

**Board of Selectmen's Meeting  
Monday, January 5, 2015 – 6:30 PM  
Sanford Hall  
155 Village Street**

**Present: Dennis Crowley, Chair; John Foresto, Vice-Chair; Richard D’Innocenzo, Clerk (6:54 PM); Glenn Trindade (left at 7:20 PM and returned at 8:00 PM) and Maryjane White.**

Also Present: Michael Boynton, Town Administrator; Barbara Saint Andre, Town Counsel; Christopher Brown, Town Counsel; Tom Holder, Director, Department of Public Services.

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At 6:30 PM Chairman Crowley called the meeting to order and led the Pledge of Allegiance.

**Executive Session:**

**At 6:32 PM Selectman Foresto moved that the Board enter Executive Session under Exemption 3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares [Net Metering Agreement Enfinity SPV Holdings/SunEdison] with the intent to return to public session; Selectman Trindade seconded. The Chair did so declare. No discussion. Roll Call Vote: 4-0-0 – Crowley, aye; Foresto, aye; Trindade, aye; White, aye.**

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At 6:59 PM Chairman Crowley reconvened public session.

**Public Comments:** None.

**Discussion – Proposed Special Act, Eminent Domain Takings:**

*The Board reviewed the following information: (1) Proposed special legislation for Redevelopment Authority in connection with eminent domain takings; and (2) Email, dated December 30, 2014, from Town Counsel.*

Mr. Boynton stated that the deadline for the legislative delegation to file on behalf of the Town is fast approaching. He noted there are a couple of issues with the Oak Grove process. When we get to “owners unknown”, the Town still needs to appropriate the value of the property that would be taken by the Town under eminent domain. If the funds are never claimed, the balance reverts to the State unless there is a local statute in place. He recommends that this proposed special legislation be forwarded to the delegation for review. This would allow any funds to stay within the Town if the Town decides to set it aside in the first place. Mr. Boynton emphasized that, in this case, the word “Town” refers to Redevelopment Authority. Discussion followed.

**Selectman Trindade moved that the Board direct Town Counsel to prepare the proposed Special Act and forward to the Medway delegation for consideration during the legislative session; Selectman White seconded. Discussion followed on how to file without Town Meeting action as there is no**

**Town Meeting scheduled before the filing deadline. It was noted that language can be added that the Special Act is conditioned upon Town Meeting approval. No further discussion. VOTE: 5-0-0**

**Discussion with Charles River Pollution Control District Representatives:**

*There were no background materials.*

Present: Tom Holder, Director, Department of Public Services; Elizabeth Taglieri and Kristen Mucciaroni, Charles River Pollution Control District; Jane Madden and Elena Proakis, CDM Smith; Robert Wilson, Chan Rogers, and Leo O'Rourke, Medway Water and Sewer Commission.

Ms. Taglieri provided a brief update on Medway's relationship with the Charles River Pollution Control District, statistics, capacity, regulations and next steps. Responding to a question from the Board on how the permitting capacity is determined, Ms. Taglieri stated that permitting capacity based on how much capacity is available (16%) of the gallons per day. Small overage can be absorbed by other communities who are under their capacity as it takes time to reduce infiltration inflow. Mr. Boynton explained that communities can often purchase additional capacity from other communities. Medway sold some capacity years ago and it may not be recoverable. It was noted that the Town of Millis recently purchased additional capacity from Franklin, which may not be reflected in the numbers in this discussion. Discussion followed.

At 7:25 PM Selectman Trindade exited the meeting room to attend another meeting; he returned at 8:00 PM.

It was noted that the NPDES permit has been re-issued due to many complaints and comments from communities. Mr. Holder reported that Medway submitted comments in December.

Chairman Crowley referred to a budget document from two years ago and asked how close the projections were to actual numbers. After brief discussion, it was determined that those figures referred only to Phase C, not the entire project. Much discussion centered around the future costs relative to required capital upgrades with Mr. Foresto suggesting the need for a 10-15 year capital plan as well as comprehensive plan for keeping operational expenses in check.

Discussion followed on increasing the filtration capacity, relative capacities upstream, treatment of phosphorous, impact of the capital improvement plan on communities, potential phase-in of new technologies, operating expenses, potential for small solar array on closed landfill, and the feasibility of an anaerobic digester.

**Approval – Change of Hours, PragatHari LLC d/b/a West Medway Liquors:**

*The Board reviewed the following information: (1) ABCC Form 43; (2) ABCC Retail Alcoholic Beverages License Application; and (3) PragatHari LLC corporate vote.*

Present: Kunal Patel, Manager.

**Selectman Foresto moved that the Board approve a change of Sunday closing hour to 9:00 PM for PragatHari LLC d/b/a West Medway Liquors; Selectman D'Innocenzo seconded. No discussion. VOTE: 4-0-0.**

**Authorization of Chairman to Execute Contract with Haley & Ward for General Services:**

*The Board reviewed a proposed Contract. It is noted the agreement is funded from available operating funds.*

Present: Tom Holder.

Mr. Holder explained that the proposed Contract for Master Service Agreement is designed to formalize a process that the Department of Public Services is already using. It defines a set of terms and conditions and will expire in 2018. Brief discussion followed during which the Board requested that the rate schedule be included in the contract, and rate increases no greater than 2% per year be approved by the Town Administrator.

**Selectman Foresto moved that the Board authorize the Chairman to execute the contract with Haley & Ward for general services with the rate provided on a letter dated January 5, 2015 and that the annual rates may be increased at an amount not to exceed 2% as approved by the Town Administrator; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Authorization of Chairman to Execute Regulatory Agreement for Millstone Village:**

*The Board reviewed the following information: (1) Correspondence from Maureen O’Hagan, MCO Housing Services, dated December 17, 2014; (2) Document entitled “Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project”; and (3) Email, dated December 22, 2014, from Town Counsel.*

Present: Mr. Doug Havens, Community Housing Coordinator.

Mr. Havens explained that these documents must be signed and notarized before the marketing can begin for the eight (8) affordable units. He reported that the Regulatory Agreement was reviewed and approved by Susan Affleck-Childs. The agreement was reviewed and approved as to form by Town Counsel.

Chairman Crowley stated he would like to see a document from the Housing Trust that it agrees and approves this document. He also asked about the reference to local option or preference on page 4 and wanted to know how that could be secured for Medway residents. Mr. Havens responded he would research it, but theorized that it is part of the deed restriction or possibly a component of the special permit.

Chairman Crowley asked what entity establishes the condo association fees. Mr. Havens responded that it would be the developer, and those fees are also approved by the DHCD. There was a question of whether the affordable housing units would pay the same fees and whether reduced fees would adequately support the development.

Mr. Havens will get answers to the Board’s questions and report back to the Board on January 20.

**Authorization of Chairman to Execute Amendment One to Memorandum of Understanding with Town of Arlington for Multi-Jurisdictional Orthoimagery:**

*The Board reviewed the following information: (1) Amendment One – Memorandum of Understanding Between Town of Arlington, MA, fiscal agent for the Massachusetts Orthoimagery Consortium, and the Town of Medway; and (2) Email from Town Counsel dated December 24, 2014.*

Selectman Trindade moved that the Board authorize the Chairman to execute Amendment One to the Memorandum of Understanding with the Town of Arlington for multi-jurisdictional Orthoimagery, as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.

**Vote to Continue Membership in the MetroWest Veterans’ Services District and Designation of Town Administrator to Serve on Board of Directors:**

*There were no background materials.*

Selectman Foresto moved that the Board vote to continue the Town’s membership in the MetroWest Veterans’ Service District and to designate the Town Administrator to serve on the MetroWest Veterans’ Service District’s Board of Directors; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.

**Discussion – Possible Special Town Meeting (March 9 or 16, 2015), Vote to Open Warrant:**

*There were no background materials.*

Mr. Boynton reminded the Board the Medway Public Schools has been working toward getting replacement windows for the McGovern School. The application will be going to MSBA on January 14 and cannot wait until Town Meeting. Of the estimated cost of \$1.3 million, half will be reimbursed. He emphasized that there will be no debt exclusion, and the cost will be paid out of general obligation bonds. This needs to be in place soon so that the work can begin as soon as school dismisses in June.

Selectman Trindade moved that the Board set a Special Town Meeting for March 9, 2015 and that the Board move to open the Special Town Meeting Warrant for March 9, 2015; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board accept the boilerplate language as presented as the MSBA; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board close the Special Town Meeting Warrant for the Special Town Meeting on March 9, 2015; Selectman Foresto seconded. No discussion. VOTE: 5-0-0.

**Action Items from Previous Meetings:**

*The Board reviewed the list of Action Items.*

Selectman Trindade reported the DPS Facility Committee would be meeting this week.

Mr. Boynton will connect with the Finance Director on how to present the Meal Tax proposal at Annual Town Meeting in May. It would involve a vote to accept the state statute.

**Approval of Warrants:**

*The Board reviewed Warrant 15-28.*

Selectman D’Innocenzo, Clerk, read aloud Warrant 15-28, dated 1/8/15, presented for payment:

Town Bills	\$111,539.94
TOTAL	\$111,539.94

**Selectman Trindade moved that the Board approve the Warrant as read; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Approval of Minutes:**

*The Board reviewed draft public session minutes from meetings held on October 20, 2014; October 21, 2014; and November 25, 2014.*

**Selectman Trindade moved that the Board approve the open session minutes of October 20, 2014, as presented; Selectman Foresto seconded. No discussion. VOTE: 4-0-1 -- D’Innocenzo abstain (absent).**

**Selectman Trindade moved that the Board approve the open session minutes of October 21, 2014, as presented; Selectman Foresto seconded. Chairman Crowley offered an additional sentence on Page 4. Selectman Trindade amended his motion to reflect approval of the minutes, as amended; Selectman Foresto seconded the amended motion. No further discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board approve the public session minutes of November 25, 2014, as presented; Selectman Foresto second. No discussion. VOTE: 5-0-0.**

**Town Administrator’s Report:**

Mr. Boynton briefly addressed the following topics:

- FY16 Budget Process Update,
- Water Accountability Update,
- Committee Meeting this week – EPFRAC and DPS Facility, and
- Town Offices will be closed on January in observance of Martin Luther King Day

**Selectmen’s Reports:**

Selectman Foresto announced that there is a lack of members on the Energy Committee due to people moving out of the community. He noted that a couple of people have been attending meetings for some time and asked if the Board would appoint them to the committee.

**Selectman D’Innocenzo moved that the Board appoint Matt DeSorbo and Paul Mahoney to the Energy Committee; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.**

Selectman White pointed out that these individuals will need to come in to the Town Clerk’s office to be sworn in.

On other topics, Selectman Trindade suggested the possibility of using CPC funds for a playground at Idylbrook Field. Brief discussion followed.

Chairman Crowley briefly discussed the use of paper and asked which members need hard copies of the meeting packet.

**At 8:48 PM Selectman D’Innocenzo moved to adjourn; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.**

Respectfully submitted,

DRAFT

Jeanette Galliard  
Night Board Secretary