

**Select Board Meeting
April 1, 2024 – 7:00 PM
Sanford Hall
155 Village Street**

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

Staff Present: Michael Boynton, Town Manager; Peter Pelletier, Department of Public Works (DPW) Director; Barbara Saint Andre, Community and Economic Development Director; Carol Pratt, Finance Director; Sandra Johnston, Communications Director.

Others Present: March 25, 2024 Call Response: Fred Paulette, Jr., of Millis, Fire Chief Jeff Lynch, Deputy Fire Chief Michael Fasolino, Dispatcher Gary Grenier, Fire Lieutenant Matthew Anzivino, Firefighter Paramedic Taylor Warren, Firefighter Paramedic Nicholas Volz, Firefighter Paramedic James Devine, Police Chief William Kingsbury, Police Sergeant Anthony Nigro, Police Officer Megan Casey, Police Officer Benjamin Leazott; Allison Dempsey, Agricultural Committee Chair; Deb Rossi, Agriculture Committee candidate; Jordan Warnick, Co-Chair Cultural Council; Sibbi Maruthu, Cultural Council Candidate; Thiru Munisamy, Cultural Council Candidate; Joanne Phillips, Indigenous Peoples' Day Committee Chair.

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

Recognition of Medway Fire and Police Staff for March 25, 2024, Call Response

The Board reviewed the (1) incident description from Chief Lynch, and (2) letters of commendation from Chief Lynch and Town Manager Boynton.

Mr. Trindade stated that Medway Fire and Police Staff along with a Millis resident are here in recognition of their outstanding actions in response to a medical emergency on March 25, 2024. Mr. Boynton called all those forward by name being recognized. Mr. Boynton shared the specifics of the medical emergency, the exceptional service and response of those present, and the positive outcome. Each person was presented to the Board in recognition. The brother of the resident thanked all present for saving his life. Each Select Board member thanked all, as well.

Mr. Trindade reported his need to attend the Community Preservation Committee (CPC) meeting at 7:30pm and turned the meeting over to Vice-Chair Rossi.

Public Comments: There were none.

Approval of Minutes: March 13, 2024

The Board reviewed the draft minutes of March 13, 2024.

Mr. Alessandri moved that the Board approve the minutes of March 13, 2024. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.

Appointment Considerations:

- **Agricultural Committee (2) – Carl Rice, Deb Rossi**
- **Cultural Council (2) – Sibbi Maruthu, Thiru Munisamy**

The Board reviewed the (1) candidates' statements of interest, and resumes, and (2) Chairs' recommendations.

Mr. Rossi asked Ms. Dempsey how many will be on this committee after these appointments. Ms. Dempsey stated they currently have six, one who has not attended for the past two years, and the total will then be eight. Ms. Dempsey explained that they meet monthly and occasionally with Millis and Holliston. They check in with the local farms and share events with local communities. They participate in Earth Day with the Community Farm, which will be on April 20 with a rain date of April 21. Ms. Rossi stated both her and Mr. Rice are on the Medway Community Farm Board and joined along with John Foresto about one year ago. It was noted that the Parks and Recreation Department works with the farm on summer programming. Ms. Rossi, as Chair of the Parks Commission, noted there is a lot of cross over in her roles.

Mr. Alessandri moved that the Board appoint Carl Rice to the Agricultural Committee for a three-year term. Ms. White seconded. No discussion. VOTE: 5-0-0.

Mr. Alessandri moved that the Board appoint Deb Rossi to the Agricultural Committee for a three-year term. Ms. White seconded. No discussion. VOTE: 5-0-0.

Mr. Rossi stated there was a lot of exciting news from the Medway Community Farm and asked Ms. Rossi to inform the Board and viewers. Ms. Rossi stated that the UMass Chan Medical School in Worcester has chosen Medway Community Farm for the Community Supported Agriculture (CSA) program out of seventy other farms in the state. Mr. Trindade shared the Request for Proposal (RFP) process that they needed to complete. Mr. Crowley asked what Ms. Rossi felt put Medway on top. Ms. Rossi stated that Mr. Sandstrum's plans, the quality and detail in Ms. Collord's RFP response, and our educational programs were likely key in the Medway Community Farm receiving this. It was noted that an oral presentation and reference check was also part of the RFP process.

Mr. Maruthu stated he moved to Medway in 2021 as they were looking for a small town for his son to grow up and this seemed like a good fit. He participated in the Diwali festival last year, has attended Cultural Council meetings, and is looking to get more involved with the Town.

Mr. Munisamy stated he moved to Medway in 2015, coaches his children in community soccer, is a volunteer at the Medway Community Farm, participates in all the cultural events, volunteers at the food pantry, and likes to be involved in Town activities and to volunteer. He participated in many cultural events and would like to assist in a greater way.

Mr. Warnick, Chair of the Cultural Council, explained his background and his love of the Cultural Council. He was pleased with these candidates' background in media, arts, and sciences noting they have both attended two meetings. He noted that the Cultural Council voted unanimously in support of both candidates and, as they are down to eleven members, they could use their help. This would bring the Cultural Council up to thirteen. There was discussion about the limit of two, three-year terms to the Cultural Council based on the Massachusetts Cultural Council.

Mr. Alessandri moved that the Board appoint Sibbi Maruthu to the Cultural Council for a three-year term. Ms. White seconded. No discussion. VOTE: 4-0-0.

Mr. Alessandri moved that the Board appoint Thiru Munisamy to the Cultural Council for a three-year term. Ms. White seconded. No discussion. VOTE: 4-0-0.

Discussion/Vote: Indigenous Peoples' Day (IPD) Committee Charge

The Board reviewed the (1) charge proposed by IPD Committee, (2) Committee changes authorized in March 2022.

Ms. Phillips stated she was before the Select Board one year ago to change the name, the Committee continues to evolve, and they are proposing a change in name and charge. She explained the evolution to the goal of moving away from a one-day educational event. They are proposing a broader scope of focusing on indigenous history, culture, and contributions within our community. Their new charge would be facilitating collaboration with the Town and its indigenous community for mutual benefit and shared cultural enrichment. They could then take on initiatives towards that goal including identifying and preserving indigenous sites, historical belongings and practices throughout the Town, collaborating with local institutions to develop educational historical programs highlighting indigenous culture through public events, workshops, and awareness campaigns, advocating for the inclusion of indigenous perspectives in educational curricula and community events, and facilitating open dialogs between the Town and indigenous communities to promote mutual understanding and cooperation. Basically, they would like to expand on the one-day event and include this in other existing Town events. She explained their support of the Community Farm events and others who have reached out to them for support and inclusion from the indigenous community perspective. Mr. Boynton noted that their changes make sense. Ms. White asked if they will be reaching out to the School Dept. Ms. Phillips stated that she would like to but there are not a lot of resources, and most are already booked up. She stated they are focusing on building relationships and trust within the indigenous community. Mr. Alessandri commended the evolution and forward thinking of the group. Mr. Rossi asked if they are at full membership. Ms. Phillips stated no, as she is the only Citizen-at-Large on the Committee but noted that a High School student has been attending. Mr. Crowley asked that “and include the Medway Historical Society” be added after the word institutions.

Mr. Alessandri moved that the Board approve the changes to the Indigenous Peoples’ Day Committee’s name and charge as discussed. Ms. White seconded. No discussion. VOTE: 4-0-0.

Appointment of BCK Law as Special Counsel for Battery Energy Storage Project

There were no materials for the Board to review.

Mr. Boynton stated this is for the Medway Energy Center proposal. Since Jeff Bernstein has worked with us on Exelon and Medway Grid, he would like him to work with us on this project as well. He asked the Board to appoint BCK Law as Special Counsel for the Medway Energy Center Battery Energy Storage Project. Mr. Crowley noted that he would like to look at the Host Community Agreement (HCA) before it is submitted. Mr. Alessandri asked if this appointment ends upon the end of the project. Mr. Boynton answered it would not, as there are filings that continue to be needed which Attorney Bernstein takes care of for the Town, including Exelon. It was noted that the HCA includes \$125,000 for legal fees. Mr. Boynton wanted the residents to understand that this is a very preliminary document and there have been no attorney-to-attorney discussions. Once both attorneys agree, the HCA will come before the Select Board and be put out for comment like we did for Medway Grid. He noted the difference between this and Medway Grid is they do not want to go through the Energy Facilities Siting Board (EFSB) process and want to remain dealing locally with the Town. Mr. Crowley reported that he met once with this group. It was a preliminary discussion with no future meetings planned at this time.

Mr. Alessandri moved that the Board appoint BCK Law as Special Counsel for the Town for the Medway Energy Center Battery Energy Storage Project as discussed. Ms. White seconded. No discussion. VOTE: 4-0-0.

Consideration of Public Event Permit Application: Ride for Food - October 6, 2024

The Board reviewed the (1) application, and (2) departmental.

Mr. Boynton noted that all is in order. Mr. Rossi noted it is a fifty-mile bike ride and asked who pays for the police detail. Mr. Boynton noted the route goes through Medway and the organization pays for the police detail.

Mr. Alessandri moved that the Board approve the Ride for Food subject to the Police Chief's recommendations and proof of appropriate insurance coverage. Ms. White seconded. No discussion. VOTE: 4-0-0.

Contract Approval: Lorusso Construction for Highway Materials and Services – Not to Exceed \$100,000

The Board reviewed the (1) memo from Peter Pelletier, (2) bid result, and (3) contract.

Mr. Pelletier stated that this company has been utilized by the Town many times and it is materials that we procure from them as needed. Mr. Alessandri asked how long the \$100,000 will last. Mr. Pelletier stated that we will most likely use all of that. Mr. Rossi noted that this is for \$100,000 per year for two years. There was further discussion about the cost of the sand and the ability to remove that from the contract since there were lower prices from others. Mr. Pelletier stated the intent was to have a contract for Kimball for the sand on this agenda, but they were slow to provide the necessary documentation. Mr. Crowley noted that there were no other bidders for the cold patch and asphalt and asked if those are legitimate numbers. Mr. Pelletier confirmed.

Mr. Alessandri moved that the Board approve and authorize the Chair to execute the contract with Lorusso Construction as discussed. Ms. White seconded. No discussion. VOTE: 5-0-0.

Glen Brook Way – Review and Approve Amended and Restated Master Subordination Agreement

The Board reviewed the (1) e-mail from Caitlin Madden, Executive Director, MetroWest Collaborative, (2) Amended and Restated Master Subordination Agreement, (3) Phase II Final Report.

Ms. Saint Andre reported that Caitlin Madden is at the CPC meeting. She stated that they had cost overruns due to COVID. In order to finance that, they had to come up with additional financing to deal with those costs. She noted that the Town is on the mortgage but down on the list and not a prime mortgagee. Since they are redoing their financing, we need to resign the agreement that we signed two years ago, with this one having the updated figures. Mr. Alessandri asked if this is an additional loan. Ms. Saint Andre confirmed and reminded the Board that the Town's loan goes away upon project completion. Mr. Rossi asked about Ms. Madden's report to CPC. Ms. Saint Andre stated that they were provided \$1 million in CPC funding for the project and one of the stipulations was a report to the CPC upon project completion. Mr. Crowley noted that they are asking for more than the cost of their overruns. Ms. Saint Andre stated that they decided to implement more energy efficiencies as well. Mr. Crowley stated that residents were complaining about affordable housing including affordable senior housing, which was why he supported this. He noted that the first building held sixty units specifically for Medway residents and only six applied and were approved. He noted that phase two is over fifty-five and asked if these are any units being held for Medway residents and how many they have that are Medway residents. Ms. Saint Andre pointed out that they have not finished renting these out. Ms. Stewart asked if the rental rates are based on the state. Mr. Crowley stated that 39 Main Street is state based income standards and Glen Brook is federally based income standards.

Mr. Alessandri moved that the Board approve and authorize the Chair to execute the amended and restated Master Subordination Agreement with Glen Brook Way as discussed. Ms. White seconded. No discussion. VOTE: 3-1-0. Mr. Crowley opposed.

Vote: Re-open May 13, 2024, Annual Town Meeting (ATM) Warrant, Add Fire Apparatus Borrowing Authorization Article, Close Warrant

The Board reference the May 13, 2024 ATM Warrant in the next agenda items materials.

Mr. Boynton stated this was discussed during the budget process and this was planned for the fall. Since then, the specifications are all but done, we have a ballpark price of \$996,000. He stated there are

substantial emissions requirements changes coming for diesel engines. If we wait until the fall, we may see a substantial increase in cost to meet the emissions requirements. Therefore, he is recommending that we put the order in now noting it is still a two-year timeframe. Ms. Pratt has already accounted for the \$1.1 million in the debt planning and the expenditure is not expected until Fiscal Year 2026. There was discussion on the usage rotation of the new and existing fire trucks. Mr. Crowley asked about the expected delivery date. Mr. Boynton stated they are currently quoting 800 days. It was noted that this was in the debt schedule presented to the Select Board at their budget workshop in Fiscal Year 2026 at a cost of \$128,333 per year for ten years.

Mr. Alessandri moved that the Board vote to re-open the May 13, 2024, Annual Town Meeting warrant, add the fire apparatus borrowing authorization article, and close the warrant. Ms. White seconded. No discussion. VOTE: 5-0-0.

Discussion/Vote Recommendations: May 13, 2024, Special and Annual Town Meeting Warrants

The Board reviewed the (1) draft May 13, 2024, Special Town Meeting Warrant, and (3) draft May 13, 2024, Annual Town Meeting Warrant.

Special Town Meeting Warrant

ARTICLE 1: (Prior Year Bills)

It was noted that there are no prior year bills at this time so this can remain a To Be Determined.

ARTICLE 3: (Free Cash Transfer: Snow and Ice Deficit)

It was noted that there is no deficit in this budget line item at this time so this can remain as To Be Determined.

ARTICLE 7: (Repurpose Water Project Funds)

It was noted that we are still waiting on the opening of the bids on the Oakland Street pump house so this can remain a To Be Determined. Mr. Boynton clarified for Mr. Crowley that this is to repurpose the leftover funding from the Water Treatment Plant to do the Oakland Street pump house. Ms. Pratt explained the specifics of this repurposing of funds.

Annual Town Meeting Warrant

ARTICLE 11: (Hanlon Track & Field Construction, Incl. Transfer from CPA Funds and Athletic Stabilization)

Mr. Crowley noted that the total amount is short \$65,000 if you add up the individual amounts within the article. This was confirmed.

ARTICLE 12: (Capital Stabilization Transfer: Memorial School Roof Replacement)

It was noted that the cost of this project is still yet to be determined and the bids are scheduled to be opened on April 18. This can remain a To Be Determined.

ARTICLE 24: (Amend Zoning Bylaw Map: Energy Resource District)

Mr. Boynton stated that this was on hold until the Planning and Economic Development Board hearing. Ms. Saint Andre reported that the PEDB had its public hearing on this on March 26 and unanimously voted to approve this article. This is to rezone some of the land on West Street and would give the Town

control over a battery energy storage facility rather than giving that control to the state. She stated that there was a presentation by the company at the prior meeting with a lot of public questions but there were none at the public hearing on March 26. It was reiterated that this provides the Town with more local control.

Mr. Alessandri moved that the Board approve Article 24. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.

ARTICLE 25: (Borrowing: Purchase Fire Truck)

Mr. Alessandri moved that the Board approve Article 25. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.

ARTICLE 23: (Multifamily Overlay District)

Mr. Boynton stated that the Attorney General will not be making a decision about Milton until October. He does not believe that we will have any more information if we postpone this to Fall Town Meeting. He also does not see any imminent construction. Mr. Boynton explained the process moving forward if this was approved at Town Meeting. Alex Kevork of 10 Kimberly Drive asked about the repercussions if we do not do this. Mr. Boynton stated an immediate one would be loss of state grant funding. He pointed out that the Town of Milton lost state funding for repair of a sea wall, that Medway has received over \$1.8 million in grant money, and all of that would stop. He explained relative to Milton that the Attorney General is asking the Supreme Judicial Court (SJC) to assign a Special Master to implement this anyway, which has never been done, so he is not sure how that will play out. Mr. Trindade talked about the developer's plans for the Summer Street parcel with the back portion to be donated to the Town. There was further discussion about the success of pushing back on the state and the lack of success of that endeavor with 40B. Unlike 40B, the MBTA zoning must still follow existing zoning. He noted that the work done by the PEDB and Ms. Saint Andre was to mitigate this to the largest degree possible. There was further discussion on the outcome of a Town Meeting vote and an SJC determination that the state does have a right to mandate this. Janice Dunne of 17 Kimberly Drive stated that we have to send a message to the state. Mr. Boynton clarified that these developments would need to include ten percent of the units designated as affordable housing for the Town to maintain Safe Harbor status to allow us to continue to not allow 40B development. Mr. Rossi stated that we need to do what is best for the Town. Pam Cobb of 14 Kimberly Drive stated the article does not specifically state it is MBTA related so seems a bit deceptive. She noted that other Towns like Wellesley are doing a "light comply" by just rezoning current apartments complexes and asked if that is something Medway would consider. Ms. Saint Andre explained why this is not called MBTA zoning in that MBTA zoning is just a colloquial phrase which refers to the specific Massachusetts General Law (MGL) Chapter 40A and Section 3A. Mr. Crowley asked if the MBTA wording could be included. Ms. Saint Andre stated that she will make every effort to include that verbiage. She stated relative to the locations, the PEDB felt the two they are proposing provide the least impact to the Town noting that Glen Brook and Sanford Mill were considered. There was a question on the cost to the Town should MBTA zoning development occur. Mr. Boynton noted that the 351 communities in the state, especially those on the 128 belt, do not share Medway's concerns about complying with this law. He further noted that Medway dealt with the rapid growth in the past and stated he does not have an idea on what this would cost the Town should this growth occur. Samatha Murray of 24 Kimberly Drive stated she works in commercial property development and asked about the difference in community designation of a rapid transit versus MBTA adjacent. Mr. Rossi noted that the difference in units can be found on the Mass.gov website noting the four categories along with the map. Ms. Murray stated that it took over five years to get a shovel in the ground for her project in Arlington which was pre-COVID. Mr. Crowley noted that if this zoning goes away, the developer could build single family homes and would put a road for access in the cul-de-sac. Steven Brody of 39 West Street noted the potential options for

the developer who purchased this land and stated that he feels Fall Town Meeting is when this should be voted on. He felt that the residents have not had an opportunity to understand this. There was further discussion on the potential area to build on behind Kimberly Drive. Ms. White stated she would like to wait until November and pull the article. Mr. Alessandri stated that he would like to pull the article due to the lack of information for strategic planning and to allow more time to educate the residents. He stated that if in November we still have no further information, we should approve it in November. Mr. Trindade agreed that we should wait until November as we do not want to risk being assigned a Special Master. Mr. Rossi stated that whether or not the Select Board supports this, this still goes before Town Meeting, and would like to wait until November. Mr. Boynton noted that the PEDB put this article on the warrant, so they need to be the official entity to pull the warrant article. Mr. Trindade asked about a voted down zoning article and the need to wait one year before representing it again on a Town Meeting warrant. Ms. Saint Andre explained that MGL Chapter 40A, Section 5, directs how towns adopt zoning articles. It states the PEDB has a right to submit a zoning article to the Select Board and it must be placed on the warrant. They can also ask to withdraw it and if the Select Board votes that they want this to be withdrawn, the PEDB will take that up at their meeting next week. You cannot put this back on the warrant for two years unless the PEDB had a favorable recommendation. Mr. Rossi feels that at this point in time it would fail at Town Meeting. Mr. Crowley stated that the only way to impact this is when voting for your representatives.

Mr. Alessandri moved that the Board disapprove Article 23. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.

Mr. Alessandri moved that the Board request the Planning and Economic Development Board to remove Article 23 from the Spring Town Meeting warrant. Ms. White seconded. No discussion. VOTE: 5-0-0.

Discussion/Vote: Non-binding Ballot Question on Annual Election Ballot Relative to MBTA Zoning Requirements

The Board reviewed the proposed non-binding ballot question.

Mr. Rossi read the verbiage of the ballot question. There was discussion of including the result of the vote in the ballot question verbiage and it was noted that the result would not be known but the result would be included in the letter to the legislators.

Mr. Alessandri moved that the Board approve the non-binding ballot question relative to MBTA zoning requirements as discussed. Mr. Trindade seconded. No discussion. VOTE: 5-0-0.

There was discussion about educating residents on this ballot question and the consequences of a yes or no vote. Mr. Boynton noted that the Town has to be very careful on what information can be provided to voters.

Action Items from Previous Meeting

The Board reviewed the action items dated March 4, 2024.

Updated Road and Sidewalk plan: The Board requested the due date to change to April of 2024.

Town Manager's Report

There were no items for the Board to review.

Mr. Boynton had many April's Fools items on his report.

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

- Thursday, April 11th, and Friday April 12th – Fire Assessment Center - Barnstable

NEXT Select Board Meeting – April 16, 2024

Select Board's Reports

There were no items for the Board to review.

Mr. Alessandri stated he will not be at the next Select Board meeting and the rest of the Board confirmed they will be present. He stated it is important to recognize that even though we “beat the daylight” out of our representatives, he wanted to state that for the most part that we do support a lot of the things that they do. He personally completely disagrees with the MBTA zoning but feels they are doing a decent job on the rest, and they are genuinely doing what they believe is best.

Mr. Crowley stated that he agrees mostly with Mr. Alessandri regarding our representatives noting his issues around school funding. Specifically, he stated when our school budget goes up \$62,000 with other Towns going up substantially more. He disagrees with the fact that the Town of Medway will be picking up only \$120,000 in additional state funding. Mr. Alessandri stated his agreement with that point.

Mr. Rossi stated that he thinks Mr. Alessandri meant that by and large our representatives support us.

Mr. Trindade reiterated that he would like as many of the cheerleaders and their coaches to attend the meeting as possible.

At 9:47PM, Mr. Trindade moved to adjourn. Mr. Alessandri White seconded. No discussion. VOTE: 5-0-0.

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