

**Select Board Meeting  
Joint with Finance Committee  
May 2, 2022 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Staff Present:** Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Carol Pratt, Finance Director; Pete Pelletier, Department of Public Works (DPW) Director; Sean Harrington, DPW Deputy Director; Barry Smith, Water Superintendent; Barbara Saint Andre, Community & Economic Development Director; Sandra Johnston, Communications Director.

**Other Participants:** Finance Committee (FinCom): Ellen Hillary, Clerk, Chris Lagan, William Lane, Jeffrey O'Neill, Michael Schrader, Susan Segarra, James Sullivan, Vice-Chair; Tim Harris, Chair, Water Treatment Facility Committee; Karen Nowicki, Capital Planning Improvement Committee Co-Chair; Cindy Sullivan, School Committee; Water Treatment Facility: Environmental Partners Owners Project Manager (OPM): Paul Millett & Helen Gordon; Wright-Pierce, Architect: Robert Williamson and Jim Cray.

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

Mr. Boynton asked for a moment of silence as we recently lost a resident of Medway and past Medway Firefighter, Lisa Thompson.

**Public Comments:** Sean Green of 25 Howe Street read a letter he prepared to the Select Board regarding the Town water usage as previously discussed by Mr. Crowley. He noted that as of yesterday, the water ban is in place for 2022 and asked why when the Town is well under the usage allowable by the state. He noted that there is no documentation of this being discussed by the Energy Committee. He requested that a formal study be done by the Energy Committee, and they report back to the Select Board in sixty days. Mr. Crowley asked if we should ask the Energy Committee or if that is the responsibility of the Water Department. Mr. Boynton stated Mr. Smith and DPW are working on obtaining this information, and it would be the Water & Sewer Advisory Board that would look at any water related issues/concerns. Mr. Smith stated the water ban is state mandated. Mr. Crowley stated we should let the residents know that this is a state mandated water ban and not a Town instituted water ban.

Ms. White noted that FinCom will also be voting on the warrant articles at this meeting.

At 7:07 PM, Mr. Sullivan called the FinCom meeting to order.

Mr. Boynton asked Mr. Harris and the OPM and design team to present the status of the water treatment facility.

**Discussion/Vote: Water Treatment Facility and Water System Bid Results**

*The Board reviewed the (1) letter from Haley and Ward, (2) bid results, and (3) PowerPoint presentation.*

Mr. Harris provided a background on the members of the Water Treatment Facility Committee and the history of the past two years of this committee's work. The Committee tasked Wright-Pierce and Environmental Partners to provide a frugal plan but also allow for expansion, including the ability to address per- and polyfluoroalkyl substances (PFAS) in the future. Over the course of this journey, they have had many discussions about budget, schedule, and being fiscally responsible. Mr. Harris stated he feels the competitive numbers from the bids reflects the appropriateness of the drawings. Mr. Boynton noted this is the worst time to do this type of project due to the COVID impact, supply chain issues, etc., noting in a thirty-day window the price went up \$2 million. He noted this is unprecedented and no one could have predicted this current environment. He reminded all that this project began back in 2016 from the Kleinfelder Integrated Water Resources Management Plan. Mr. Boynton noted that even though we have \$7 million of federal and state funding, we have not decreased the cost of the project but hope to be able to offset the cost of the project with a lesser impact on rate payers than what would otherwise occur. Mr. Harris noted that Mr. Boynton, John Foresto, Barry Smith, and Carol Pratt's collaborative efforts on this project as well.

Ms. Gordon, of Environmental Partners, OPM, Senior Program Manager, introduced herself as well as Rob Williamson of Wright-Pierce, the project designer. Ms. Gordon reviewed the design schedule of the facility noting one of the things required was a pre-qualification under Chapter 149 when bidding this type of project. That is the first take at contractors who submit their qualifications, and we can assess that data and then come up with a short list of who will be allowed to bid on the project, so we know that they are capable to compete the project. Rob Williamson noted that Jim Cray, the lead project engineer, was present as well. Mr. Williamson reviewed the site location and layout for the facility noting that only the front part of the parcel was available for development, so it was very challenging to fit this facility on this site. He then reviewed each area of the facility including the administrative area, garage bay, access, etc. Mr. Williamson noted that they met with the residents to address their concerns noting their primary concern was the look of the site. He stated that they will need to take all the vegetation down but will be replacing much of the vegetation. Mr. Harris noted all the work done at the site would have damaged existing trees causing a safety concern. Mr. Williamson then reviewed the floor plan of the plant including the treatment area for removing iron, manganese, and PFAS in the future, the pumping areas, pressure filtration areas, the future PFAS treatment area which will be plug and play, the administration area, electrical equipment area, and the garage bay vehicle storage area. Mr. Boynton stated the overwhelming cost for the facility is in the water treatment area. Mr. Williamson noted that the floor area for future PFAS is lower to accommodate the large size of these filters which are twenty-four feet tall. Mr. Crowley asked for the cost to address PFAS in the future. They could not say but today the cost would be \$2 million. Until we know specific state mandates, we cannot know the cost. Mr. Crowley asked what would be saved if we did not build the PFAS area. Mr. Williamson stated \$1-1.5 million. Mr. Foresto stated PFAS is a moving target, noting currently New Hampshire is at 10 ppt (parts per trillion) and Massachusetts is at 20 ppt. Ms. Gordon stated that the Environmental Protection Agency is working on standards, and it is looking like it will be lower than 20 ppt. Mr. Foresto asked that they review the roof structure to address the PFAS filter height. Mr. Williamson then explained what construction materials will be used to construct the building. Mr. Crowley stated his concern about delay claims and asked if liquidated damages are built in and, if yes, at what amount. Ms. Gordon stated yes at \$1,500 per day. Mr. Crowley stated he wants to ensure we have appropriate paperwork to address delay claims. Mr. Williamson stated he knows the Town is gun shy due to the experience with the recent DPW facility project. Mr. Williamson reported that they have done over 50 water treatment plants over the past 10 years, reassured the Select Board and explained their detailed processes. Ms. Gordon then reviewed the bidder pre-qualifications for general contractors and filed sub-bidders noting there was a lot of interest. She shared the general bid results with Walsh Construction Company as the low bidder at \$20.6 million noting that all four bids were very

close, and all the bidders are capable of completing the project. Mr. Crowley asked about Waterline Industries' bid. Mr. Williamson said they were too busy. Ms. Gordon then reviewed the history of the timeline cost of the project from October 2017 to date. Mr. Crowley asked why there was a \$6 million jump from November 2020 to August 2021. Ms. Gordon stated it was due to COVID during that timeframe, but the rest of the reason was due to the increase in the cost of materials and the additional project time due to supply chain issues. Mr. Harris stated that risk was also addressed by increasing the project timeline. Ms. Gordon then showed the detailed project cost estimate and the anticipated twenty-four month construction schedule with substantial completion in April of 2024 and a projected completion in June 2024. Mr. Crowley asked Mr. Harris about the frequency of construction and payment meetings on a project this size and asked that a Town person be included in these meetings. Ms. Gordon stated DPW and the Finance Director or a representative from Town Administration are included in the monthly meetings. Mr. Harris stated the meetings will be two times per month at the beginning of the project will include Committee members as well.

Mr. Boynton reviewed the Water Treatment Plant design and construction costs and funding information provided by Ms. Pratt including design cost, construction costs, contingency costs, legal costs, etc. for a total cost of \$25,220,559. He noted that we have funded \$1.7 million already and anticipate borrowing \$18,585,000 at the Annual Town Meeting. He reviewed the American Rescue Plan Act (ARPA) funding, Massachusetts Waterworks earmark funding, and the 39 Main Street contribution. He noted that we do not want to include the federal funding yet as we do not know when or how we will be receiving that funding. He noted we hope to have the contract awarded and voted on at the May 16<sup>th</sup> Select Board meeting. He stated that Ms. Pratt has been working with Bond Counsel and we plan to borrow in July \$2.7 million (the federal budget earmark) less of the \$18,585,000. He stated that the good news is the water rates previously built still appear to be solid so there will be no need to increase rates beyond those numbers. He noted that we will tap retained earnings, which was part of our plan all along. Mr. Crowley stated that we are just talking about the water treatment plant noting there is a second piece to this that will be coming including a new well and the Oakland transmission line and this will be a \$30 million project in total, \$25 million of which we will eventually be borrowing. He asked if we have enough built into the rate structure to address the entire project. Ms. Pratt confirmed. Mr. Crowley asked if we built in the \$2.7 million in the rates. Ms. Pratt stated no. Mr. Boynton stated that we also know there is another project, the Lovering Street tank, that will need to be addressed in two years as well. He stated the estimate for the Oakland transmission line was \$1.8 million reporting that we received bids for piping only that were higher than anticipated, a \$300,000 increase, and plans to use the 39 Main Street funds towards this increase. Mr. Crowley asked that Ms. Pratt determine the actual dollar impact of the thirty-year bond, based on \$25 million borrowed, on the 4,200 water users. He would like to have that information available at Town meeting. Mr. Boynton noted that Haley and Ward is handling the Oakland water line and pump upgrades and originally stated a cost of \$1.8 million and that is what we will be going forward with noting the timeline is different for that piece of the project. Mr. Crowley asked that Ms. Pratt rerun the numbers to ensure the rate structure will still hold and inform the Select Board.

**Vote Recommendations: May 9, 2022, Annual Town Meeting Warrant Articles 4, 5, 11, and 20**

*The Board reviewed the May 9, 2022, Annual Town Meeting warrant.*

ARTICLE 4: (Appropriation: FY23 Water Enterprise Fund)

Mr. Boynton stated we are not proposing any changes.

**Mr. Trindade moved that the Board vote to approve Article 4. Mr. Rossi seconded. No discussion. VOTE: 5-0-0.**

The FinCom then voted to approve Article 4.

ARTICLE 5: (Appropriation: FY23 Sewer Enterprise Fund)

The FinCom approved Article 5. Mr. Boynton stated that FinCom had this as a to be determined as they were waiting on confirmation of numbers for the Charles River Pollution Control District which have since been provided.

ARTICLE 11: (Borrowing – New Centralized Water Treatment Plant)

Mr. Boynton stated this would be a motion to approve Article 11 with a borrowing of \$18,585,000.

**Mr. Trindade moved that the Board vote to approve Article 11 with a borrowing of \$18,585,000. Mr. Rossi seconded. No discussion. VOTE: 5-0-0.**

The FinCom then voted to approve Article 11.

Mr. Boynton commended the Water Treatment Facility Committee and DPW on their efforts.

ARTICLE 20: (Amend Zoning Bylaws – Solar Electric Installations)

Ms. Saint Andre stated there were some questions on this article, so she is here to respond to those. Mr. Crowley stated that FinCom had outstanding questions to be resolved. Ms. Segarra stated her concern was about the aesthetic impact to the Town with the canopies. Ms. Saint Andre stated the way the bylaw was set-up was to try to encourage certain types of solar installations: (1) residential, which there are no changes to, is the first tier, (2) small solar arrays, just enough for that specific location, which require site-plan approval and a special permit, and (3) large solar array canopies, which require three levels of review. There are three levels of review currently in the by-law and large array canopies are only allowed in the commercial and industrial districts. This is not expanding this in any way, as we did not want any clear cutting of any area to install these. These three amendments are adjustments that increase clarification including: (1) municipal and school uses, (2) lighting on an array as many are located in parking lots with lighting, and (3) to allow installation on impervious surfaces for canopies since they will be on parking lots. Mr. Schrader asked if there will be any guidelines for what we are looking for. Ms. Saint Andre explained that there are specific items that will help with the aesthetic concerns including the setback and screening requirements, and they are subject to site-plan review with many pages in these regulations noting all of this is already in place. Ms. Saint Andre stated this resulted from the work Ms. Carlisle is doing with the school, both she and Ms. Carlisle came up with these issues upon review of the bylaw and reported that we have not had any commercial inquiries. Ms. Sullivan stated the school is merely exploring and discussing this at this point and the School Committee is trying to determine savings per school. It was noted that the Energy Committee has been approached by vendors to see if there is any interest in the Town. Mr. Rossi stated that he thought Town facilities did not have to go through these requirements. Ms. Saint Andre stated Town uses are allowed in all areas, but the Town would still need to comply with these by-laws and the site plan review. Mr. Rossi asked about the specific setbacks. Ms. Saint Andre stated the front, rear, and side are all fifty feet. Mr. Fair of 3 Howe Street asked if these are planned in a Historic District, if they should go before the Historical Commission, and noted that we do not have height restrictions in there. Ms. Saint Andre stated the height restrictions are based on whatever the height restriction is in that area noting there are not Historic District restrictions.

**Mr. Trindade moved that the Board vote to approve Article 20. Mr. Foresto seconded. No discussion. VOTE: 3-2-0. Mr. Crowley and Mr. Rossi opposed. Mr. Rossi's opposition is due to aesthetics. Mr. Crowley's opposition was because he wanted more information about the impact on the schools and for the Select Board to be provided with further education.**

The FinCom approved this Article and motioned to adjourn at 8:19pm.

Mr. Crowley asked for information about a forum for a couple of candidates for the Redevelopment Authority. Mr. Harris stated there is a forum tomorrow night and all the information and schedule will be posted this evening by Larry Ellsworth. He stated the School Committee is scheduled for this Wednesday night and the Select Board for next Tuesday night noting these will both be broadcast live and will occur in Sanford Hall and they are not intended to be open to the public. Mr. Boynton stated that since this is a public building, residents are allowed to come into the building.

**Approval of Minutes: April 19, 2022**

*The Board reviewed the draft minutes of March 21, 2022.*

**Mr. Trindade moved that the Board approve the minutes of April 19, 2022. Mr. Rossi seconded.**

Discussion: Mr. Rossi noted that on page 3, line 127 "She" should be changed to "He". Mr. Crowley referenced page 6, line 243, that the name of Native American and Indigenous People means the same thing. **VOTE: 5-0-0.**

**Appointment Consideration: Capital Planning and Improvement Committee (CIPC) – Nicholas Fair**

*The Board reviewed the (1) candidate's e-mail of interest, and (2) CIPC recommendation.*

Mr. Fair discussed his background and interest in serving on CIPC as follows: (1) he has lived in Town for a number of years, (2) he has an engineering business so understands finance, and (3) he knows they need assistance, so he volunteered. Ms. Nowicki stated CIPC voted unanimously to approve his appointment.

**Mr. Trindade moved that the Board appoint Nicholas Fair to the Capital Improvement Planning Committee for a two-year term. Mr. Rossi seconded. No discussion. VOTE: 5-0-0.**

**Authorization to Expend Grant Funds: Massachusetts Health Officers Association – Covid Health Response - \$12,178**

*The Board reviewed the (1) notice of grant award, and (2) grant agreement.*

Mr. Boynton stated Ms. Hallal worked with this group to secure these funds which are mostly for costs already incurred so this is more of a reimbursement.

**Mr. Foresto moved that the Board authorize the expenditure of the Massachusetts Health Officers Association Covid Health Response grant and authorize the Chair to execute the agreement as presented. Mr. Trindade seconded.** Discussion: Ms. White asked if this is covering all costs to date. Ms. Hallal confirmed noting there may be money left over and, if so, that will be returned to the state. **VOTE: 5-0-0.**

**Approval: Contract with Clean Harbors for Household Hazardous Waste Day – Not to Exceed \$13,000**

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

**Mr. Foresto moved that the Board authorize the chair to execute the contract with Clean Harbors for Household Hazardous Waste Day in an amount not to exceed \$13,000 as presented. Mr. Trindade seconded.** Discussion: Mr. Pelletier stated this is the twice a year household hazard waste day. Mr. Crowley asked if this is occurring next Saturday, May 14<sup>th</sup>. Mr. Pelletier confirmed noting the timeframe is 9am-1pm and the location is at the highway garage. **VOTE: 5-0-0.**

**Approval – Inter-municipal Agreement with Millis for Animal Control Services**

*The Board reviewed inter-municipal agreement.*

Mr. Boynton stated this is essentially unchanged and noted that we are very pleased with the service provided by our new Animal Control Officer, Ms. Mallette, that we share with Millis.

**Mr. Foresto moved that the Board authorize the chair to execute the inter-municipal agreement with the Town of Millis for animal control services as presented. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the action items dated April 4, 2022.*

Medway Plaza Redevelopment: Mr. Crowley asked if there is anything new with this item. Mr. Boynton stated there was not.

13 & 15R Populatic Street--Decision on Home on Property once Treatment Plant is completed: Mr. Crowley asked for a due date of February 2024 for this item. Mr. Boynton stated we acquired this property to be included in the plans for the water treatment plant and now know that, since that area is impacted by a floodplain, we may not need to retain this property.

**Town Manager's Report**

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

Mr. Boynton stated that Ms. Johnston requested that he remind all that this is Medway Restaurant Week. Ms. Johnston stated this is running through this Friday with eleven participating restaurants and explained the availability of four gift cards available if you take a picture of your dining experience.

**Snow & Ice Update – Added Salt Invoice – End of Year Adjustment:** Mr. Boynton stated that a \$14,000 salt invoice was discovered, and we cannot add this to the existing warrant as it has the actual number in the warrant article so this will be an end of year adjustment in July. Mr. Sullivan asked if this would need to be a transfer from the FinCom reserve. Mr. Boynton stated we plan to address this with an interdepartmental transfer from health insurance or stormwater in July. It was noted FinCom will need to approve this transfer as well.

**Short Term BAN Needed – Softball Field, Center Street, Cassidy:** Mr. Boynton stated we thought we would do the full borrowing for the water treatment facility in June, but Bond Counsel stated this must be done in July which causes issues for these three fields' projects. Funding for these projects was authorized at Spring Town Meeting last year, so we need to do a BAN for those prior to June 30<sup>th</sup>. This will be on an upcoming Select Board meeting agenda as we do not want to close the fiscal year in a deficit. Mr. Rossi asked for the amount. Ms. Pratt stated that \$600,000 was authorized and we have spent \$270,000 and plan to BAN \$300,000. There was further discussion about the state of completion of these projects.

State Grant Receipts – WRAP (\$231-821) & FORWARD Bill (\$269,500) (filed): Mr. Boynton stated we have received one state grant, the Winter Recovery Assistance Program (WRAP) grant through the formula in Chapter 90, which provided an additional \$231,821. DPW will use these funds towards a road project which is likely to be the Main Street sidewalk project, which will then free up this amount of funds for another Town project noting these funds need to be used by June 30, 2023. The second funding is a bill filed by the governor for the purpose of downtown redevelopment and programs with \$269,500 in program funding for Medway. We would need to identify a project for this. He noted there is also an additional \$30,000 in funding to assist with the completion of the West Street sidewalk project.

Events Policy – Updated DRAFT for Board Review: Mr. Boynton stated he is requesting the Select Board review this document noting that he included the changes requested by both Mr. Crowley and Town Counsel. Mr. Crowley requested that this be placed on the May 9<sup>th</sup> Select Board meeting agenda prior to Town Meeting.

Town Meeting & Election Outreach Timetables: Mr. Boynton stated he met with his team and laid out the outreach program and procedures for both Town Meeting and the Town Election. He explained the changes in place for both check-in and the standing voting processes for Town Meeting. He reported that at Fall Town Meeting last year, a non-registered voter voted at the meeting. Ms. Ohannesian and Ms. Harris developed the check-in process of providing cards to residents at sign-in, specific zones for counting purposes, as well as demarcation of the non-voting zone. Ms. Ohannesian has identified an electronic voting system at a cost of \$20-25,000 which was added to the state earmark requests. Representative Roy added this to the House budget so we may obtain that funding. Ms. Johnston will create an outreach video with Mr. Boynton for Town Meeting, as well as one with Ms. Ohannesian for Town Elections.

SWAP Legislative Breakfast – Friday, May 13 8:00AM: Mr. Boynton reminded all of the SWAP legislative breakfast which will be held at Thayer.

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

- Friday, May 6 – Hyannis Assessment Center
- May 19-27 – Vacation – Allison Acting Town Manager

NEXT Select Board Meeting –Monday, May 9, 2022, 6:30pm, pre- Special and Annual Town Meeting.

### **Select Board's Reports**

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

Mr. Crowley asked about status of the Design Review Committee involvement in the plans for the utility boxes. Mr. Boynton stated they are involved in this project. Mr. Crowley asked for the total number of residents who completed the master plan survey. Ms. Johnston stated twenty-five additional residents have since she posted the contest. Ms. Langley will obtain the total to date and provide that information to the Select Board. Mr. Crowley reported that this Saturday, the bags for the Drive to End Hunger will be placed at the end of driveways and will be picked up the following Saturday, May 14<sup>th</sup>, by the Lions. He requested that residents ensure that these do not include expired items. There is also a Lions sponsored paper shredding event at the Middle School on the 14<sup>th</sup> of May and Household Hazardous Waste Day is also on this date, which will be at the Highway Barn next to the Recycling Center.

Mr. Harris thanked Mr. Foresto for his work on the Water Treatment Facility Committee, as well as all the work he has done for the Town during his tenure as a Select Board member.

**At 8:46PM, Mr. Trindade moved to adjourn. Mr. Foresto seconded. VOTE: 5-0-0**

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