

**Board of Selectmen's Meeting
November 23, 2015, 6:30 PM
Sanford Hall, Town Hall
155 Village Street**

Present: John Foresto, Chair; Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk (6:37 PM); and Dennis Crowley, Member.

Absent: Glenn Trindade, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; David D'Amico, Deputy Director, Department of Public Services; Susy Affleck-Childs, Planning and Economic Development Coordinator; Doug Havens, Community Housing Coordinator; Bob Weiss, Energy Manager.

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

At 6:31 PM Selectman Crowley moved that the Board enter into Executive Session under Exemption 3 to discuss strategy with respect to litigation [4-5 Kingson Lane] and Exemption 6 to consider the purchase, exchange, lease or value of real property [4-5 Kingson Lane and 6 Industrial Park Road] as discussion of both matters in an open meeting may have detrimental effect on the litigating and negotiating position of the Town, if the chair so declares that an open meeting may have such a detrimental effect, and to return to open session thereafter; Selectman White seconded. The chair did so declare. No discussion. Roll call vote: 4-0-0 (Crowley, aye; D'Innocenzo, aye; Foresto, aye; White, aye).

At 7:12 PM Chairman Foresto reconvened Public Session.

Public Comments:

A Summer Hill resident expressed concern for the recent filing of questions in conjunction with the proposed Exelon expansion. What would be the process in responding to those questions? Mr. Boynton responded that Friday, December 4, is the deadline. Brief discussion followed on process to call Special Town Meeting, signatures required, and an appropriate warrant article. Mr. Boynton pointed out that the Town has no jurisdiction on exemptions granted by the Zoning Board of Appeals as requested by the Siting Board. Other than a referendum, the only thing that could come to Town Meeting is an article to amend an existing Zoning Bylaw.

As the chief executive of the Town, the Board of Selectmen can offer opinion on a proposed exemption. They have already acted on a host agreement on behalf of the Town. Discussion followed on obtaining opinion from special counsel, Attorney Bernstein. The Board has not seen the questions yet, so will need to meet Monday, December 1 to review them.

Responding to a question from Selectman Crowley, Mr. Boynton confirmed that the Siting Board has the opportunity to override a denial if the ZBA denies the waiver on height.

The resident asked why the Board was exhibiting such animosity toward public comments. Chairman Foresto responded that the Board has been listening for 20 minutes. Mr. Boynton pointed out that the Board has spent countless hours reviewing information and listening to legal counsel on the appropriate fashion to protect the Town's best interests. The Board took a stance to protect the Town and shared this at the public forum.

Mr. Charlie Myers, Curtis Lane, thanked everyone for their hard work, noting that he appreciated the explanation of the process. On the issue of additional terms, he would like to see some language on stack heights. How do we communicate our thoughts? Mr. Boynton asked that residents send their questions and concerns to him so that he can forward them to Attorney Bernstein for proper legal format. Will there be any outreach to committees on Master Plan and Zoning issues? Brief discussion followed on sound wall setback and stack height. Mr. Myers indicated he would prefer the higher stack height of 180 feet as it would help to reduce particulates closer to the ground. Discussion followed. Mr. Boynton thanked him for his questions and input. It is a tug-of-war situation, balancing technical information with resident requests.

Ms. Heather Hill, Highland Street, theorized that, if the EFSB is asking for opinions, they must be interested. She asserted that, if most of the residents are against it, the Board is not really representing the Town. Selectman Crowley pointed out that the Board of Selectmen cannot influence the Planning Board or Zoning Board of Appeals in this or any other permitting process.

Ms. Tracy Stewart stated that one of the discussions on the Host Community Agreement was about zoning variances, so how can the Board say it has no power. Mr. Boynton clarified that the Siting Board can rule on the plan without going to the ZBA. However, there must be a site plan and conversation relative to wetland issues, but the state can override local decisions. What is before the Planning Board is truck routes, dust control, etc. The Conservation Commission will have purview over the wetland issues with the filing of an ANRAD and a Notice of Intent.

Appointment – Capital Improvement Planning Committee, Kelly O'Rourke:

At this time, Chairman Foresto reported that a vacancy has occurred on the Capital Improvement Planning Committee and a candidate, Kelly O'Rourke, has come forward. Brief discussion followed on Ms. Rourke's qualifications and current work with the committee.

Selectman Crowley moved that the Board appoint Kelly O'Rourke to the Capital Improvement Planning Committee for a period of time remaining on a term to end on June 30, 2017; Selectman White seconded. No discussion. VOTE: 4-0-0.

Donation Acceptance and Authorization to Expend Donation Funds – Route 109 Pocket Parks, Up to \$30,000:

The Board reviewed the Donation Notice Form, dated 11/19/15.

Mr. David D'Amico, Deputy Director, Department of Public Services, reported that the department has constructed one pocket park on Mechanic Street. Mr. Fred Sibley designed it, and some contributions have been donated for it. There are two other potential sites that can be developed with donations of materials and labor in addition to a grant of \$2,300 and a donation of \$1,000.

Selectman D’Innocenzo moved that the Board accept donations to support the Route 109 pocket parks and the expenditure of said donations not to exceed \$30,000; Selectman White seconded. No discussion. VOTE: 4-0-0.

Acceptance of Deed from Charles River Village LLC:

The Board reviewed the following information: (1) Memorandum dated November 13, 2015 from Susy Affleck-Childs, Planning and Economic Development Coordinator; (2) Definitive OSRD Layout Plan entitled “Charles River Village” prepared by Faist Engineering, Inc., and revised May 30, 2013; and (3) Quitclaim Deed.

Ms. Susy Affleck-Childs, Planning and Economic Development Coordinator, stated that this is a request to agree to accept an open space parcel at the Charles River Village Development, noting that the Board approved this development several years ago. The background materials were included in the meeting materials packet for tonight’s meeting. She added that the Conservation Commission has already accepted the deed; now the Selectmen need to accept it as well.

It was noted that the Conservation Commission will have the stewardship of the parcel. Ms. Affleck-Childs explained how the process works, and that separate acceptances are necessary.

Selectman Crowley moved that the Board of Selectmen accept the deed from Charles River Village LLC to convey to the Town of Medway, the 4.18 acre Open Space Parcel B as shown on the definitive Plan Charles River Open Space Residential Development, last revised May 30, 2013, also known as 0 Charles View Lane, Parcel 70-002-0100, for the purposes of conservation and open space.; Selectman White seconded. No discussion. VOTE: 4-0-0.

Street Acceptances – Pine Meadow Road and Lantern Lane:

The Board reviewed an Order of Acceptance prepared by Attorney Amanda Zuretti of Petrini & Associates.

Ms. Affleck-Childs stated that this is the last step in the street acceptance process. Town Meeting has already voted acceptance. Once signed, this document will be recorded at the Registry along with the Mylar plan.

Selectman White moved that the Board of Selectmen order the acceptance of Pine Meadow Road and Lantern Lane in their entireties pursuant to Article 16 of the November 16, 2015 Fall Town Meeting and Chapter 387 of the Acts of 2011, and direct that the Order of Acceptance, together with original street acceptance plans, be recorded at Norfolk County Registry of Deeds within 30 days of the Town Meeting vote, in accordance with the provisions of said Chapter 387; Selectman D’Innocenzo seconded. It was noted that the Planning Board will sign the plan at its meeting tomorrow evening. No further discussion. VOTE: 4-0-0.

Authorization of Chairman to Execute Green Communities Annual Report:

The Board reviewed the following information: (1) Memorandum prepared by Bob Weiss, Energy Manager; and (2) Medway’s Green Communities Annual Report.

Mr. Bob Weiss, Energy Manager, stated he was presenting Medway’s annual report for year six as a designated Green Community. He noted that the Town’s energy consumption has increased the last three years. Analysis is necessary to determine the causes and develop a better management plan.

There will be opportunity to secure another grant at the schools next year based on reduction in consumption.

Responding to a question from Chairman Foresto, Mr. Weiss stated the report does impact the next grant cycle, especially if we can resolve the issues and improve the usage. He added that input from the Energy Committee will impact the nature of the major initiatives toward decreasing consumption.

Mr. Charlie Myers asked if the report includes the Town Meeting action that was approved. Does it also include the meter usage and where that water meter is? Discussion followed. This past severe winter affected the solar capability from the schools.

Selectman D’Innocenzo moved that the Board authorize the chairman to execute the Green Communities annual report as presented; Selectman White seconded. Responding to a question from Selectman Crowley, Mr. Weiss stated that the Energy Committee has reviewed this but there is nothing formal for them to do regarding it. Chairman Foresto suggested the Energy Committee vote on the annual report and urged Mr. Weiss to hold a meeting of the committee to address this. Selectman D’Innocenzo amended his motion to add the words “after approval by the Energy Committee”; Selectman White seconded the amendment. No discussion. VOTE: 4-0-0 on amended motion.

Authorization of Town Administrator to Execute Contract Amendment with Compass Project Management, Inc. Relative to the New DPS Facility, \$42,900:

The Board reviewed the following information: (1) Proposed Contract Amendment #1; (2) OPM Contract Expense Sheet; and (3) Original contract.

Mr. Boynton explained that this topic was discussed at length in executive session.

Selectman D’Innocenzo moved that the Board authorize the Town Administrator to execute contract amendment #1 with Compass Project Management in the amount of \$42,900; Selectman White seconded. No discussion. VOTE: 3-1-0 Crowley opposed for reasons expressed in Executive Session.

Approval – One-Day Liquor License Applications:

The Board reviewed applications and recommendations from the Police Chief relative to events at the Thayer Homestead on the following dates: (1) Brooke Cassidy/Medway High School Class of 2010, November 25, 2015; (2) William Lambirth, November 29, 2015; (3) Todd Elliott/Medway Holiday Mash Fundraiser, December 4, 2015; and (4) Gregg Katz, September 4, 2016.

Selectman D’Innocenzo moved that the Board approve one-day all alcohol licenses for Brooke Cassidy, William Lambirth, Gregg Katz and Todd Elliott for their events to be held at the Thayer Homestead subject to fulfillment of the Police Chief’s recommendations and receipt of required insurance documentation; Selectman White seconded. No discussion. VOTE: 4-0-0.

Action Items:

Review of the Action Items was postponed until the full Board could be present.

Approval of Warrants:

The Board reviewed Warrant 16-22.

Selectman D’Innocenzo, Clerk, read aloud Warrant 16-22, dated 11/25/15, submitted for approval:

Town Bills	<u>\$822,428.95</u>
TOTAL	\$822,428.95

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

Approval of Minutes:

The Board reviewed draft minutes from August 17, 2015 and August 31, 2015.

Selectman Crowley moved that the Board approve the meeting minutes from August 17, 2015 and August 31, 2015, as presented; Selectman White seconded. No discussion. VOTE: 4-0-0.

Town Administrator’s Report

Mr. Boynton reported that the Fire Department bucket truck is permanently out of commission. A replacement needs to be located, hopefully at a cost somewhere in the \$30,000 – 40,000 range. He noted that he asked Chief Lynch to work with the Department of Public Services on securing a replacement, and then proceed with a funds transfer. Ideally, a pre-owned vehicle is preferable to new.

Mr. Boynton reminded the Board of the following:

- The FY17 budget policy and projections will be issued on December 7;
- Christmas Parade & Fireworks will be Saturday evening; and
- Town offices will be closing at noon the day before Thanksgiving and will remain closed until Monday, November 30.

Selectmen’s Reports

Selectman D’Innocenzo extended kudos to the girl’s soccer team on their recent achievement, and to the Town for its support.

Selectman Crowley concurred, noting that Medway played a strong game of soccer, and there was great community support.

At 8:16 PM Selectman Crowley moved to adjourn; Selectman White seconded. No discussion. VOTE: 4-0-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary