

MEDWAY BOARD OF SELECTMEN
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*Dennis Crowley, Chairman
John Foresto, Vice Chairman
Richard D'Innocenzo, Clerk
Glenn Trindade, Member
Mary Jane White, Member*

Board of Selectmen's Meeting Minutes

October 21, 2014 at 7:00 p.m.

Presentation Room, Middle School

45 Holliston Street

Present: Chairman Dennis Crowley; Selectmen John Foresto, Rick D'Innocenzo, Maryjane White, and Glenn Trindade; and Town Administrator Michael Boynton.

At 7:01 p.m., Chairman Crowley called the meeting to order and led in the Pledge of Allegiance.

Authorization of Chairman to Execute Contract for Council on Aging Nursing Services:

The Director of the Council on Aging Missy Dziczek said the contract is for \$7,000 and will allow the Town to keep Linda Hastings on staff for 5 hours per week. Ms. Hastings has been in this position for several years. This position has been funded through a grant for the last four years. Ms. Dziczek said Ms. Hastings is very knowledgeable and they are very happy with the collaboration. Some of Ms. Hastings duties include leading classes, doing occasional home visits, and performing blood pressure and blood sugar checks.

Selectman Trindade moved that the Board authorize the Chairman to execute the contract for the Council on Aging Nursing Services as presented; Selectman White second; Resident Jonathan Minnaert of Summer Hill Road asked why these services were not provided by the Visiting Nurses Association (VNA). Ms. Dziczek said the Board of Health has a contract with the VNA but the services provided under this contract are not provided by the VNA. Ms. Hastings provides most of the services at the Senior Center although she is available for the occasional home visit; All eyes 5-0-0.

Public Comments:

Chairman Crowley acknowledged that some residents were in attendance to discuss their concerns about the new turf fields and the use of crumb rubber fill. Chairman Crowley invited residents to speak but reminded everyone that it is not a Public Hearing and the Board has regular business that they need to attend to as well. He also emphasized that Board members are always available to discuss residents' concerns and all of the Board of Selectmen's meetings are open to the public.

Steven Lee of Lovering Street said the concern is the use of crumb rubber fill and not the project in general. He said he would like the project stopped so that alternatives can be explored. He agreed that there is no conclusive evidence to show that crumb rubber fill

causes cancer. Mr. Lee said that Hanlon Field is almost complete but he thinks the Town should look at the alternatives for the other two turf fields that are not complete.

Alan White of Skyline Drive spoke as a concerned parent. He said he was initially excited for the project but became worried after seeing the NBC News report and doing some research. Mr. White said several factors should be considered, including the age of the children playing on the fields and how temperature may affect the product. He said it is possible that additional chemicals may be released on hot days. Also, the fill may degrade over time releasing carcinogens. Mr. White would like the safety concerns addressed before moving forward.

Andrea Kerr of Waterview Drive reiterated that the CDC has not made any conclusive findings but said it is odd that they have declined to comment on the subject. She said the NBC News report is continuing and wanted to know what will be done to remediate the situation if a link between crumb rubber fill and cancer is discovered.

Kirk Souza of Juniper Drive said he supports using an alternative fill even at a higher cost. He would also support replacing the crumb rubber fill at Hanlon Field. He said it is not likely that there would be answers to their questions soon and it is possible that people may not want to use the fields if crumb fill gets enough negative press.

Tracy Stewart of Lovering Street said she recently learned of a cork product that is 100% natural and can be used as a fill. Ms. Stewart said she believes people are just beginning to hear about this issue. She said she would like residents to have an opportunity to speak with Gale Associates. Ms. Stewart said she would like the Board of Selectmen to find a safe alternative.

Jonathan Minnaert of Summer Hill Road said he thinks it is important for the Town to consider an alternative fill from a legal standpoint. He said there could be lawsuits in the future if a link is found. Town Administrator Michael Boynton said the Town has some protection, including the Tort Claims Act and their contracts with Gale Associates and RAD Sports. The Town hired both firms to provide expertise. In addition, he thinks it would be very difficult to find that Medway did not use due diligence.

Medway resident and High School Athletic Director Rob Pearl said crumb fill has been used since the mid 1970's on fields and playgrounds and the above mentioned study is inconclusive. He said cork requires moisture, which can create potential mold issues, and none of the other alternatives has been tested. He said using fertilizer on grass fields is a big concern especially considering the fields' proximity to wetlands.

DPS Director Tom Holder provided an update on the progress of the fields. He said Hanlon Field is complete and the crumb rubber fill is installed. He said they anticipate that the entire project, including the parking lot and trails, will be complete by Thanksgiving. Mr. Holder said that synthetic turf fields can be used during the winter months but they will not be prepared to use these fields this winter. Athletic Director Rob Pearl said some groups have already expressed an interest in using the fields during the winter months for tournaments. The plan is to start using the fields in March 2015.

Selectman D’Innocenzo said that alternative materials are a good idea but there isn’t a lot of research on those products or their possible toxicity. He said crumb rubber has been around since the 1970’s and used on fields since the 1990’s. He said the concern is using an alternative fill that has not been researched and could cause injury. Selectman D’Innocenzo thanked resident Alan White for forwarding studies and research. Mr. Minnaert said it is important not to consider something safe just because it has been around for decades.

Selectman Trindade said this was not a callous decision and a committee worked for two years on this project. The goal was to create a quality and safe surface for the children of Medway to play on. He said one of the most important considerations was cushion. He said the committee looked at all of the research carefully and went with the best option. He assured residents that if a link between crumb rubber and cancer was found the Town would change the fields immediately. He noted that there are 11,000 turf fields in the U.S. He said grass fields have their own issues because they require the use of pesticides and fertilizers. Selectman Trindade said he believes the fields are safe and the right option. He reiterated that no testing has been performed on the alternative fill options. Selectman D’Innocenzo added that the existing grass fields will still be used so children will not play solely on the turf fields. In addition, the children will play on turf fields when they play in neighboring towns.

Ms. Stewart reported that the EPA has retracted turf safety assurances because Public Employees for Environmental Responsibility (PEER) filed suit. She provided photos of injuries that female professional soccer players have sustained from playing on turf. She added that the fumes from the rubber may cause neurological damage as well and urged the Board to delay putting down the crumb rubber. Selectmen Trindade said that the Board reads all the material that is forwarded to it and takes the issue very seriously. He said the article Ms. Stewart referred to was not about the danger of playing on turf but about the injustice of men playing on grass and women playing on turf for the World Cup.

Selectman White said she appreciates and respects the amount of work that has gone into this project, but she has concerns. She said it is worrisome that there are no answers to the questions that have been raised.

Discussion followed about delaying the project and using the winter months to further explore alternatives. Chairman Crowley reiterated the fact that there is no proof that there is a link between crumb rubber and cancer. In addition, a delay would impact the Town’s financial obligations. Selectman Trindade added that the committee and Board looked at all of the information and made the best choice.

Ms. Stewart asked if this topic could be discussed further at a future Board of Selectmen’s meeting. Chairman Crowley said the Board has a limited amount of time during meetings to deal with many issues but encouraged residents to set up informal meetings with members of the Board, limited to two because of the Open Meeting Law, to discuss this matter further.

Chairman Crowley thanked everyone for attending the meeting and participating in the discussion.

Approval of 2014 Fall Town Meeting Warrant Article Additions:

Article 17: (Utility Easement Grants: Route 109 Project) – This article would allow the Board of Selectmen to grant easements to the utility companies relative to the Route 109 project. Some of the utility poles will be located on Town property.

Selectman Trindade moved that the Board add an article to the Fall Town Meeting warrant to authorize utility easement grants associated with the Route 109 project; Selectman White second; No discussion; All ayes 4-0-0. (Selectman D’Innocenzo was not present for this vote.)

Article 21: (Amend Zoning Bylaw: Commercial District I) and Article 22: (Amend Zoning Bylaw: Adult Retirement Community Planned Unit Development) - Town Counsel recommended changes to the language of Article 21 and Article 22.

Selectman Trindade moved that the Board authorize language changes recommended by Town Counsel to zoning bylaw Article 21 - Commercial District 1 - and Article 22 - Adult Retired Community Planned Unit Development - should the Planning and Economic Development Board adopt these changes at its meeting on October 21, 2014; Selectman White second; No discussion; All ayes 4-0-0 (Selectman D’Innocenzo was not present for this vote).

Selectman Trindade moved that the Board recommend for approval Article 10 - Prior Year Bills - and Article 17 - Route 109 Utility Easement Grants; Selectman White second; No discussion; All ayes 5-0-0.

Article 1: (Fiscal Year 2015 Budget Appropriation) – The Board initially approved \$229,000 under this article to supplement the FY15 budget at their meeting several weeks ago. Since that meeting there has been significant discussion about this article. As a result, the Board made cuts to each line item and the total amount was reduced to \$113,500. The Board also discussed the variety of funding options including the levy, free cash, and the Finance Committee Reserve Account. In the end, the Board agreed to use funds from the Operational Stabilization Account. The balance of this account is \$196,000.

Money was set aside in this account several years ago in case the economy slowed and salaries needed to be supplemented. Selectman Foresto said the Board always intended to draw this account down to zero once it was not needed. Last year \$600,000 was transferred from this account to a reserve account for the new DPS Facility. Administrator Boynton said using these funds will not bring the total of the stabilization funds below 10% of the operating budget, which will be important in April when they go out to bond.

Frank Rossi and Chris Lagan, members of the Finance Committee, were in attendance and agreed that the reduced amount was a good compromise. Chris Lagan asked if free cash could be used to fund these items. The Board said the free cash is needed for road work because Chapter 90 funds are being used for work related to the Route 109 project.

Administrator Boynton said his preference is to fund the items in total at \$229,000 but he understands the Board's reluctance to raise the levy. The Board recognized that the items they are funding are recurring items that will need to be added to the FY16 budget. Everyone agreed that next year's budget will be tight. The Board asked that Article 1's language be revised to show that the funds will be transferred from the Operational Stabilization Account.

Selectman Trindade moved that the Board approve the new language for Article 1 as read by the Town Administrator; Selectman D'Innocenzo second; No discussion; All ayes 5-0-0.

Vote to Close Fall Town Meeting Warrant and Post:

Selectman Trindade moved that the Board close the 2014 Fall Town Meeting Warrant; Selectman White second; No Discussion; All Ayes 5-0-0.

The Board will be notified when the warrant is posted. Copies of the warrant will be available at Town Hall, the Police Station, the Library, and on the Town's website. A copy of the revised warrant will be sent to the Finance Committee for discussion at its meeting Wednesday night.

Authorization of Chairman to Approve Invoices Related to Middle School Renovation Project and the Middle School Site Improvement Project:

The Middle School Building Committee disbanded and voted to give the Board of Selectmen control over the remaining funds and pay invoices related to the project.

Selectmen Trindade moved that the Board authorize the Chairman to approve invoices related to the Middle School Renovation Project and Site Improvement Project; Selectman White second; No discussion; All ayes 5-0-0.

Approval – One-Day Alcohol License – William & Sue Shelley – Thayer Homestead – October 25, 2014:

Selectman Foresto moved that the Board authorize the issuance of a one-day alcohol license to the Shelleys for their October 25, 2014 event contingent upon submission of appropriate liability coverage and the Police Department's recommendation and to waive the \$50 fee; Selectman Trindade second; Chairman Crowley asked Allison Potter to make sure the applicants know liability coverage is absolutely necessary. Ms. Potter said she is working on this with the Shelleys; All Ayes 5-0-0.

Minutes:

Selectman Trindade moved that the Board approve the September 2, 2014 meeting minutes as written; Selectman Foresto second; No discussion; All ayes 5-0-0.

Selectman Trindade moved that the Board approve the October 7, 2014 minutes as amended; Selectman Foresto second; Chairman Crowley asked that the word agreed be removed from the bullets on page 2. Only the amounts should be listed; All ayes 5-0-0.

Action Items:

- Selectman Foresto asked the Board to review the fee related to the one-day alcohol license policy.
- Chairman Crowley said they are about to begin the leak detection process related to unaccounted for water. He said there may be some private funding available for this project. The Town will be examining the southwest corner of Medway.
- The Service Level Agreement with the schools needs to be finalized shortly after the Fall Town Meeting and the Board needs to have an understanding of the responsibilities prior to the meeting.

Town Administrator Report:

- The Community & Economic Development Director position has been filled.
- Today there was a retirement celebration for John Emidy. Administrator Boynton thanked Mr. Emidy for his hard work. He reported that the new Building Commissioner begins on October 27. He also thanked all of the department heads for their help during his transition this summer.
- A Red Cross Shelter Training will be held on October 28, 2014 at the Thayer Homestead.
- The Board of Health is holding a flu shot clinic on Monday, October 27, 2014 at the Senior Center from 3:00-5:00 p.m. The vaccination is free.

Selectmen Reports:

- Chairman Crowley spoke with Senator Spilka this morning. She said there are funds available to Medway for Open Space projects. Administrator Boynton will follow-up with Senator Spilka's office for more information, including when Medway needs to submit a letter of interest. The Board will discuss this further at its next meeting.
- The Board needs to adopt its budget policy in November.
- Chairman Crowley said he was happy with how the discussion on the turf fields went tonight. He said it is important for the Board to listen to all residents' concerns whether they agree with them or not. He thanked Selectman D'Innocenzo and Selectman Trindade for their work on this project.

At 8:58 p.m., Selectman Trindade moved to adjourn; Selectman White second; No discussion; All ayes 5-0-0.

Respectfully submitted,
Michelle Reed