted that Ms. Pratt has submitted our paperwork to the State, and it should be certified within the next few weeks. Mr. Rossi asked whose budget will be hit for the cost of these lights. Mr. Pelletier stated the school.

Mr. Rossi moved that the Board refer the November 14, 2022, Fall Town Meeting warrant zoning articles to the Planning and Economic Development Board for review and recommendation. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

Approval: Public Event Permit Application – 2023 MEPTO Shamrock Shuffle 5K Road Race – 3/11/2023

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

Ms. White moved that the Board approve the public event permit application as presented subject to the Police Chief's recommendation and proof of appropriate insurance coverage. Mr. Rossi seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

Discussion: Schedule Special Select Board Meeting on November 16, or November 17, 2022

There were no materials for the Board to review.

Mr. Boynton stated that in the event that the Town supports the purchase of the Medway Block property, we will need a meeting that Wednesday (preferably) or Thursday to have the Board authorize the borrowing for the land because we have a fifteen-day closing deadline. The Board agreed for an 8am meeting on Wednesday, November 16th.

Action Items from Previous Meeting

The Board reviewed the action items dated September 12, 2022.

This agenda item was not discussed.

Select Board's Reports

There were no items for the Board to review.

Mr. Rossi stated that the High School football team had their home opener last Thursday noting he has never seen a bigger crowd. They play again at home this Friday against Norton. Mr. Trindade stated if you come with the family, the concession stand now has picnic tables that allows you to have a family meal and watch the game.

Town Manager's Report

There were no items for the Board to review.

Milford Street Boardwalk/Sidewalk Update: Mr. Pelletier stated this needed to be redesigned based on the soil type they are dealing with so they will possibly be putting in block and continuing with the sidewalk. Mr. Trindade asked for confirmation that it would be filled in. Mr. Pelletier confirmed noting the cost implications are still being evaluated.

Ms. White asked if the flooding of the resident's driveway post work done on the West Street bridge has been resolved. Mr. Pelletier confirmed stating a catch basin was installed and they will be redoing that driveway.

Building Commissioner & HR Coordinator Appointments: Mr. Boynton stated we have our new Building Commissioner, John Ackley, who will start on October 17th. He congratulated Jack Mee on his Harwich appointment and thanked him for his service to Medway. Katherine Bird has accepted a position in Ashland noting her replacement is Jessica Sinclair who starts next Thursday. She previously worked as an HR Specialist in the School Department and is coming back to the Town after a brief stint with the Hopkinton schools. He thanked Katherine for her service to the Town.

Green Community Changes Upcoming – Vehicle Fuel Efficiency Obligations: Mr. Boynton stated there may be some significant changes coming in the Green Communities requirements relative to vehicle fuel standards. Police and Fire vehicles and heavy duty DPW trucks have been exempt from these standards. The State may be changing some of that as of 2024, which will require these vehicles to become hybrids or electric. These vehicles don't exist per se, and those that do have significant issues. They are also difficult to obtain and significantly more expensive. The State is also looking at requiring electric DPW fleet vehicles noting the technology for that has yet to come out. The State is doing a survey of the requirements of the fleet service that exists today. The State is on a mission that, as of 2035, all combustion engines will go away. The first electric pumper fire truck went into service in Los Angeles at a cost of close to \$1 million. The battery alone costs \$200,000 and it requires a \$300,000 charging system. Ironically, there is a diesel generator on the truck if the battery loses power. The technology is coming, but his concern is that we get codified regulations prior to the existence of the technology.

NC Retirement Assessment Model Changes – Good News for Medway (hopefully!): Mr. Boynton stated he and Ms. Bird attended a meeting in June where they discussed assessments and methodologies, noting pushback from some of the bonding agencies and auditing firms that the County Retirement Systems continue to target a too high return estimate; they have been at seven and a quarter to eight percent. The auditing companies are saying this is too high but recognize that the retirement system has met that each year. If the retirement system makes some type of major change with what we forecast for potential investment revenue, then the only way to make that up is to increase the communities' assessments, translating to hundreds of thousands of dollars. If they did not make that projection, they would have to come to the communities, although the current fund balance can handle a slight decrease. They handed out a document showing impacts of not making the investment projections, as well as noting this is a pay-based appropriation versus an actuarial based appropriation. Medway in 2023 is at \$3,559, 000 and, if we went to an actuarial based appropriation in 2024, that number goes to \$3.45 million, decreasing by \$100,000 versus going up. Mr. Boynton stated the smaller communities have been subsidizing the larger communities, including the county system itself. For instance, Medway would go down, but Norfolk County would go up from \$2.9 to \$4.6 million. The actuarial based appropriation recognizes the broader scope of your employee base that you bring in. It is not just pay-based, but it uses pay, age, years of service, etc. to determine the truly equitable assessment. At the last Norfolk County Retirement Board meeting, he advocated for the change to actuarial based noting there was interest. He suggested a three-year phased approach as the other communities that would need to pick up the slack would have this time to adjust. Last week, he attended this meeting with Walpole, as they benefit as well, noting the most recent number is Medway goes from \$3.5 million to \$3.75 versus to \$3.9 on the pay-based appropriation saving us over \$200,000 initially, and will occur over the next three years. The County Retirement Board voted to implement actuarial based assessments last week and will take up at their next meeting the length of the phase in period. He stated he is advocating for a three-year phase in noting this is good news as we prepare for

the FY24 budget, as we know we will be taking a hit from Tri-County and on the Health Insurance side. Being able to know what that number is huge for the Town. He has been summoned to the County Commissioners meeting on the 27th of this month to discuss this as they are concerned with the impacts noting we will work collaboratively to resolve this as we cannot continue to have the smaller communities subsidize this.

Monday, October 10 Holiday – Town Offices Closed: Mr. Boynton noted that Town Hall will be closed on Monday, October 10th for the holiday.

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

- Friday, October 7 – Personal Day
- November 17 – Yarmouth FC Assessment (Again!)

NEXT Select Board Meeting – October 17, 2022

At 8:00PM, Mr. Rossi moved to adjourn. Ms. White seconded. No discussion. It was voted by roll call: Alessandri aye; Rossi aye; Trindade aye; White aye. VOTE: 4-0-0.

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