

**Board of Selectmen's Meeting  
October 19, 2015 -- 7:00 PM  
Sanford Hall, Town Hall  
155 Village Street**

**Present: John Foresto, Chair; Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk; Dennis Crowley, Member; and Glenn Trindade, Member (7:10 PM).**

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Margaret Perkins, Director, Medway Public Library.

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Chairman Foresto called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

**Approval – Notice of Grant Award – Library Services and Technology Act [LSTA] Grant - \$7,500:**  
*The Board reviewed a Notice of Grant Award, dated October 6, 2015.*

Present: Margaret Perkins, Director, Medway Public Library.

Ms. Perkins reported that this is a federal grant, and Medway's application emphasized grades 5-8, materials and a staff person to facilitate the program. A 4-H instructor will be teaching the program.

**Selectman D'Innocenzo moved that the Board of Selectmen approve the Library Services and Technology Act Direct Grant Program award in the amount of \$7,500; Selectman White seconded. No discussion. VOTE: 4-0-0. [Selectman Trindade had not yet arrived.]**

**Public Comments:**

A Highland Street resident identifying himself as Jeff expressed concern about the proposed Exelon expansion, noting he has done a lot of research to find out more and help promote awareness. A study just released in *Science Daily* published by the Harvard School of Public Health might provide additional information. He asked that the Board as well as the consultants review the document. He is also concerned about the signing of a PILOT agreement before the public forum takes place. A lot of facts need to be reviewed. He questioned whether the Board is concerned about the health and wellbeing of the community and asked the Selectmen to take their time evaluating all the facts on the expansion, not just the money it could bring in.

A Highland Street resident identifying herself as Heather stated she has lived in Medway for 12 years. She expressed concern that the agreement will be signed before the public forum and finds that disturbing. This expansion protects neither the health of Medway citizens nor the environment.

Mr. Brian Adams, 2 Milford Street, submitted for public record an article out of *Bloomberg Business*. He said they moved here because they like the historic district and the Medway's cleaner environment. He listed numerous concerns, explaining that he will write to the Siting Board to express them. He asked the Board to oppose the expansion, pointing out that it does not protect natural resources or the environment, nor does it have the best interests of the residents in mind.

Mr. John Codman, 405 Village Street, stated he lives approximately 1/3 mile from the power plant, noting that he has owned stock in the company since 1987, even before it became Exelon. This was at a time when nuclear power plants were popular, and he bought the stock because he believed in the concept. Now Exelon is building fossil fuel plants. He is directly downwind from the plant, and if the plant is built, he will leave Medway. He is positive his property value will not be maintained if the plant expansion goes forward. He hopes that the Town or state will provide mitigation should property values suffer. Exelon's position is that people are already living near the power plant so the expansion will not have much impact on property values.

Mr. Doug Sibley, 403 Village Street, acknowledged that the use of diesel fuel in the plant will help lower utility bills across the state, but stated he believes that Medway will suffer from this process. He briefly reviewed his position on the expansion, most notably that one of his children suffers from asthma and this may make it worse. He urged that the Board delay a vote on the Host Community agreement and the PILOT agreement until the public has had a chance to speak. Additional revenue to the Town does not make up for the damage to air quality.

Mr. Brian Gagnon theorized that voting on the agreements tonight is a disservice to the Town. He asked if documents are signed whether there would be any recourse if the Town changes its mind after the public forum. Mr. Boynton responded that signing tonight allows the Board to put into play the mitigation that would be due the Town if the expansion is permitted to go forward in Medway. The consultants have weighed in on these agreements which provide a place to start negotiating. Attorneys have also played a great part in developing these agreements from both a legal and technical standpoint. Additionally, the Siting Board does not provide (nor accept) public opinion polls in its processes. The work that this Board is doing is intended to protect the Town. Mr. Gagnon urged the Board to take its time and hear what the public has to say before moving forward. Selectman Crowley urged Mr. Gagnon to attend the public forum where the consultants will explain what the maps and other documents represent to avoid misconception and misunderstanding.

Mr. Chris Ash, 43 Cedar Farm Road, reported that he enjoyed time at the soccer fields recently and got a feel of what the community has to offer. He and his family moved to Medway six years ago looking for a sense of community. He expressed concern that many people in town do not know this is happening. He urged the Board to postpone the signing of the agreements until after the public forum. One week of delay will not hurt. If this plant is built, there will be a lot more particulates entering the atmosphere.

Ms. Traci Stewart stated that six generations of her family have lived here. People did not know about this project and did not learn about it until the letter came out. She expressed concern about how the project has been publicized and communication with residents. She asked that the Board table the host agreement until it hears what people have to say on Wednesday evening. The well has not been given a permit by the Board of Health, although she did not know who governs that. She wondered who keeps track of how many gallons will be used and if it is too much. She asked if there is a timeline that residents can see.

A Willow Tree Road resident stated he did not see a disadvantage in postponing the agreement. People should be able to weigh in on some components, i.e., property value fund, sunset clause, etc. He expressed concern about speed of permit issuance and the potential water use. It is early in the process and things can still change.

Mr. John Codman said he did not realize that a well was proposed for the property. He asked how they would be able to use that much water out of a well and not affect private wells in the area. He suggested consideration of some kind of mitigation if problems with wells are the result.

Another resident identifying herself as Rachel asked the Board to please slow down and consider the environmental aspects. She expressed concern for the traffic in and out of the site, both during construction and after. She asked about the storm runoff, impact on the roadways, and the storage of chemicals onsite.

Mr. Paul Mahoney stated he is in support of the expansion though he acknowledged that the residents have expressed good ideas. He emphasized the fact that the use of new natural gas turbines is part of an initiative from the EPA, preferable to the coal-fired plants that are currently in existence. The federal government's "greening" initiative is bringing these plants forward. There has already been a plant here for at least 30 years, and this is an upgrade to the existing facility. Mr. Mahoney admitted he is not in the know about a lot of things, but he knew about this. Exelon hosted a booth at Medway Pride Day this year. He said the EPA wants to limit greenhouse gas, and it has become a NIMBY issue (Not In My Back Yard). It is a fact of life that everyone will have to live with until there is a completely green solution. The revenue that comes to the Town will go a long way toward preserving and improving the things the community already has. Mr. Mahoney thanked the Board for all the work it has done to get the most out of Exelon.

**Approval – Notice of Grant Award – Sustainable Materials Recovery Program Grant - \$5,000:**

*The Board reviewed a Notice of Grant Award, dated October 13, 2015.*

Mr. Boynton stated this is an annual grant received from DEP. The funds will be used for public outreach and equipment to support collection, bins, roll off containers, etc.

**Selectman Trindade moved that the Board of Select men approve the Sustainable Materials Recovery Program grant award from Massachusetts Department of Environmental Protection in the amount of \$5,000; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Discussion/Vote – Exelon Project Host Community and PILOT Agreements:**

*The Board reviewed the following information: (1) Host Community Agreement between Town of Medway and Exelon West Medway II, LLC; and (2) Payment in Lieu of Taxes [PILOT] Agreement between Town of Medway and Exelon West Medway II, LLC.*

Mr. Boynton explained that these agreements were generated by the Town's legal team and consultants. Historically, the Siting Board has not denied peaker plants. The relevant discussion falls to what is the best leverage of the Town and what mitigation can be put into place. He noted the discussion on property value impact has made it into only a couple of host community agreements. If the Town were to take a position of non-support, it loses the right to enact any kind of mitigation if the expansion goes forward. Each component was considered based on what department would be necessary to track compliance, and what factors are enforceable. The Town may impose certain rules and requirements on Exelon should the expansion be permitted. A host community agreement is always to protect the Town; it does not move the project forward any faster. He added that people can write letters to the Siting Board.

It was clarified that any PILOT agreement has to be approved at Annual Town Meeting before it is forwarded to the Department of Revenue for review and approval.

Selectman Trindade stated he went back and read a lot of Siting Board decisions, noting that they were based on a number of factors, including whether there was an existing site, proximity to gas supply and proximity to the energy grid. The Siting Board's job is to make sure that the state has the energy infrastructure that the state needs to meet supply, as well as meet the laws of the Commonwealth. Exelon does not have to agree to a host community agreement or a PILOT agreement.

Selectman D'Innocenzo pointed out that the Board is not saying where the plant will be as that decision is made by the EFSB. The purpose of this agreement is to protect things that the Town is concerned about.

Selectman White asked for clarification on the impact of a delay in signing the agreement. Mr. Boynton stated that the agreement is between the Town and Exelon. It is unclear if there would be any problem in waiting. Two reasons to hold off might be (1) a perception that enough people will attend to persuade the Town to change its direction and (2) that something new comes up that would prompt renegotiation. The Town was able to prevail on some important things contained within the agreement, such as protecting water usage, even though the agreement does not indicate endorsement of the project. The agreement does not expedite the permitting process; the permitting boards will be able to use their statutory powers to fully evaluate the components of each application. The Board wanted to be able to say it knows the following things have been agreed to. Exelon has signed the agreement.

Ms. Stewart asked again to postpone signing the agreement as there may be new information Wednesday night.

Mr. Boynton stated that the consultants have indicated that the components of the agreement are not harmful to the Town. Selectman Crowley stated that the Board pushed Exelon to sign the agreement so that it could be brought to the residents at the public forum. Otherwise, there would have been little information to share. The Board could not have told the other side of the story, and another public forum would have to be held.

Mr. Adams emphasized that we are only asking for another week or so and asked the Board to give that week in order to listen to citizens.

Mr. Boynton clarified that the desire of the Board is to provide information at the forum. People may speak against the expansion, but the most the Town can do on that front is submit that information to the EFSB.

Selectman Trindade noted that every state has one of these boards. The EFSB can overrule any decision the Town makes. The EFSB hearing starts in December. The likelihood that the Town would prevail in any lawsuit is miniscule. The host agreement provides revenue and other things to help protect the community. Everyone here can contact members of the EFSB. Selectman Trindade encouraged residents to read the EFSB rules and procedures. The EFSB is charged with making sure that the state has enough energy to meet the demand.

Selectman Crowley stated that the EFSB has never chosen not to issue a license for a "peaker" plant. Over the last few years, this plant has averaged a mere 80 hours of operation in a year. Mr. Boynton added that the turbines are not designed to run 24 hours a day, seven days a week. This is a quick-start

plant, up to fully functional status within 10 minutes. To be a full blown power plant, it would be a combined cycle plant.

Selectman Crowley pointed out that the Board has been working on this for five months with over 250 questions submitted to the consultants. Ms. Stewart commented that opposition is not necessarily the goal but the Board should be open to the possibility of new questions from residents. There could be new information that would benefit the host agreement.

Selectman Crowley responded that the Board anticipated which departments and permits would be necessary, a process which would take several months to finalize. If any one of those boards rules against them on a legal point, Exelon can simply go to the EFSB to overrule it.

Chairman Foresto stated he had the opportunity to speak with Medway's special counsel to ask if the Board had any options to stop the project if it did not want the expansion. He was informed the Town has no basis at all to stop this. Further, the special counsel would not take the case if the Town tried to do so.

**Selectman Trindade moved that the Board of Selectmen vote to execute the *Host Community Agreement* between the Town of Medway and Exelon West Medway II, LLC; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Vote – Fall Town Meeting Warrant Article Recommendations:**

*The Board reviewed the revised Fall Town Meeting Warrant.*

At this time, Mr. Boynton summarized each article and the Board voted its recommendation on each.

**Selectman Trindade moved that the Board recommend Article 1: Fiscal Year 2016 Operating Budget Transfers, as presented; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Selectman Trindade moved that the Board recommend Article 2: Purchase Dump Truck, as presented; Selectman D'Innocenzo seconded. Brief discussion followed on Article 2 with the following amended wording proposed by Selectman Trindade: "To see if the Town will vote to transfer from free cash the sum of \$165,000 for the purpose of funding the purchase of a dump truck and associated equipment, said appropriation to be expended by June 30, 2016, with unexpended funds as of June 20, 2016 being returned to the General Fund, or to act in any manner relating thereto" and to add the revised Article to the Warrant. Selectman White seconded the amendment. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 3: Repair Winthrop Street Culvert, as presented; Selectman D'Innocenzo seconded. After brief discussion, Selectman Trindade moved that the words "raise and appropriate, borrow or transfer from available funds" be changed to "transfer from free cash" and to add the revised article to the Warrant; Selectman D'Innocenzo seconded the amendment. No further discussion. VOTE: 5-0-0.

**Selectman Trindade moved that the Board recommend Article 4: Repurpose Funds – Water Meter Replacement Project to Water Main Replacement Project, as presented; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Selectman Trindade moved that the Board recommend Article 5: Repurpose Funds – Athletic Fields Project to High School Baseball Field Improvements, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 6: Repurpose CPA Funds – Water Meter Replacement Project to Water Main Replacement Project, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 7: Land Acquisition – 54R Adams Street, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 8: CPA Appropriation – Ecological study of Adams Street Area, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 9: CPA Appropriation – Trail Design and Engineering, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 4-1-0 – Selectman Crowley opposed.

Mr. Crowley said he had a real problem with the trail going behind Larussi Way. He wants to see a map and where the trail is intended to go. Mr. Trindade said this article is to fund the engineering study to form a trail. There will be input from the community and applicable boards and commissions as to its path. Additionally, funding would need to be voted a future Town Meeting in order to construct the trail.

Selectman Trindade moved that the Board recommend Article 10: CPA Appropriation -- Storywalk, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 11: CPA Appropriation – Update Parks, Open Space and Athletic Fields Master Plan, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 12: Repurpose Funds – Water Meter Replacement Project to Water Main Replacement Project, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 13: Prior Year Bills, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 14: Amend General Bylaw – Penal Laws, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 15: Amend General Bylaws – Affordable Housing Trust, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 16: Street Acceptance – Pine Meadow Road and Lantern Lane, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 17: Amend Zoning Bylaw – Additional Definitions, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 18: Revise Zoning Bylaws – Nonconforming Uses and Structures, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 19: Amend Zoning Map – Multifamily Overlay District, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 20: Amend Zoning Bylaws – Design Review Process, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 21: Amend Zoning Bylaw – Sign Regulations, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 22: Amend Zoning Bylaw – Schedule of Uses Table, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 23: Amend Zoning Bylaw – Registered Marijuana Dispensary Host Community Agreement, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 24: Amend Zoning Bylaw – Home Based Business, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board recommend Article 25: Amend Zoning Bylaw – Adaptive Use Overlay District, as presented; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

**Approval – One-Day Liquor License Application:**

*The Board reviewed the following information: (1) Application from Chase Barrett for Thayer Homestead, October 31, 2015; and (2) Memorandum from Police Chief. It is noted that the Town Administrator’s Office is still awaiting information on insurance coverage and will withhold license until all documentation is in order.*

Selectman D’Innocenzo moved that the Board approve one-day wine & malt license for Chase Barrett subject to fulfillment of the Police Chief’s recommendations, when received, and receipt of required insurance documentation; Selectman Trindade seconded. No discussion. VOTE: 5-0-0.

**Action Items from Previous Meeting:**

*The Board reviewed the Action Item List.*

After brief discussion, it was agreed that #9 – Review Master Plan could be removed.

**Approval of Warrants:**

*The Board reviewed Warrants 16-17S, 16-17SP and 16-17P.*

Selectman D’Innocenzo, Clerk, read aloud Warrants 16-17S, 16-17SP and 16-17P, dated 10/22/15, presented for approval:

16-17S	School Bills	\$ 288,144.46
16-17P	Town Payroll	\$ 308,104.41
16-17SP	School Payroll	<u>\$ 800,476.28</u>
	TOTAL	\$1,396,725.15

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

**Approval of Minutes:**

*The Board reviewed draft meeting minutes from Selectmen meetings held on June 15, 2015; July 14, 2015; July 14, 2015 (Joint meeting with Planning and Economic Development Board); July 14, 2015; July 20, 2015; August 12, 2015; and August 17, 2015.*

Review of the minutes was postponed.

**Town Administrator’s Report:**

Mr. Boynton opted to postpone his report.

**Selectmen’s Reports:**

Selectman White announced that Medway Animal Control Officer Brenda Hamblin was named Animal Control Officer of the Year by the MSPCA. Only one individual is selected each year in Massachusetts. Brief discussion followed on this honor.

Chairman Foresto extended congratulations to the Water Department on their rebate program.

It was reiterated that the public forum on the proposed Exelon expansion is Wednesday, October 21 at the high school at 7 PM. The intent is to share information with as many residents as possible.

**At 9:15 PM Selectman Trindade moved to adjourn; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary