

**Board of Selectmen  
June 15, 2015 – 7:00 PM  
Sanford Hall, Town Hall  
155 Village Street**

**Present: John Foresto, Chair; Maryjane White, Vice Chair; Richard D’Innocenzo, Clerk (7:53 PM); Dennis Crowley, Member; Glenn Trindade, Member.**

Staff Present: Michael Boynton, Town Administrator; Melanie Phillips, Finance Director; Tom Holder, Director, Department of Public Services; David D’Amico, Deputy Director, Department of Public Services; Stephanie Mercandetti, Director, Community Development.

Others Present: Barbara Saint André, Town Counsel.

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

**Public Comments:**

Charlie Myers, Curtis Lane, expressed concern about the proposed Exelon expansion. He stated that he has reviewed all sections of the application and has presented a summary of those sections. He said the Town should restrict the operation of the oil side based on the risks. Everything in this summary came out of the application. The emissions from the operation are higher than the actual item. He recommended that the hours of operation in the high-risk area be limited.

**Approval – Interfund Borrowings:**

*The Board reviewed the following information: Massachusetts Department of Revenue/Division of Local Services document “Advance of Funds in Lieu of Borrowing” Report for each of the following: (a) McGovern School Window Replacement Project, \$978,809; (b) Water Mains Project, \$264,898; (c) Police Cruiser Computer Replacement, \$55,000; (d) Sidewalk Tractor Purchase, \$157,000; (e) Renovation Middle School Space for DPS, \$150,000; and (f) Design/Project Management for new DPS Facility, \$300,000.*

Present: Melanie Phillips, Finance Director.

Mr. Boynton noted that this is simply a process of transferring money from one spot to another. Every transfer was voted at Town Meeting and has to be in place for the new fiscal year, which begins on July 1.

**Selectman Trindade moved that the Board of Selectmen authorize the Treasurer to advance funds in lieu of borrowing as follows:**

- 1. \$978,809 for funding the McGovern School Window Replacement project authorized by Town Meeting as Article 1 at the Special Town Meeting held on March 9, 2015;**
- 2. \$264,898 for Water Mains project authorized by Town meeting as Article 11 of the Annual Town Meeting held on May 13, 2013;**
- 3. \$55,000 for funding the replacement of Police Cruiser computers authorized by Town Meeting as Article 9 at the Annual Town Meeting held May 11, 2015;**
- 4. \$157,000 for funding the purchase of a Sidewalk tractor authorized by Town Meeting as Article at the Annual Town Meeting held May 11, 2015;**
- 5. \$150,000 for funding the renovation of Middle School space for DPS authorized by Town Meeting as Article 9 at the Annual Town Meeting held May 11, 2015; and**

6. **\$300,000 for funding Design and Project Management for the new DPS Facility authorized by Town Meeting as Article 16 at the Annual Town Meeting held May 11, 2015.**

Selectman White seconded the motion. No discussion. It was clarified that, when the actual bid goes out, it will be for only the Town's portion, not the full amount on #1. VOTE: 4-0-0.

**Appointments -- Richard DiIulio, Planning & Economic Development Board, Associate Member; and Stephanie Mercandetti, SouthWest Area Planning Committee:**

*The Board reviewed a Memorandum, dated June 10, 2015, from Susy Affleck-Childs, Planning & Economic Development Board Coordinator.*

Selectman Trindade moved that the Board appoint Richard DiIulio as an Associate Member of the Planning & Economic Development Board for a term of two years to expire on June 30, 2017; Selectman White seconded. No discussion. VOTE: 4-0-0.

**Discussion/Vote – Conservation Agent Hours:**

*The Board reviewed a Memorandum, dated June 11, 2015, from the Conservation Commission.*

Present: David Travalini, Chair, Conservation Commission.

Mr. Boynton described the Conservation Agent's duties are continual review of open files, reviewing applications, enforcement, grant applications, etc. In order to effectively manage the workload, the agent needs to additional hours. The Commission has a large caseload and it will only get larger.

Mr. Travalini reminded the Board that the Wetlands Protection Fund can only be used for specific things, and salary happens to be one of them. Selectman Trindade suggested bringing her hours up to 40 per week. Mr. Travalini responded that Ms. Graziano has a commitment to the Town of Sherborn for 10 hours per week. Mr. Boynton pointed out that this is a temporary source of funding. If we want to increase it, we would have to find a way to budget it in the annual budget. Selectman Crowley suggested that the Board put a cap at \$23,000.

Selectman Trindade moved that the Board approve the Conservation Commission's request for an increase in funding for the position of Conservation Agent with the understanding that the additional cost will be covered by the Wetlands Protection Fund up to \$23,000.00, as approved by the Conservation Commission; Selectman White seconded. No discussion. VOTE: 4-0-0.

**Discussion – Timber Crest Estates Development Team:**

*There were no background materials. It was noted, however, that the MassHousing Site Eligibility Application materials for Timber Crest Estates are available at the following website:*

[http://www.townofmedway.org/Pages/MedwayMA\\_CommEconDev/index](http://www.townofmedway.org/Pages/MedwayMA_CommEconDev/index)

Present: Paul Cusson, 651 Orchard Street, New Bedford, the developer and manager of Timber Crest LLC; Jim Pavlick of Outback Engineering; Paul DeSimone, performing the survey work associated with the wetlands.

Mr. Boynton briefly summarized events thus far. Mr. Cusson stated that some people are confused as to why they have not come before the Board before now. He explained that there are processes that have to happen first. In this case, they opted to go through MassHousing and the New England Fund. In doing so, Timber Crest was required to submit a copy of the application to the BOS for its comments. He said they are not avoiding the Board.

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Timber Crest is proposing a number of units under MGL 40B process, where the ZBA issues a decision on the application. There is third-party review. It is not a low-income housing project nor is it Section 8. An income of \$62,800 for a family of three is eligible for this development. A family of four would have an income limit of \$79,000. The affordable houses would be selling at \$200,000 with a cap on income of \$69,700. All the rules and guidelines are very clear. Plans that are submitted are preliminary plans and, after a decision is made, the plans are updated. Then the plans are reviewed by a consultant as peer review.

Continuing, Mr. Cusson reported that a wetland delineation has been submitted to the Conservation Commission. A total of 192 units (combination of single-family dwellings and condominiums) are being proposed. There are 1,600 wetlands flags on the site, and perhaps 50 were moved due to various processes. They will be returned to their original locations. Of the 163 acres, 92 are wetland and 71 are upland. A lot of concerns expressed in the Board's letter will be answered as the process continues, as the plans are preliminary. Mr. Cusson added that he has experience with these types of projects in Medway, is familiar with the community and the current development climate.

Mr. Boynton confirmed that the process utilized is permitted by law but had some questions. What might the Fire Chief think about the project before the plans go too far? How about the Department of Public Services? What is the infrastructure plan, and where will the utilities go? He expressed concern that the Town has not had the opportunity for a dialogue. People are concerned that this project can be pushed through without sufficient input. Density is a major source of concern. Is it appropriate for the neighborhood? There is an entire room of people who are concerned about this project going into their neighborhood. He said the Town must be vigilant on behalf of the future residents of this development. The Town should not have to beg or request for time or opportunity to comment.

Mr. Cusson responded that all departments and officials will have an opportunity to participate during the ZBA permitting process. The regulations require that 20 copies of the plans and application are distributed to officials, along with a timeline of when comments are due to the ZBA. It is not a local initiative process. Their goal is to maintain a good relationship with the Town and the residents to hear constructive criticism and concerns so that they can address them.

Chairman Foresto stated that the Board and all these people [gesturing to the audience] live here and are concerned about the impact on services, schools, infrastructure, and things they have been trying to fix the last ten years. Selectman White added that a major concern is the scope of the project, as well as the affordability.

Mr. Cusson assured everyone that 192 units cannot be built overnight, and the project will be built in phases. He offered to take Board members, the ZBA or residents to tour some of their other developments.

Selectman Crowley stated that he has been on the Board for ten years and this is the first time a developer did not make the effort to meet with the Board first. He asked that they please respect the Town's right to work with Timber Crest as the property is developed, something that is good for the community as well as the future residents of those homes. Mr. Cusson responded that they have no problem meeting with people to address concerns. He knows it will be a long process.

Ms. Ellen Schaefer, 13 Fairway Lane, expressed concern over past property surveys, noting that she and her husband had to put in a drain from their property into the street at their expense because it was becoming so wet. There are also septic systems close to where this is going to be. She reported she spoke with the EPA who indicated that it is a legitimate concern. Lastly, she asked about the boundaries, noting that area residents lost their homes due to boundary issues.

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Mr. Cusson responded that was a title issue, adding that the engineer for that project is not part of their team. The property has been surveyed by a professional surveyor, Schofield Brothers, who is licensed in Massachusetts. He said they would not go on private property to survey their property. Boundary markers will be placed on the rear of the property.

Regarding wetlands issues, Mr. Cusson stated that their stormwater management practice is the industry standard and has been designed so that there is no impact on the neighbors. This plan will also be reviewed by an independent engineer to make sure that the plans meet or exceed DEP stormwater management practices. A septic system has to be retained on the property it services.

Discussion followed on stormwater management practices and Army Corp of Engineers. Selectman Trindade asked if they would consider stormwater management fees as part of the condo fees, especially several years out when those pieces of equipment will need maintenance. Mr. Cusson responded that they will prepare an initial annual budget that has a beneficial interest schedule, and this budget would be reviewed by Town Counsel. For the condos, that would be privately maintained as part of their homeowners' association agreement.

Mr. Charlie Meyers, a Curtis Lane resident, expressed concern about density of the condos, and there is no plan for playgrounds or open space. He spent twelve years on the School Committee and knows there is only one entrance and exit on the single-family home side of the project. He asked how the school buses will make the turns and turn around in cul-de-sacs in order to pick up all the children. How will they handle snow removal? What about traffic coming out of the condo side? Mr. Cusson responded that they are willing to discuss all school busing issues, noting that every community has a different preference. The traffic study is being done right now.

Responding to a question from a resident, Mr. Cusson reiterated that this is his third development in Medway, and he sees this as an opportunity to provide needed affordable housing. Medway is not uniquely different from other communities. They have been to Medway many times, and are interested in its concerns so that they can address them. The resident suggested that the more that goes into the development, more is taken away from the surrounding residences and properties. An issue with the application is the inaccuracies. The resident asked who is building these homes. The applicant is Timber Crest, LLC. When asked about Novus LLC, Mr. Cusson explained that every 40B development has to have its own set of books and records, with a monitoring agent. Lastly, the resident expressed concern that putting in foundations for these dwellings will make the wetness in existing basements worse, alleging further that there is no way to direct the water so that there is no impact. The major concern is that the developer is not concerned.

Selectman Crowley stated that 95 acres were offered to the Town at one time. That did not represent the entire 40B parcel, and the majority of it was in the white area in the center of this development. Mr. Cusson stated that Selectman Crowley was correct. This property represents the Wickett parcel plus other properties that have been added to it.

Mr. Boynton stressed the importance of working together to develop a good project with consideration for both current residents and the future residents of these properties. Mr. Cusson responded that they are willing to meet with the Town and perhaps create a team of officials in a workshop atmosphere. Responding to a question from Selectman Trindade, Mr. Cusson stated that they have worked with representative groups in Westford and Easton as well as others.

**Approval of Technical Assistance Grant Application for Comprehensive Permit Review of 40B Projects:**

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*The Board reviewed the following information: (1) Memorandum, dated June 10, 2015, from Stephanie Mercandetti, Director of Community & Economic Development; and (2) Document entitled “Chapter 40B Technical Review Assistance Application”.*

Present: Stephanie Mercandetti, Community Development Coordinator.

Ms. Mercandetti pointed out that no one should review a 40B application until the Comprehensive Permit Application is formally filed. She noted there is a very tight window in which to secure a third party consultant. Brief discussion followed.

**Selectmen Trindade moved that the Board authorize the Chair to execute the Technical Assistance Grant Application for Comprehensive Permit Review of 40B Projects as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Approval – Amendment #1 to Agreement for Shared Energy Manager, Extending Term of Contract Through August 24, 2015:**

*The Board reviewed draft correspondence to Christopher J. Smith, Chair, Board of Selectmen, Millis, MA.*

Mr. Boynton stated that this amendment ties the second year of the agreement to the anniversary date for the Energy Manager.

**Selectman Trindade moved that the Board authorize the Chair to execute the draft correspondence outlining Amendment #1 to the Agreement for the Shared Energy Manager which would extend the term for said agreement through August 24, 2015; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Presentation – Consulting Services for Town Communications Plan, Julie Dennehy:**

*The Board reviewed a Proposal for Marketing/Communications consulting serviced by DPR (Dennehy Public Relations) dated May 15, 2015.*

Present: Julie Dennehy.

Mr. Boynton stated the matter of improvement of Town communication has been on the Board’s “watch list” for a while, most notably “How do we get messages out more effectively and frequently?” Right now, they do their best to utilize social media, but there needs to be a more concerted effort to do so. Having centralized communications is essential. Newspapers have a smaller print space than they used to have, and the message is often truncated by someone who is unfamiliar with the topic.

At this time, Mr. Boynton reported that Selectman Trindade introduced him to Ms. Dennehy, and Selectman Crowley met with the two of them recently. Selectman Crowley wanted to know how the Town can correct misinformation. Mr. Boynton pointed out that people want real time information, and the Town cannot afford to have department managers stop their regular work to keep up with this.

Ms. Denney stated she grew up in Framingham, moved to Medway in 1995, commuted to Boston for years and now works out of the house. She noted that there are all kinds of things going on, both locally and globally. She specializes in communications to consumers via social media plus traditional media. For Medway, she would start to develop a creative strategic plan using best practices as Phase 1, and Phase 2 would be to execute that plan which would feature traditional media relations as well as social media training so that everyone feels comfortable with the transition to online. Depending on how research turns out, there would be links inside a blog to the website.

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Chairman Foresto reassured residents that this is not a comment that there is a problem with the Town's Information Technology department. Discussion followed.

**Selectman Trindade moved that the Board accept the proposal by Julie Denney, to authorize the Chairman to sign the agreement on behalf of the Town, and to request a partnership with Medway Cable for funding; Selectman White seconded. No discussion. VOTE: 5-0-0.**

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

*The Board reviewed Liquor License Applications from applicants Marybeth Chaffee and Jaia Fraga, as well as and the Police Chief's recommendations for each event.*

**Selectman Trindade moved that the Board approve one-day All Alcohol Liquor Licenses for Jaia Fraga (St. Joseph's Parish Center on June 27, 2015) and Marybeth Chafee (Thayer Homestead on September 19, 2015) conditioned upon fulfillment of the Police Chief's recommendations and receipt of required insurance confirmation for their respective events; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Approval – Dissolution of Thayer Building Committee and Transfer of Remaining Funds to Town Administrator and Thayer Governance Committee:**

*There were no background materials.*

Chairman Foresto stated that this group spent four years putting this project together. Dan Hooper spent every day on site making sure it was going as it was supposed to. Others involved were Mark Cerel from the Community Preservation Committee and Mark Wilcox. The Board extended thanks to Chairman Foresto for all his work on this project as well.

**Selectman Trindade moved that the Board of Selectmen dissolve the Thayer Building Committee and that control of any remaining funds under this Committee be transferred to the Town Administrator and the Thayer Governance Committee in accordance with the vote of Town Meeting; Selectman D'Innocenzo seconded. Brief discussion followed on the approximate dollar amount. VOTE: 5-0-0.**

**Approval – Amendment to Town Administrator's Contract:**

*The Board reviewed a draft amendment agreement.*

Mr. Boynton stated the proposed change is for a vehicle in lieu of the monthly payment. Brief discussion followed.

**Selectman Trindade moved that the Board of Selectmen approve the language revision to the Town Administrator's contract relative to vehicle expense as presented with an amendment that reads "and with the approval of the Board of Selectmen"; Selectman White seconded. No discussion. Brief discussion followed. VOTE: 5-0-0.**

**Discussion – Fiscal Year 2016 Board of Selectmen Liaison Designations:**

*The Board reviewed the FY15 Board of Selectman Liaison Designations.*

Board members briefly discussed liaison positions from last year and made minor adjustments for this year.

**Action Items from Previous Meeting:**

Selectman Trindade asked to keep the playgrounds on the list as he will spend time on the issue over the summer.

General discussion followed on other Action items.

**Approval of Warrants:**

*The Board reviewed Warrants 15-51P and 15-51SP, dated 6/18/15.*

Selectman D’Innocenzo, Clerk, read aloud Warrants 15-51P and 15-51SP presented for approval:

15-51P	Town Payroll	\$ 305,880.44
15-51SP	School Payroll	<u>\$ 826,585.76</u>
	TOTAL	\$1,132,466.20

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

**Approval of Minutes:**

*The Board reviewed draft minutes from February 4, 2015; and May 18, 2015.*

**Selectman Trindade moved that the Board approve the meeting minutes from February 4, May 18 and June 9, 2015, as drafted; Selectman White seconded. There was some question over a section in the minutes from February 4. The purpose was that the Town was exceeding capacity with the addition of two projects. Selectman Trindade amended his motion to delete those minutes so that they can be reviewed, restating the motion as follows: that the Board approve the meeting minutes from May 18, 2015, as amended, and June 9, 2015, as drafted; Selectman White seconded. VOTE: 5-0-0.**

**Town Administrator’s Report:**

Mr. Boynton briefly reviewed several items, including a McGovern School Replacement Windows Change Order, the State House Hearing on RDA Legislation, a Medical Marijuana Cultivation Proposal, and a DPS RFP.

**Selectman Trindade moved that the Board authorize the Town Administrator to execute the contract with Sansoucy for review of the Exelon project in an amount not to exceed \$10,000; Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Selectman Trindade moved that the Board authorize the Town Administrator to sign off on change orders for the McGovern School Windows Replacement Project in amounts not to exceed \$25,000; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

**Selectmen’s Reports:**

Selectman Crowley acknowledged that Mr. Myers made some valid points tonight about the proposed Exelon expansion. He asked Board members if they would consider hiring an independent technical consultant to review the Exelon plans. Discussion followed. Mr. Boynton will develop a plan to bring forward to the BOS on July 6.

**Approval – Reduction in Number of Members, DPS Facility Building Committee:**

*There were no background materials.*

**Selectman Trindade moved that the Board vote to approve a reduction in committee membership of the DPS Facility Building Committee from seven to five members; Selectman White seconded. Selectman Trindade explained that two members have left the committee and the remaining members wish to continue to serve. No further discussion. VOTE: 5-0-0.**

**At 9:00 PM Selectman Trindade moved that the Board adjourn Public Session and enter Executive Session under Exemption 3 to discuss strategy with respect to litigation where an open meeting may have a detrimental effect on the litigating position of the Town (Exelon West Medway, LLC and Exelon West Medway II, LLC, Energy Facilities Sitting Board), if the chair so declares, not to return to public session; Selectman White seconded.**

**Chairman Foresto declared that an open discussion with respect to Exelon West Medway, LLC and Exelon West Medway II, LLC, Energy Facilities Sitting Board may have a detrimental effect on the litigating position of the Town.**

**Chairman Foresto confirmed that the Board will not return to Public Session upon conclusion of Executive Session.**

**There was no discussion. Roll Call Vote: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).**

Respectfully submitted,  
Jeanette Galliardt  
Night Board Secretary