

**Select Board Meeting  
September 12, 2022 – 7:00 PM  
Sanford Hall  
155 Village Street**

**Present:** Dennis Crowley, Chair; Glenn Trindade, Vice-Chair; Frank Rossi, Clerk.

**Absent:** Todd Alessandri, Member; Maryjane White, Member.

**Staff Present:** Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Bridget Graziano, Conservation Agent; Stephanie Carlisle, Compliance Coordinator, Department of Public Works (DPW); Barbara Saint Andre, Community & Economic Development Director; Police Chief William Kingsbury; Sandra Johnston, Communications Director.

**Other Participants:** Tracy Stewart, Medway Representative to Tri-County Vocational Technical High School; Conservation Commission: David Travalini, Chair, and Dayna Gill, Vice-Chair; Cindy Sullivan, School Committee.

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At 7:00 PM, Mr. Crowley called the meeting to order, led the Pledge of Allegiance, and then reminded all to remember the number 19 signifying the total number of Medway residents lost serving their country.

**Public Comments:** There were none.

**Approval of Minutes: August 22, and September 7, 2022**

*The Board reviewed the draft minutes of August 22, and September 7, 2022.*

**Mr. Trindade moved that the Board approve the minutes of August 22, 2022. Mr. Rossi seconded. No discussion. VOTE: 3-0-0.**

Tracey Stewart, 21 Lovering Street, reported that she e-mailed the Select Board office today that she would be attending the meeting to address pages 6 to 7 referencing the Tri-County building project. She noted that the Building Meeting is this Thursday. It was stated in the August 22, 2022, minutes that the \$52 million option was not entertained. She noted that they have not entertained any option as they are meeting on this topic on Thursday. She does not know where the numbers in the minutes came from. Mr. Crowley noted that these three plans were on the school website and that is where he got the numbers. Ms. Stewart requested that Mr. Crowley send her these documents. Mr. Trindade requested that she ask if they have calculated what each Town's contribution amount would be. Mr. Crowley stated that the calculations relative to these numbers he referenced at the August 22, 2022, meeting were provided by Finance Director Pratt, and she can obtain the numbers from her.

**Mr. Trindade moved that the Board approve the minutes of September 7, 2022. Mr. Rossi seconded. No discussion. VOTE: 3-0-0.**

**Report from the Conservation Commission**

*There were no materials for the Board to review.*

Mr. Crowley stated that every meeting the Select Board would like a brief update from one of the Town's Committees. Ms. Graziano stated some of the positive items the Commission had to report include managing the Massachusetts Recreation Trail Grant which will be the Americans with Disabilities Act (ADA) loop trail down by Adams Street. She noted the federal permitting relative to the archeological and bat issues have been resolved and they have started the land surveying with Beals and Thomas. She reported they hope to have a wetlands platform installed by the end of this year if DPW can fit them in. She noted that there is quarterly State reporting required relative to this grant. She reported on other grants that she is working on with Ms. Carlisle including the Charles River Flood Plain Modeling, noting phase one was presented, and they have moved into phase two relative to adding additional green infrastructure into their modeling. The Resilient Massachusetts Action Team (RMAT) has been updated with new data relative to precipitation rates. They have also submitted concept designs to start green infrastructure at the Senior Center including subsurface infiltrators, i.e., underground rain gardens. She noted the location is still to be determined and Medway was one of three towns selected for the Municipal Vulnerability Preparedness (MVP) Grant. One of the great things relative to this is that some staff would be trained in culvert assessments for stormwater drainage. The last grant they are doing is with the Massachusetts Area Planning Council (MAPC), specifically developing a five-year strategic plan for the Charles River Climate Compact for projects along the Charles River. Mr. Travalini stated they are working on a tree preservation bylaw for spring town meeting noting Mr. Green and Ms. Gill are taking the lead on that. This would preserve the trees within the zoning setbacks of lots which you are not allowed to put anything on anyway. He stated they are also working on implementing rain gardens when looking at plans from developers to impact phosphorus removal. Ms. Graziano noted that Phytopia on 6 Industrial Park Road was asked to implement a phosphorus removal system and the Commission approved the first "jellyfish" system at this site. She noted that the City of Cambridge Conservation Commission is the only other commission that has implemented this type of stormwater management system. There was discussion about the line of trees at Walgreens and it was noted that those will remain. Mr. Rossi asked if we are getting any publicity on the jellyfish project. Ms. Graziano stated that the Department of Environmental Protection (DEP) Central Region is aware that we have implemented this. She reported that we got great press on the MVP Action Grant for phase one and two, but we were not the lead community, Natick was. She stated that we are the lead community on the strategic planning for the Charles River Compact grant. Ms. Gill noted that we have had some staffing issues supporting the Conservation office. Mr. Crowley asked how long Ms. Graziano has been in the role of Conservation Agent. Ms. Graziano stated eight years but was initially part-time. She stated that we have fifty-nine active open permits to manage and inspect. Mr. Crowley asked how long Ms. Gill has been on the Commission. She stated five years. Mr. Crowley asked how long Mr. Travalini has been serving. He stated thirty years. Mr. Crowley thanked him for his thirty years of service. Mr. Travalini stated the difficulty of keeping part-time staff and asked about the potential for a full-time staff person to be split between Ms. Graziano and Ms. Carlisle allowing them both to spend more time on grants. Mr. Boynton stated he will investigate this.

#### **Appointment Considerations:**

- **Capital Improvement Planning Committee (CICP) – Darren Laforest**
- **Energy and Sustainability Committee – David Fitzgerald**

*The Board reviewed the candidates' e-mails of interest Committee Chairs' recommendations.*

Mr. Fair, CICP member, noted that CICP voted unanimously to appoint Mr. Laforest. Mr. Laforest of 10A Canal Street discussed his background and interest in serving on the committee as follows: he is new to Medway, has a master's in construction management from Wentworth, worked for a subcontractor doing civil work including bridge repair and road construction, and currently works at the Richmond Group, which is a construction, design, and build firm for labs.

**Mr. Rossi moved that the Board appoint Darren Laforest to the Capital Improvement and Planning Committee for a term expiring on June 30, 2023. Mr. Trindade seconded. No discussion. VOTE: 3-0-0.**

Ms. Carlisle, staff contact for this committee, reported that the committee recommended this appointment noting that Mr. Fitzgerald has been attending meetings. She noted there is still one vacancy on this committee. Mr. Fitzgerald of 3 Sun Valley Drive discussed his background and interest in serving as follows: he has worked in HVAC and energy related fields and is looking for opportunities to volunteer for the Town.

**Mr. Rossi moved that the Board appoint David Fitzgerald to the Energy and Sustainability Committee for a term expiring on June 30, 2026. Mr. Trindade seconded. No discussion. VOTE: 3-0-0.**

**Vote: Intent to Layout Newton Lane as a Public Way and Refer to Planning and Economic Development Board for Report**

*The Board reviewed the street acceptance plan.*

Ms. Saint Andre stated this is the first step in the street acceptance process. The Select Board votes its intent and then refers this to the Planning and Economic Development Board (PEDB). This was originally intended for the spring, but the punch list was not completed so we did not go forward. She noted that there is still a punch list and, if it is still not completed by Fall Town Meeting, we will not bring this forward.

**Mr. Trindade moved that the Board express its intent to lay out as a public way Newton Lane in its entirety from its intersection with Nobscot Road to its end, and to refer this matter to the Planning and Economic Development Board for a report and recommendation. Mr. Rossi seconded.**

Discussion. Mr. Crowley asked the age of the road. Ms. Saint Andre stated ten years. Mr. Crowley asked who the developer is. Ms. Saint Andre stated Claffey. **VOTE: 3-0-0.**

**Report: Final Guidelines for the MBTA Community Multi-family Zoning Requirements**

*The Board reviewed the (1) memo from Barbara Saint Andre, and (2) final guidelines for the MBTA Multi-family zoning requirements.*

Ms. Saint Andre stated she was here in the spring to present the draft guidelines. Medway is considered an MTBA community, as we are adjacent to a community, Franklin, that has an MBTA station. These final guidelines came out in August, as far as the impact on Medway, the bottom line stayed the same as what was previously discussed. We need to implement zoning for an area to support 750 multi-family units. If we do not make the zoning change, we will not be able to apply for certain grants. The first deadline is submission of an action plan by January 1, 2023. Part of the action plan is to identify potential areas where this housing could be located. By December 31, 2024, we would need to have zoning in place and submitted to the Department of Housing and Community Development (DHCD). The requirements include a minimum of fifty acres, half of which must be contiguous - twenty-five acres, which would have a density of fifteen units/acre. Other areas must be a minimum of five acres. She noted there is no requirement for affordable units, but we have existing zoning that requires ten percent affordable units, and we would need to ask DHCD if we can retain that requirement. We do not have an MTBA station, which is where they want this density. Communities without a station are required to have this zoning near the center of Town. We have the following existing areas that meet

the density requirements, 39 Main Street, Glen Brook on West Street, and the Brick House apartments on Main Street that are at the fifteen units per acre density.

Mr. Boynton stated that the Norfolk County group has been discussing this and Norwood and Foxboro are looking at not complying, Franklin said they have most of this in place to comply, and Wellesley will also be complying. Mr. Rossi asked about the impact on grant funding if we do not comply. Ms. Saint Andre stated we received close to \$1 million last year noting the Mass Works grant at \$550,000 for the sidewalk project was most of that. Mr. Rossi stated this is basically do this or else. Mr. Boynton stated these regulations are from the current State administration and there is a question as to what the next administration will want to do. Mr. Boynton stated he would like to move forward and submit the action plan, noting that the zoning would need to go to Town Meeting for a vote. This would keep us in compliance through January and we would have time to see what the new administration plans. Mr. Crowley asked for the State's rationale. Ms. Saint Andre stated there is a great need for housing, especially multi-family housing, in the State. Mr. Crowley stated that even if this is zoned at the 39 Main Street area and if some of the Cassidy land was included, the Cassidy's would not have to implement this. Ms. Saint Andre confirmed. There was further discussion about existing properties that could meet this requirement. Mr. Crowley asked how much of the Cassidy property would need to be used to meet this requirement. Ms. Saint Andre stated it is not known at this time noting there are other requirements for inclusion, i.e., the area needs to be developable. Mr. Boynton stated we will be close to our capacity at the Charles River Pollution Control District and looking at other towns trying to meet this, we would be pushing the overall capacity of this facility. Mr. Crowley asked for the next step. Ms. Saint Andre stated for interim compliance, we submit an action plan to designate potential areas. Ms. Saint Andre stated the PEDB should have input into where these areas should be designated. Mr. Trindade stated the State needs to stop taking a punitive approach but a more collaborative approach with towns. Mr. Rossi stated his issue is the density requirements, as these change the feel of the Town.

#### **Discussion/Vote of Proposed Medway Police Department Policies:**

- **16A Special Traffic Constables**
- **16B School Crossing Guards**
- **16C School Traffic Constables**

*The Board reviewed the (1) memos from Chief Kingsbury regarding School and Special Traffic Constables, (2) 2009 Chapter 7D Crossing Supervision of the US Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD), (3) Demeris versus Town of Foxboro, and (4) proposed policies.*

Chief Kingsbury noted the three policies before the Select Board and that these result from changes with Occupational Health and Safety Administration (OSHA) rules. In the past, one police officer could cross people and direct traffic and a non-police officer could stop traffic and cross people, but no more. For many years we used people appointed as Special Police Officers to cross people and direct traffic at the Middle and High Schools. Based on the new standards, they can no longer direct traffic, hence the need to appoint constables. He noted they would not have the same duties as Constables for the Town but be limited to directing traffic outside of their assigned school post(s). The Chief noted we also lost the ability to appoint anyone over the age of 65 as a Special Police Officer; full-time Police Officers are banned from working after age 65, and no one can act as Special Police Officer over the age of 65 without a Home Rule Petition. This created the need for Special Traffic Constables. He referred to current employees and the issues of them meeting the new standards in order to allow them to direct traffic. OSHA has stated that if you have police powers, you can direct traffic, but if you do not, then you cannot direct traffic. Mr. Boynton noted that the Select Board makes appointments for Constables. Mr. Crowley asked how we can get any Special Police Officers in town when they would need to go through

the Police Academy. Chief Kingsbury confirmed that, moving forward, if you want to be a Special Police Officer, they will need to go through the Police Academy. All full and part-time Police Officers will have the same training under the new Police Reform laws. Mr. Rossi asked if these policies were run through legal counsel. Chief Kingsbury stated they have never submitted a Police policy through Town Counsel. Chief Kingsbury stated the three potential actions to move forward include: (1) vote yes, (2) vote no, or (3) take no action and after thirty days the policies would take effect. Mr. Crowley stated that we have no choice. Chief Kingsbury stated we have not had issues filling details, however, manpower is down across the State for Police Departments.

**Mr. Rossi moved that the Board approve the Medway Police Department policy 16A Special Traffic Constables as discussed. Mr. Trindade seconded. No discussion. VOTE: 3-0-0.**

**Mr. Rossi moved that the Board approve the Medway Police Department policy 16B School Crossing Guards as discussed. Mr. Trindade seconded. No discussion. VOTE: 3-0-0.**

**Mr. Rossi moved that the Board approve the Medway Police Department policy 16C School Traffic Constables as discussed. Mr. Trindade seconded. No discussion. VOTE: 3-0-0.**

**Appointment Considerations:**

**Special Traffic Constables (2) – Kevin Brennan, Robert Rojee**

**School Traffic Constables (2) – Cheryl Goodspeed, Richard Malo**

*The Select Board referred to the memos in the previous agenda item.*

**Mr. Crowley moved that the Board appoint Kevin Brennan and Robert Rojee as Special Traffic Constables for a term expiring on June 30, 2025. Mr. Trindade seconded. No discussion. VOTE: 3-0-0.**

**Mr. Trindade moved that the Board appoint Cheryl Goodspeed and Richard Malo as School Traffic Constables for a term expiring on June 30, 2025. Mr. Rossi seconded. No discussion. VOTE: 3-0-0.**

**Discussion: Public Comment for All Boards and Committees**

*The we no materials for the Board to review.*

Mr. Crowley stated he brought this up with Mr. Boynton and would like to draft a warrant article to require all Boards and Committee to open their meetings with public comment. The language would need to be reviewed by Town Counsel noting this would also need to be a Charter change and not a bylaw change. He would like the Board's opinion. Mr. Boynton stated he had a long conversation with Ms. Saint Andre about meetings in general. One of the concerns was implementing this for adjudication Boards, i.e., the Zoning Board of Appeals relative to the number of the public hearings, so requested this be limited to the Elected Boards. Mr. Crowley stated he would like this to include appointed Boards. Mr. Rossi stated he feels this needs further investigation. Mr. Crowley would like this to be discussed at the next Select Board meeting and have it included in the Fall Town Meeting Warrant.

**Discussion: Planned Use of 123 Holliston Street**

*There were no materials for the Board to review.*

Mr. Crowley stated one and a half years ago, the Board had this discussion noting his concern with what we will do with this property in the future. He hopes the VFW stays there but in case they do not, as their lease is up this December, he wants to set up a committee to investigate what we would do with this property in the future. He noted it was stated in the past that the Facility Committee would address

this, however, at their meeting tonight, they are addressing what to do with the actual building, not the use or future use of the building. Mr. Rossi stated you cannot just look at the building, but need to look at the entire property. Mr. Crowley stated we want to look at what options the residents of the Town would like to see at this site. Mr. Boynton stated we can reach out to the VFW now to see if they want to renew their lease and continue with the same terms. There was discussion about the composition of this working group with all agreeing on a total of five members. Mr. Crowley requested this be on a future agenda when the entire Select Board is present for input. Mr. Trindade stated we need to know how much of the property is buildable and would need some funding to determine this. Mr. Crowley stated if the VFW wants a tenant at will or one-year lease, we should move forward sooner than later. Mr. Boynton stated his preference for a three-year lease agreement.

**Discussion: Marijuana Facilities Host Community Agreements (HCAs)**

*The Board reviewed the September 6, 2022, KP Law eUpdate on An Act Relative To Equity In The Cannabis Industry Marijuana Reform.*

Mr. Boynton stated the industry is much stronger at lobbying than those on the community side reporting that Uxbridge and Peabody are being sued, as towns are only allowed to get three percent of their incurred cost. Mr. Boynton reviewed the history of marijuana facilities for both retail and growing in Medway. He noted that we have one of the first medical marijuana cultivation facilities, CommCan. The State allowed towns to have HCAs through the original cannabis legislation but limited them to five-years and to request up to three percent of revenue and three percent excise tax for retail establishments. Medway said no to retail. We currently have two in place, CommCan and Neo Manufacturing, one pending, Phytotherapy, and Good Feels, Jason Raposa's facility, in process, and we negotiated HCAs with all of these. CommCan provides \$155,000 revenue per year. What happened with the update in the law is they undercut the three percent HCA revenue. It is no longer in our best interest to have HCAs mostly because we will not get the anticipated revenue, as you can only recover actual out of pocket costs on an ongoing basis. We do not have a significant amount of local expense. The legislation has a lot of penalties to communities that do not do this correctly. After speaking with Ms. Saint Andre, he is not sure if it is efficacious to have HCAs. Mr. Crowley asked if the State is nullifying HCAs. Mr. Boynton stated Millis will lose the HCA revenue but still have the excise amount from the retail. Mr. Boynton noted that we have never budgeted for this revenue noting it must go into the general fund per the State Department of Revenue. We will lose the \$155,000 from CommCan. Mr. Trindade asked if we should rethink the sale of retail, as this was five years ago. Mr. Boynton stated he is looking for guidance from the Board as we will incur significant legal expenses if we want to modify the existing HCAs. He suggested simply following the Town's bylaws with respect to their treatment. Mr. Trindade stated back when he first looked at retail, he looked at Colorado and California and those facilities took in \$4 million of revenue. There was further discussion about putting the possibility for retail sales on Fall or Spring Town meeting as this would require zoning changes or to put this on a ballot. Mr. Rossi and Mr. Trindade agreed with not going forward with HCAs but to hold them accountable to Town bylaws. Mr. Boynton will work with Town Counsel to look at the new regulations and what actions we must take to extract ourselves from existing HCAs. There was further discussion about what drove the State to make these changes.

**Vote: Fiscal Year (FY) 2024 Budget Calendar**

*The Board reviewed the FY24 budget calendar.*

Mr. Trindade stated we have not had a combined meeting with the Finance Committee, School Committee, and Select Board and it is not on this calendar. Mr. Boynton stated we will try to get this scheduled after Fall Town Meeting.

**Mr. Trindade moved the Board approve the FY24 budget calendar as discussed. Mr. Rossi seconded. No discussion. VOTE: 3-0-0.**

**Vote: Close November 14, 2022, Fall Town Meeting Warrant**

*The Board reviewed the draft Fall Town Meeting Warrant.*

**Mr. Trindade moved the Board vote to close the November 14, 2022, Fall Town Meeting Warrant. Mr. Rossi seconded.** Discussion: Mr. Boynton noted that nothing can get added to the warrant without the Board voting to reopen and close the warrant. Mr. Crowley asked if a Citizen's Petition can be added. Mr. Boynton reiterated the need to reopen and close the warrant to add it and, if not, it would go on the next Town Meeting warrant. He pointed out a couple of items are about acquiring land noting we will have the final numbers soon. **VOTE: 3-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the action items dated August 22, 2022.*

This agenda item was not discussed.

**Town Manager's Report**

*There were no items for the Board to review.*

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

- September 19-21 – ICMA meeting, Columbus Ohio, Chief Kingsbury is acting Town Manager as Ms. Potter will also attend this conference.

NEXT Select Board Meeting – October 3, 2022

**Select Board's Reports**

*There were no items for the Board to review.*

Mr. Crowley stated that the flag policy does not say how long the Pride flag will be flown. It was noted it states the month of June. Mr. Crowley stated, at the last meeting, the Cultural Council reported they voted to cap their total number of members at fifteen when councils may have up to twenty-two and asked if they are allowed to do this. Mr. Boynton will investigate.

**At 8:42PM, Mr. Trindade moved that the Board enter Executive Session for Reason Exemption 6: To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body [Main Street, Central Business District] with no intent to return to open session and the Chair so declares. Mr. Rossi seconded.** Discussion: Mr. Crowley asked if any other Public Comment are allowed after the beginning of the meeting. Mr. Boynton will investigate. **It was voted by roll call: Crowley aye; Rossi aye; Trindade aye. VOTE: 3-0-0.**

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