

**Select Board Meeting – Annual Legislative Breakfast  
Joint with Finance Committee and School Committee  
February 4, 2023 – 8:30AM  
Sanford Hall  
155 Village Street**

**Present:** Dennis Crowley, Chair; Glenn Trindade, Vice-Chair; Todd Alessandri, Member; Maryjane White, Member.

**Absent:** Frank Rossi, Clerk.

**Staff Present:** Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager.

**Other Participants:** Senator Karen Spilka; Senator's Staff: Maryanne Padien, Karen Adelman-Foster; Representative Jeffrey Roy; Representative Michael Soter; Representative Soter's Staff: Curtis Boucher; Finance Committee: Will Lane, Chris Lagan, Bruce Carbone; Dr. Armand Pires, Superintendent; Dr. Ryan Sherman, Director of Wellness; School Committee: Kailene Simon, Melissa Greenfield, Lauren Nassiff; Tracy Stewart, Medway's Representative to Tri-County Vocational Technical High School; Charlie Myers, resident.

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At 8:45 AM, Mr. Crowley called the Select Board meeting to order and led the Pledge of Allegiance. At 8:46 AM, Ms. Nassiff called the School Committee meeting to order.

Mr. Crowley turned the meeting over to Mr. Boynton to monitor the meeting. All others present introduced themselves and their roles.

Mr. Boynton thanked the legislators for their efforts and support both generally and financially during the prior twelve months and the many years of their stewardship of Medway. He noted the intent of the meeting is a brainstorming session. He also stated that Medway does not tax to the levy limit and explained the impact of the unexpected increased revenue as well as the increase in property values impacting some residents' tax bills at an increase of up to \$1,200.

Senator Spilka and her staff introduced themselves followed by Representatives Roy and Soter and their staff. The Senator noted that there are no longer any American Rescue Plan Act (ARPA) funds available, there is a small State surplus, and the Rainy-Day Fund is robust at over \$7 billion. The consensus revenue for FY24 was just completed and she explained who participates in this effort. This is done just before the governor comes out with her budget and is their guesstimate. She noted that since this is a new governor, her budget will not come out until March; it is usually available in January. The House will do their budget in April and the Senate in May. The House and Senate come to agreement in June and have the budget on the governor's desk by July. She reported that last year Chapter 70 was fully funded, which is planned to be continued, as well as the SPED Circuit Breaker and the Student Opportunity Act. She noted she is not sure where unrestricted aid will fall due to a new governor. She stated the consensus was that revenue will increase at 1.6 percent noting last year was at 2.7 percent. The legislature doubled that to 5.4 percent for municipalities last year. She stated that since she has become Senate President, Medway has seen an unrestricted aid increase of about twelve percent for the last four years. She reported \$6 million was put aside for social/emotional learning, a \$500,000 earmark to sponsor social/emotional learning that Medway had access to. She thanked Medway for taking a

proactive lead in that area along with the innovative programs implemented. Representative Roy reported this was his eleventh meeting with the Medway group noting the topics on the agenda are well known as when problems arise the calls come into him for discussion. He noted there is a powerful delegation representing Medway. Representative Soter noted his attendance last year and his appreciation of this meeting. Mr. Crowley noted that the intent of any negative items raised is to be informative and for brainstorming purposes. Mr. Boynton thanked the legislators for addressing the sub precinct issue.

#### **Local Aid Discussion**

- **Chapter 70 Minimum Aid Concerns**
- **Unrestricted General Government Aid (UGGA) Funding**
- **Fiscal Year (FY)22 Tax Turn-backs**

*Those present reviewed the Net Assessments of State aid to Medway from Fiscal Year 2019 through 2023.*

#### **Chapter 70 Minimum Aid Concerns**

Mr. Boynton stated that Medway's is higher than other communities of its size. He noted when this went into effect in 1993 part of this funding was called overburdened aid and provided to this region due to the rapid student population growth. In 2001 when the formula was redone, the advocacy of the legislators allowed for the overburdened aid to remain part of the formula. Since then, Medway and these communities have done an incredible job of funding education and, because of that, we find ourselves in the minimal aid category for schools. He noted in pure dollars, our Proposition 2 ½ levy growth number is just under \$1.2 million, and we will add in \$500,000 in new growth. He stated in the next few years, Medway will see the new growth number dropping down to \$200,000-\$300,000. The \$1.1 million plus \$500,000 brings us up to \$1.6 million. Our Tri-County assessment due to the enrollment increase results in an increase of \$400,000 and we will be putting \$900,000 towards the school budget. That brings us to \$1.3 million of the \$1.6 million in available revenue already committed to education. He noted that he has not factored in any increase in health insurance, any municipal obligations, nor the inflation aspects that are hitting the budgets. Consequently, we are running out of money and starting to hit that wall. He asked if there was any assistance they could provide stating this is not the legislature's problem, but a Department of Elementary and Secondary Education (DESE) issue based on their formula calculation. The small minimum aid increase does not take other factors into account such as health insurance increases, teacher contractual increases, etc.

Dr. Pires stated that they are still looking at a \$1.2 million budget deficit. He thanked the Town for the additional \$900,000. He noted all the funding sources that still resulted in this deficit stating they will be cutting staff this year due to enrollment changes and this deficit. He stated that FY25 will be worse and there will be program cuts and class size impacts. He noted the continued impacts of COVID on the students. He noted that Student Opportunity Act (SOA) funds did not positively impact Medway like other communities. He suggested the need to recalibrate the formula for Chapter 70 funding. Mr. Boynton noted he must still close a budget gap of over \$300,000. Senator Spilka reported that State benchmarks were down \$185 million as reported by the Department of Revenue (DOR). She suggested that Medway possibly spread out Elementary and Secondary School Emergency Relief Fund (ESSER) funds to deal with this issue. She stated Chapter 70 is a top priority for every single senator and representative noting other communities in the area are in the same situation. Mr. Crowley stated that one of the drivers of the school budget deficit that stood out for him was dealing with the 95 non-English speaking students across all grade levels. He then reviewed the State aid handout noting that Medway only received \$35,000 in additional funds. It was noted that the ESSER funds were mostly

utilized for student front-facing support people hoping that the remediation for COVID issues would be addressed in the short-term, but they are continuing. Dr. Pires stated that the ESSER funds will be fully expended in FY24 noting in FY23 six positions were funded and in FY24 1.5 positions will be funded. Senator Spilka noted the initial funding for social-emotional learning was \$2 million and has increased to \$6 million and she will work with Medway on this issue as Medway did an exceptional job implementing these programs. Representative Roy stated the need for more money is something they hear across the board noting in the last four sessions that the legislature supported the Fair Share initiative, which is funding for transportation and education. He noted that did pass in November so should provide more funding for Medway. He noted it is not popular for them to request increased revenue across the board noting that in the opening remarks, it was stated that Medway is not even at the tax levy limit. He suggested that Medway at least get to the levy limit if shortfalls are expected. Mr. Boynton agreed and noted that when Medway received the Exelon funding, the Select Board made sure that some of that went towards tax relief. Dr. Pires noted that they were in a better position pre-COVID with the hiring of Dr. Ryan Sherman, Wellness Director, and had some of that structure in place. He reported the exponential growth of kindergarten students needing clinical emotional support and their ability to allow students to see mental health clinicians during the school day. Representative Soter noted that he did not vote for the Fair Share Amendment because constitutionally we must spend those funds the way the law dictates, but there is nothing preventing them from making offsets in those differences in individual budgets. He stated that he has heard from many superintendents and other special groups in his area about these funding gaps including those for special education. He suggested that the Select Board go to the tax levy limit to support these types of programs and services.

#### **School Wrap-Around Services Success Story and Proposal**

*Those present reviewed the proposal for expansion of the wrap-around services program.*

Dr. Pires discussed the positive impact of this position noting that this employee goes into the home to assist with stabilizing the home including assisting with access to mental health services, cajoling kids to come to school, etc. He requested an increase in earmark funds to be able to hire a Bachelor of Science level position which would increase their ability to assist students by 50%. These students impact the learning environment for all students. Senator Spilka noted that more schools need to be doing these types of programs. She has been trying to fund these through earmarks and will work with Medway, but noted the shortage of workers may impact the ability to implement these types of programs. Four hundred million of American Rescue Program Act (ARPA) funds were put aside for best practices for these types of programs. One hundred twenty-two million was put aside for student loan reimbursements for those going into the mental health fields. Representative Roy asked for the amount that is being requested. Dr. Pires stated around \$125,000. He then shared other specific programs and funding as listed in his memo. It was noted that each school principal has stated that this position needs to remain. Dr. Sherman noted that this type of role can help with the dwindling behavioral health services/providers. Senator Spilka asked if telehealth has had any impact. Dr. Sherman stated it has not helped with access as it cannot be used during the school day.

#### **Operational Services Division (OSD) Impact – 14% Private Special Education School Tuition Increase – Anticipated FY24 Impact is \$150,000**

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

Dr. Pires stated he does not know where Governor Healy will land on this increase, but he is calculating a hit of \$150,000 - \$180,000.

#### **Tri-County Construction Project Impacts**

- **Assessment Impacts on Local Budgets**
- **Levy-Limit Exemptions**
- **Massachusetts School Building Authority (MSBA) Threshold Increases for Vocational Schools**
- **District Agreements & Voting Procedures**

*Those present reviewed the Tri-County building project potential impact spreadsheet.*

Mr. Crowley directed all to the spreadsheet projecting the impact on Medway of the proposed new school building at an estimated cost of \$280 million, Massachusetts School Building Authority (MSBA's) 25% contribution, and the other assumptions made. The impact in the first year is \$1,575,000 of new revenue that Medway must generate. Mr. Boynton stated all the vocational schools were chartered in the late 60s early 70s and Tri-County was built in 1975, eight years before Proposition 2 ½ came into effect. He explained the process on how this would get funded. The Tri-County School Committee will make the determination on the project. The cost is between \$280-\$300 million, which is a \$1.6 million assessment to Medway. The district agreement that was written eight years before Proposition 2 ½ came into effect, states that you go for a popular vote among the eleven communities in a special election with one ballot question: do you want to vote for a new school, yes or no. The concern is that there is no financial impact attached to the initial vote and, if it passes, then we need to come up with \$1.6 million. He noted that the Keefe Tech project is over \$400 million. There are several vocational technical schools that are in the pipeline. He stated that this is unsustainable and the \$1.6 million is the cliff and would result in cutting police personnel, fire personnel, teachers, DPW personnel, as you cannot make up that amount easily. The regional vocational schools have filed good legislation that does primarily two things: (1) gives the Select Board the authority to exempt the project from Proposition 2 ½ just like if it was a water district project, and (2) allows MSBA to expand its funding of truly necessary costs for a vocational school project that would not be part of a local school district issue. He noted that municipal construction projects are coming in at \$800 per square foot. Rep. Roy asked how this legislation would help the impact of that cost hit. Mr. Boynton stated it does not but procedurally is more tenable. Mr. Trindade stated that we all need to work to defeat this as it cannot work as it currently is but then the Tri-County School Committee would have to start new with the MSBA which may take up to seven years. Rep. Roy asked again how the change in legislation would help and why you would want to defeat this when it will be cheaper today than seven years from now. Rep. Soter noted that there are such voids in the trades because the vocational schools are not what they used to be. Tri-County is the one thing these kids have, as they are not going to college and, if it is not funded, this would have an even more negative effect on these students. Mr. Trindade noted that funding a new school does not impact the number of kids going into the trades as the total enrollment does not increase. There was further discussion on the impact on other communities.

Ms. Stewart noted assessments to each town are based on enrollment. Medway now has a high enrollment, and the other communities fail to fill their seats. Mr. Boynton stated in reference to how the new legislation will help is that unless the Commonwealth wants to pay for every vocational school's upgrade, which they do not have the capacity to do, we need this tool in the toolbox unless we want to decimate communities' budgets. There was further discussion on how helpful the legislation would be to the bottom-line assessment number for Medway. Senator Spilka and Rep. Roy stated that the chance of that legislation changing before the October popular vote is very low. Mr. Boynton stated if the Board does not have the ability to exempt the increase from Proposition 2 ½, then the only option is to take it to a full town-wide vote in all eleven communities. He noted the timing is awful and explained that the first ballot question can only be a yes or no vote. Then there must be a second election to address the funding mechanism/debt exclusion. There was further discussion on the process if the Select Board could vote versus a popular vote of the community. The per household cost for a debt exclusion was estimated at 3 percent. For example, residents paying \$10,000 would have a \$300 increase. Rep. Roy

still did not understand the impact on what residents would have to pay. Mr. Boynton stated it allows him to present a budget with what would need to be cut to meet that \$1.6 million to decide about whether to support a debt exclusion. Mr. Boynton's stated his concern that it goes to a ballot question without a funding mechanism attached, noting we would never do this for any project. Ms. Stewart stated her disappointment about the Select Board's lack of support for the popular vote for the new school building. Rep. Soter asked the Board to remember that these kids are not going to college, and it is their only option to have a career when making their decision. Mr. Alessandri stated that the Select Board has not decided that they will fight this. Mr. Crowley and Mr. Trindade spoke their personal opinions, which is not the opinion of the entire Select Board. The Select Board as a group has not discussed this topic and how to move forward. He shared his concern like Mr. Boynton about the funding mechanism not being attached to the initial vote, as well as his concern on how this will be funded.

### **Marijuana Facility Host Community Agreements – Legislative Changes**

- **Essential Elimination of Local Revenue Opportunities**

*There were no materials for those present to review.*

Mr. Boynton stated just as a for your information (FYI) we are not a retail community. We are evaluating whether we want to continue with the Host Community Agreements because of the changes in the legislation in how the Cannabis Control Commission is interpreting this. We have two cultivation facilities in operation currently with a third set to come on-line and one small processing facility. We have done Host Community Agreements (HCA) with all three. CommCan was the first as a medical marijuana facility. After putting the HCA in place, the Department of Revenue (DOR) changed how we take the revenue in. Initially, revenue was allocated to designated areas, i.e., for the school's drug and alcohol awareness training, etc. The DOR stated it must all be a general fund receipt. So, the Neo Alternatives and Phytotherapy HCA's were changed and based on the three percent expected revenue. They each projected \$600,00 in revenue for the first five years for the Town. The regulations now state that the only revenue we can collect is up to three percent for direct expenses incurred by the Town and invoiced to the facility. Other than chasing down the many complaints about odor and noise and a few drive-bys by our police, we don't have any costs. Millis, which has the retail facility 100 feet over the line, will receive three percent excise regardless. Medway has three 24-7 growing facilities in the same area that have 24-hour odor and noise issues and will receive nothing. Mr. Crowley asked for the amount of lost revenue. Mr. Boynton stated actual revenue when CommCan is done is \$150,000 and potential revenue is \$1.2 million. He asked if there was anything that could be done noting there are more complaints on the cultivation than retail side. Rep. Soter was on that legislative committee noting that the mayor of Fall River had an impact on this and, if they had thought it through more, they would have looked at the cultivation side as odor is an issue. Mr. Crowley asked what the driving force was behind this legislation. Rep. Soter stated there were a lot of inequities as a lot of these facilities were in the city and that needed to be addressed. Mr. Crowley asked where the funds went that were to go to the cities and towns. Rep. Soter stated into a fund to allow for more equity in the industry. Mr. Boynton noted that these funds are never budgeted for so fall to free cash.

### **Public Safety Facility Assistance Funding – Caron-Jajuga Report Revisit**

*There were no materials for those present to review.*

Mr. Boynton referenced the Caron Jajuga report and asked if someone could revisit that as there are a lot of communities that have to address public safety facilities. A homeowner's surcharge was one of the proposed funding mechanisms. It was set-up to provide communities with an option. Medway does have a problem, as do many communities. Ashland has a beautiful new Fire facility. He asked if there is

some mechanism that can be done to assist communities. Mr. Trindade noted that we have a Fire Station that we have outgrown and a Police Station that does not meet current codes. They were built thirty years ago and have been well maintained but need to be addressed. He noted that Tri-County and a new Fire and Police Stations would all be debt exclusions. Senator Spilka reported Ashland did debt exclusions for the new Fire Station, as well as a new Middle School. Rep. Roy reported that Franklin also did debt exclusions for the schools, Fire Department, and Senior Center noting all but one passed the first time. Mr. Crowley shared his concerns about the Police Reform Bill regarding the new standards for the actual buildings. He noted we have not seen the requirements, but it may cost \$5 to \$8 million to renovate our existing building. Senator Spilka and Rep. Roy stated this is the first that they are hearing about this as the Senator was very involved in the Police Reform Bill. Senator Spilka stated there is a lot of inaccurate information being spread about what is and is not required. Rep. Roy asked that specific regulations be sent to them and they can investigate. Rep. Soter shared the current regulations for Police Stations, i.e., a juvenile detention room, a padded room for suicide prevention, etc.

### **COVID Impacts Continuing**

- **Supply Chain Issues & Timing of Orders – Specifically Vehicles**
- **Substantial Cost Increases**

*There were no materials for those present to review.*

Mr. Boynton does not believe this can be solved at the State level, but that he needed the legislators all to be aware and to start the conversation. He reported that Congressman McGovern was in Medway in the past month and Mr. Boynton and Mr. Alessandri made a pitch. For example, pre-pandemic, if we wanted to order a fire truck, it was a seven to twelve month build time. A ladder truck would be between \$1.1 and \$1.2 million. We ordered an ambulance in 2019 or 2020 and it was a seven month build time at a cost of \$330,000 all in with a Ford F550 chassis. Now, it is a three-year build time. We are ordering a new ambulance now as it will take twenty-four months to build it at a cost of \$480,000. If the current equipment breaks down, we will not be able to obtain replacements. We need a new pumper as ours is twenty years old. Three years ago, it would have cost \$550,000. Now it would cost \$900,000. Rep. Soter said, prior to today, it was purely a supply chain materials issue. Now it is a labor issue. He noted that half of the trucking industry in 2020 died. In 2021, there was a big retirement in trucking. There are different standards on both state coasts for stacking containers. The west coast has large back-ups impacting availability of materials. He noted things are improving but are not at pre-pandemic levels. Mr. Boynton shared other difficulties obtaining vehicles.

### **State Energy Efficiency Programs & Mandates**

- **Regulations Are Ahead of Technology**

*There were no materials for those present to review.*

Mr. Boynton stated this was mitigated in the past week as the green communities backed-off on the implementation date for Police and Fire vehicles to be fully compliant with the energy code for one year. Senator Spilka stated if there is another situation like this, they should be notified so they can lobby to address this issue. Rep. Roy noted that his committee can look at legislation before it is implemented, however, their recommendations are not usually followed. He noted that they asked for a new opt-in stretch energy code which provides a hint of the future building codes, but does not force you to implement them. Mr. Boynton noted that the Building Commissioner will be presenting the mandatory changes to the stretch code. Senator Spilka and Rep. Roy stated they are not mandatory. Rep. Soter stated there are no unfunded mandates so if there is confusion, he directed folks to Rep. Roy.

### **State Housing Program Challenges – MBTA Communities Regulations**

- **Sheer Number of Units Stressing Service Delivery**
- **Inability to provide Water & Sewer Infrastructure Under DEP/EPA Rules**
- **Affordability Not Enough of a Priority**

*There were no materials for those present to review.*

Mr. Boynton stated Medway made it to the ten percent affordable housing for Chapter 40B and have done amazing partnering with developers and MetroWest for the West Street development. Sen. Spilka commended those efforts. Mr. Boynton reported that because of these regulations, we must create by-right districts, which could create up to 750 additional units of housing. There is a very big project that we be unveiled soon on Route 109 that will revamp that entire corridor and be a huge benefit to the Town. The challenge is the Department of Housing and Community Development (DHCD) want us to build more housing, but the Department of Environmental Protection (DEP) will not allow us to increase our sewer capacity at the Charles River Pollution Control District (CRPCD). They have denied Franklin, Medway, Bellingham, and Millis discharging increased amounts into the Charles River. Rep. Roy reported that the Governor has appointed a new climate chief whose sole function is to coordinate among the different agencies to address problems just like this. We may be able to assist with this by working with this new climate chief. Mr. Boynton stated there are very few areas that would support large systems like CRPCD, and we are asking to put clean water back into the Charles River. Rep. Roy stated the three of them would work on this issue. Mr. Trindade stated the density of by-right is an issue. Mr. Crowley addressed the CRPCD capacity noting that we are not asking for them to run at 100% capacity, but allow for an increase in their capacity. He noted that Medway is at its capacity now and that limits growth. Mr. Trindade noted that we have done a lot of work to decrease our inflow and infiltration (I&I). It was noted that this issue impacts the 39 Main Street and Oak Grove developments.

Mr. Crowley noted there is a bottle and can drive in Medway right now run by the Medway Lions and they asked if he could ask about the possibility of plastic bottles having a nickel deposit. They estimate that they discard 5-7,000 plastic bottles every year just through their drives. Sen. Spilka stated variations of the bottle bill are being considered and they will address this if it comes up.

#### **Medway 40B Affordable Rental Rates Currently Tied to Boston Area Calculations.**

- **Current rate \$2,100 for 1 bedroom unit**

*There were no materials for those present to review.*

Mr. Crowley referenced the 39 Main Street Chapter 40B project. There are 48 affordable housing units and they have only been able to fill five of these. One of the reasons is that the rent is so high because we are tied into the Metropolitan Boston Area. So, whatever Brookline and Newton are charging impacts Medway. When he spoke to DHCD, \$2,100 is the maximum allowed to be charged for a one bedroom. The developer can reduce that, but they will not until they are forced to reduce that charge. He asked if there is any way to take the small towns out in the suburbs and develop a different formula for the maximum allowable charge. Sen. Spilka stated that is a Federal issue and the State does not have the capacity to do that. She stated they can discuss this with Congressman Jim McGovern.

#### **Impact and Benefit on Schools of Additional Funding During FY23**

*Those present reviewed the letter from Dr. Pires and Dr. Sherman.*

This was addressed in under the Local Aid discussion.

**At 10:51AM, Mr. Trindade moved to adjourn the Select Board meeting. Mr. Alessandri seconded.  
VOTE: 4-0-0.**

**At 10:50AM, a motion was made to adjourn the School Committee meeting and seconded. VOTE: 3-0-0.**

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