

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

Board of Selectmen's Meeting Minutes

October 13, 2015 at 7:00 p.m.

Sanford Hall, 155 Village Street

Present: Chairman John Foresto; Selectmen Maryjane White, Dennis Crowley, and Rick D'Innocenzo (arrived at 7:30); Town Administrator Michael Boynton.

At 7:00 p.m. Chairman Foresto called the meeting to order and led in the Pledge of Allegiance.

Public Comments:

Brian Adams of 2 Milford Street asked the Board of Selectmen (BOS) for additional information on the format of the October 21, 2015 Power Plant Public Forum. Town Administrator Boynton said it will be posted as a Board of Selectmen's meeting and Chairman Foresto will call the meeting to order. There will be opening remarks and a brief presentation on the history of the project and what the Town has learned to date. The consultants that have been hired by the Town will speak and present their findings on air quality, noise, and water. After the presentation questions and comments will be taken. Daycare will be provided for families with small children. The meeting will also be broadcast on the local cable channel. Residents who are not able to attend were encouraged to submit their questions and comments to Administrator Boynton ahead of time. Selectman Crowley said they are going to try to limit residents to two questions/comments each to make sure that everyone has a chance to speak. Mr. Adams said he hopes the meeting will be well attended. He also asked if residents of surrounding towns will be allowed to ask questions. A brief discussion followed. Administrator Boynton said he needs to make a determination on this matter. Selectman Crowley said the Town will not vote on the project and the Host Community Agreement is a statutory item signed by the BOS. The Payment in Lieu of Taxes (PILOT) agreement will go to Town Meeting for approval. Mr. Adams pointed out that casinos were allowed in Massachusetts by vote of the residents and no community had to accept a casino unless it voted yes or no. He said that without an ability to vote on the power plant expansion that the voice of the residents has been taken away.

José Caicedo of 171 Main Street said he has been a resident of Medway for 10 years and has two small children. He said the Town is being forced to accept the power plant and the debris that it will create. Mr. Caicedo said he has a clinical background and has seen the detrimental effects of dust, pollen, and asbestos. He said the particulate matter that will be released will be dangerous, particularly to those residents that suffer from asthma, COPD, and cancer. Mr. Caicedo left two articles for the Board's review.

Diane Burkhardt of 22 High Street said she came away from the last meeting feeling like there is not much that residents can do to prevent the expansion. She wanted to know who created the PowerPoint that will be presented at the public forum. Administrator Boynton explained that the presentation is being created in-house. Ms. Burkhardt asked the Selectmen if they personally were in favor or opposed to the project. Chairman Foresto said the BOS is not the decision making body-their job is to protect Medway and its residents and negotiate in its best interest. Chairman Foresto said he is in favor of the project if it is done correctly and meets state and federal standards. Selectman White said the decision does not lie with the BOS but that personally she does not support it. Selectman Crowley said he has asked the consultants that the Town hired many times if the project is harmful and has been told no every time. He encouraged Ms. Burkhardt to ask the consultants this question next week at the public forum. He said based on what he knows he supports the project. Administrator Boynton said the Selectmen did not want or encourage this project. They are relying on the consultants and experts they have hired and trying to protect Medway and its residents. He said one of the consultants was recommended by a resident who is opposed to the project. Administrator Boynton said the Town cannot just request a postponement, there needs to be documentation and just cause.

Liam McDermott of 39 Populatic Street said as an asthmatic he is not looking forward to the project. Mr. McDermott said his biggest concern is where the water will be discharged based on a previous experience in Salem. Administrator Boynton said the Town's understanding is that only water from toilets being flushed and sinks being used on the property will be discharged. Mr. McDermott said the expansion will create additional public safety issues and asked the Board to reach out to Weymouth, Braintree and Everett on this matter. Selectman Crowley said he thinks some of Mr. McDermott's concerns will be addressed by the Host Community Agreement. He asked Mr. McDermott to read it once it is posted and follow-up with Administrator Boynton if it does not address his concerns.

Doug Sibley of 403 Village Street said he has submitted questions to the BOS via email and thanked the BOS for their responses. His home is close to the proposed stacks and his young son has asthma. He said his concern is that the run rate seems very high. He is also concerned with the use of diesel. Administrator Boynton said he agrees this is a concern and the Town's preference is not to use diesel. The Town has asked for clarification on the run rate and use of diesel. Administrator Boynton said this has been an ongoing conversation with Exelon. Selectman Crowley thanked Mr. Sibley for his professionalism.

Jeff Hall of 18 Highland Street said he shares all of the concerns that have been discussed tonight. Mr. Hall said he does not feel like information on the project has been disseminated to the residents and that many residents are still unaware of the project. He said he is very upset that the decision is not in the hands of the residents. Mr. Hall said he hopes the Board listens to all of the facts. He said he would prefer the Town spend \$1 million in litigation to try to stop the project. He added that he thinks the process is moving too fast.

Chris Ash of 43 Cedar Farms Road said he feels like residents have been shut out of the process. The group discussed how much time the Board has been spent negotiating with Exelon versus how much time has been spent reaching out to residents. Selectman Crowley said every Selectmen's meeting is open to the public and residents are encouraged to attend. He said there has been very low attendance by residents until very recently. Selectman Crowley said Exelon sent registered letters to residents in the area of the power plant and invited them to three different meetings to discuss the project and only 13 residents attended. Administrator Boynton said the Town will request reimbursement from Exelon for the money it has spent relative to the Site Plan application and Conservation Commission application. He added that Mr. Ash's questions relative to the effect of particulate matter on humans will be addressed at next week's public forum.

Doug Sibley of 403 Village Street added that the Town's and residents' opinions matter and the Siting Board will take them into consideration.

Marilyn Dainoff of 8 Cedar Farms Road said the project seems inevitable so her biggest concern is safety. She said precautions need to be taken relative to the storage of 12,000 gallons of ammonia on site. Administrator Boynton thanked Ms. Dainoff for her concern and said the consultants were reviewing the two emails she sent previously. He said the Town has asked the consultants to look at using urea as an alternative. She said if they chose not to go with an alternative she would want to know why.

Mendy Tarkowski of 82 Fisher Street said she has wondered what could have been done differently. She said she thinks more information could have been filtered to the residents. She said she has two small children and she and her husband are not always able to attend the Selectmen's meetings. She said she would have liked to see more information relative to the project online. Selectman Crowley said the Town did not want to share any of the reports or agreements until they were final. Ms. Tarkowski said her biggest concern now is for the residents who feel marginalized. Selectman Crowley said the Board could have communicated better on this project. The Town is looking to hire a Director of Communications to help address this issue. There is an article on the Fall Town Meeting warrant for funding for this position.

John Codman of 405 Village Street asked why the stacks are 167 feet tall. He said he is against the project but if it is going to happen he wants to minimize the level of pollution as much as possible. He said if increasing the height of the stacks would help achieve this then it should be looked at. Chairman Foresto said the Siting Board and Exelon are discussing this matter.

Ned Myers of 10 Cardinal Circle said the Board of Selectmen is not in an enviable position. Mr. Myers said he thinks the Town should look at what can be done legally to stop the project. The Board asked Mr. Myers to pose this question at the public forum next Wednesday. Selectman Crowley said early on the Board had to decide whether they were going to take legal action and fight the project or negotiate and get the best deal for

the Town. The Town's legal team advised them to negotiate because they had almost no chance of winning. Mr. Crowley said there was no way they could take legal action and negotiate a favorable Host Community agreement.

Chairman Foresto said this has been a frustrating process for everyone, including the Board. He said it has also been a learning experience for the Board and going forward they are going to try to improve their communication.

Appointment – David Blackwell – Conservation Commission:

The Board reviewed the following information: (1) Letter of Interest from David Blackwell dated September 13, 2015; (2) Resume of David Blackwell; and (3) Letter from Conservation Committee supporting appointment dated October 5, 2015.

David Blackwell attended the meeting. The Selectmen received a letter from the Conservation Commission recommending Mr. Blackwell's appointment to the Conservation Commission. Mr. Blackwell gave a brief summary of his work experience. Chairman Foresto said he worked with Mr. Blackwell on the ESCO project previously.

Selectman D'Innocenzo moved that the Board of Selectmen appoint David Blackwell to the Conservation Commission to complete the term of Anthony Biocchi through June 30, 2016; Selectman White second; Selectman Crowley asked Mr. Blackwell why he decided to volunteer now when he has been a resident for 13 years. He said he is concerned because he knows Mr. Blackwell is opposed to the Exelon project. He asked Mr. Blackwell is he could be unbiased on any decision relative to Exelon project. Mr. Blackwell said he is biased but it will not impact his ability to interpret the Bylaws to the letter of the law. Selectman Crowley said he thinks this will be difficult but he will take Mr. Blackwell at his word. Mr. Blackwell said he is now self-employed and has more flexibility, which is why volunteering is feasible; VOTE 4-0-0.

Authorization of Chairman to Execute Contract for Medway Middle School Renovations – Tower Construction - \$244,200:

The Board reviewed the following information: (1) Scope of Work memo from Tom Holder dated October 13, 2015; and (2) Contract.

DPS Director Tom Holder attended the meeting. He said this project will be performed in 2 phases. First the Medway Public Schools' administrative offices will be relocated to the front wing of the Middle School. Once this is complete, the vacated area will be renovated and the DPS administrative offices will be relocated from Sanford Hall. Mr. Holder said alternative bids are off the table. \$150,000 was approved at the May 11, 2015 Annual Town Meeting. The balance will be funded through the Schools' budget. Mr. Holder said \$76,000 of the \$244,200 is DPS related and the remainder is School related.

Selectman D’Innocenzo moved that the Board authorize the Chair to execute the contract between the Town of Medway and Tower Construction Corp. for the Medway Middle School south wing renovation project in an amount not to exceed \$244,200; Selectman White second; No discussion; VOTE 4-0-0.

Approval – Millstone Builders, LLC Request to Refinance Mortgage [Millstone Condominium Project]:

The Board reviewed the following information: (1) Memo from Doug Havens dated October 8, 2015; (2) Correspondence from Cathy Netburn dated October 1, 2015; (3) Consent to Mortgage; and (4) Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project, Affordable Housing Deed Rider and related documents.

Steven Venincasa explained that there is a clause in the Regulatory Agreement that requires the Town’s consent before Millstone Builders, LLC can refinance. Community Housing Coordinator Doug Havens reviewed the pertinent information and recommended that the Board consent to the refinance.

Selectman D’Innocenzo moved that the Board vote to consent to Millstone LLC’s execution and recording of a mortgage, pursuant to Section 10 of the Regulatory Agreement, and to authorize the Chair to execute the written consent form as required by the Lender; Selectman White second; No discussion; VOTE 4-0-0.

Authorization of Town Administrator to Execute Traffic Control Agreement with MassDOT –Route 109:

The Board reviewed the following information: (1) Scope of Work memo from Dave D’Amico dated October 6, 2015; and (2) Traffic Control Agreement between the Massachusetts Department of Transportation and the Town of Medway.

DPS Director Tom Holder explained that the MassDOT wants assurance that traffic controls and road access cuts will be essentially maintained upon completion of the project. Mr. Holder said the Town is prepared to meet these expectations.

Selectman D’Innocenzo moved that the Board authorize the Town Administrator to execute the Traffic Control Agreement between MassDOT and the Town of Medway relative to Route 109; Selectman White second; The Board discussed the paragraph of Dave D’Amico’s memo that referred to the 110% Cost Agreement. Administrator Boynton said if the Town does not agree to this provision the Town will not receive the funding. The 110% Cost Agreement does not pertain to the Traffic Control Agreement. Selectman Crowley said this provision concerns him. Administrator Boynton said it will be clear that the Town is not responsible for costs that were the result of things out of its control. Selectman Crowley asked for additional information on this provision. Selectman Crowley also wanted to make

sure that everything that appears in the Traffic Control Agreement, including the location of the signs, was agreed on by the Route 109 Committee. Mr. Holder said there have been no changes; VOTE 4-0-0.

Authorization of Chairman to Execute Contract with MassDOT – Route 109 Fiber Optics - \$8,704.00:

The Board reviewed the following information: (1) Scope of Work memo from Dave D'Amico dated October 6, 2015; and (2) Contract between MassDOT and the Town of Medway.

Mr. Holder explained that MassDOT will contract with CommTrac and make payment.

Selectman D'Innocenzo moved that the Board authorize the Chair to execute the contract between MassDOT and Town of Medway relative to Route 109 fiber optics work in an amount not to exceed \$8,704.00; Selectman White second; No discussion; VOTE 4-0-0.

Acceptance of Trail Drive (Norwood Acres):

The Board reviewed the following information: (1) Memo from Susy Affleck-Childs dated August 24, 2015; (2) Associated subdivision plan and map; and (3) Deed documents.

Planning & Economic Development Coordinator Susy Affleck-Childs explained that the Conservation Commission voted to accept the 4.49 acre open space parcel at their July 23, 2015 meeting. This property abuts a 9.69 acre open space parcel that the Town already owns and is under the jurisdiction of the Conservation Commission. Ms. Affleck-Childs said there is no policy on why some of the parcels are under the jurisdiction of the Conservation Commission and others are under the jurisdiction of the Board of Selectmen.

Selectman D'Innocenzo moved that the Board accept the deed from Andrew and Matthew Marshall to convey to the Town of Medway parcel A-1 as shown on the Norwood Acres Definitive Subdivision Plan, also known as 4 Trail Drive, Parcel 46-010, for the purposes of open space/conservation, passive recreation, and the promotion and development of the Town's natural resources; Selectman White second; Ms. Affleck-Childs explained that the Planning & Economic Development Board issued a decision approving the development of the subdivision in October 2012. The Marshalls asked that this parcel be made conservation land-this was not a requirement of the subdivision approval. Administrator Boynton said does not think the Town needs a policy to address these situations. He said the Town's approach is similar to other communities. Selectman Crowley said he prefers that land be held under the Board of Selectman and asked that this matter be added to the Board's action item list. VOTE 4-0-0.

Presentation – Master Plan Mid-Term Report:

The Board reviewed the 2009 Medway Master Plan Status Preliminary Briefing to the Board of Selectmen.

Jim Wieler and Dave Kaeli attended the meeting to provide the Board with a midterm update on the 2009 Medway Master Plan. The next Master Plan will be done in 2019. Mr. Wieler said they sorted all of the 2009 Master Plan goals and action items and asked each board/committee for status updates and comments. They reported that 78% of actions are completed, ongoing, or show significant progress. The Board was pleasantly surprised with this figure considering there was no formal follow-up. Mr. Wieler said the Town has come a long way in the last 10 years and credited the leadership team. The group reviewed some of the major accomplishments, including the Middle School renovation, restoration of the Thayer House, establishment of the Community Farm, and the Route 109 reconstruction. They agreed that they need to look further at the actions that were not completed and why they were not completed. The group discussed the next steps, including creating a Master Plan Implementation Committee and a final report and recommendations for the 2019 Master Plan. Selectman Crowley recognized the Planning & Economic Development Board for their work because they were responsible for many of the actions. Chairman of the Planning & Economic Development Board Andy Rodenhiser thanked Mr. Wieler and Mr. Kaeli for their leadership. The group agreed that the presentation should be added to the Town's website. Selectman Crowley asked Mr. Wieler and Mr. Kaeli to draft an executive summary that could also be added to the website. Ms. Affleck-Childs recommended adding a page to the Annual Town Report on the status of the Master Plan. Chairman Rodenhiser said Medway is often recognized as a progressive community. The Board thanked Mr. Wieler and Mr. Kaeli for all of their work.

Approval – Purchase and Sale Agreement – 54R Adams Street:

The Board reviewed the Purchase and Sale Agreement relative to 54R Adams Street.

The Board decided it did not need to meet in Executive Session. This item will be on the Fall Town Meeting warrant. The property will be purchased with Community Preservation funds.

Selectman D’Innocenzo moved that the Board execute the Purchase and Sale Agreement relative to 54R Adams Street as presented; Selectman White; No discussion; VOTE 4-0-0

Review of Proposed Planning and Economic Development Articles for Fall Town Meeting Warrant:

The Board reviewed the 2015 Fall Town Meeting warrant.

Planning and Economic Development Director Susy Affleck-Childs and Chairman of the Planning & Economic Development Board (PEDB) attended the meeting to discuss Articles 17-29. Chairman Rodenhiser and Ms. Affleck-Childs said there will be another 10 PEDB articles on the 2016 Annual Town Meeting warrant. Ms. Affleck-Childs said the PEDB understands the Board's concern about the quantity of articles and agreed to remove several. The Board reviewed and discussed Articles 17-29. The group agreed to remove Article 20, Article 25, Article 26, and Article 29. The Board will vote on the articles at next Monday's Selectmen's meeting.

Review of Fall Town Meeting Warrant:

The Board reviewed the 2015 Fall Town Meeting warrant.

The Board briefly discussed Articles 1-16. Selectman Crowley asked for additional information on Article 9. He would like to see what parts of the trail are in place and if the Open Space Committee has recommendations for extending the trail. Selectman Crowley would also like information on what other towns are charging relative to Article 14. Selectman Crowley would like to know if there is any cost associated with accepting the streets relative to Article 16. He would also like to know if there are any outstanding bonds on any of the streets. The Board will vote on the articles at next Monday's Selectmen's meeting.

Approval – One-Day Liquor License Application - Medway Youth Football and Cheer/Robert Patterson – Thayer Homestead – October 23, 2015:

The Board reviewed the following information: (1) Application; and (2) Police Chief's recommendations.

Selectman White moved that the Board approve the one-day all alcohol license for Medway Youth Football and Cheer subject to fulfillment of the Police Chief's recommendations; Selectman D'Innocenzo; No discussion; VOTE 4-0-0.

Approval – Public Event Permit - Medway Lions Annual Christmas Tree Sale:

The Board reviewed the correspondence from Carl Rice and Mike Griffin received on September 11, 2015.

Selectman D'Innocenzo moved that the Board approve a Special Events permit for the Medway Lions' annual charity Christmas tree sale; Selectman White second; No discussion; VOTE 3-0-1(Crowley abstained).

Approval – Banner Display Request – Medway Turkey Trot – 1 week between 10/16/15-11/1/15:

The Board reviewed the Banner Display Request submitted by Chuck Dwyer.

Selectman D’Innocenzo moved that the Board approve the banner display request submitted for the Medway Turkey Trot for a 1 week period between 10/16/15-11/1/15 pending receipt of the associated fee; Selectman White second; No discussion; VOTE 4-0-0.

Approval of Warrant:

10/15/15	#16-16
Town Bills	\$637,054.12
Total	\$637,054.12

Selectman D’Innocenzo moved that the Board approve the warrant as read; Selectman White second; No discussion; VOTE 4-0-0.

Approval of Minutes:

Selectman Crowley moved that the Board approve the meeting minutes from April 6, 2015 as written; Selectman White second; No discussion; VOTE 4-0-0.

Selectman Crowley moved that the Board approve the meeting minutes from May 4, 2015 as written; Selectman White second; No discussion; VOTE 4-0-0.

Selectman D’Innocenzo moved that the Board approve the meeting minutes from April 11, 2015 as written; Selectman White second; No discussion; VOTE 4-0-0.

Selectman Crowley moved that the Board approve the meeting minutes from October 3, 2015 as written; Selectman White second; No discussion; VOTE 4-0-0.

The Board deferred the approval of the June 1, 2015 meeting minutes to the next meeting.

Town Administrator’s Report:

- Administrator Boynton provided a status on the DPS facility project. The Committee is exploring using existing space on Industrial Road. The Committee will tour the space on October 20, 2015. If the Committee wants to pursue this option, further engineering work will need to be done to determine its suitability. The Town does not own the property that is being considered.
- The Director of Communications position has been advertised and the Town has received applications. Administrator Boynton said he is interviewing three of the candidates the week of October 26, 2015. He said it is important to make sure the funding is secure prior to making an offer.

- The Board needs to start putting together the State of the Town presentation for the Fall Town Meeting.

Selectmen:

Crowley

- Selectman Crowley asked for a status on the open Treasurer/Collector position.
- He asked the Board to review the PowerPoint for next Wednesday's public forum on the Exelon project and to submit questions, comments and feedback to Administrator Boynton.

At 10:35 p.m., Chairman Foresto moved to adjourn; Selectman White second; No discussion; VOTE 4-0-0.

Respectfully submitted,
Michelle Reed