

**Board of Selectmen's Meeting
July 6, 2015 – 7:00 PM
Sanford Hall, Town Hall
155 Village Street**

Present: John Foresto, Chair; Richard D'Innocenzo, Clerk; and Glenn Trindade, Member.

Staff present: Michael Boynton, Town Administrator; Doug Havens, Community Housing Coordinator; Missy Dziczek, Director, Council on Aging.

Others Present: Andrew Rodenhiser, Chair, Planning and Economic Development Board.

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

At 7:01 PM Selectman Trindade moved that the Board enter into Executive Session under Exemption 6 to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body [181 Main Street, 54R Adams Street]; Selectman D'Innocenzo seconded the motion. Chairman Foresto did so declare. It was noted that the Board will return to public session following Executive Session. There was no discussion. Roll Call Vote: 3-0-0 (D'Innocenzo, aye; Foresto, aye; Trindade, aye).

Chairman Foresto reconvened Public Session at 7:16 PM.

Public Comments: None.

Discussion – Medical Marijuana Cultivation, COMMCan, Inc.

The Board reviewed the CommCan proposal under separate cover.

Present: Ellen Rosenfeld, President; Marc Rosenfeld, CEO/CFO; Valerio Romano, Attorney.

Mr. Boynton reported that he had a conversation with Ms. Rosenfeld and her team regarding a proposed cultivation center on property the Rosenfeld family owns near the industrial park. Medical marijuana was approved in 2012 by the voters of the Commonwealth of Massachusetts, and this is the next round of permitting. Tonight the Board has to choose to issue a letter of support or a letter of non-opposition to the proposal. The State requires one or the other for all the applications that come in.

Ms. Ellen Rosenfeld reminded the Board of their previous meeting a few weeks ago. The application was submitted a week ago. As part of the third phase, CommCan is interested in placing the facility only on land that it owns. As of now, the company does not know if it has passed through the first part of the process. In order to go forward, the company needs the letter that is formatted on the last page of the submission. It refers only to zoning, not in favor or opposed to the concept, just that the appropriate location is being considered. CommCan would still need to go through the special permit process if the application round is successful.

Mr. Boynton asked what they propose as benefits to the community. He asked what kinds of regulations would be needed and what the necessary protections for the facility as well as the Town were. If marijuana is legalized in the future, it would behoove the Town to be in a position to embrace it going forward.

Selectman Trindade asked how many other communities have facilities. Mr. Valerio Romano, attorney for the applicants, stated there are currently 15 registrations throughout the Commonwealth and specifically named Dennis, Franklin, Plymouth, Quincy, Georgetown, Salem, Ayer, and Northampton. Some are cultivation centers while some are dispensaries. The letter is the first procedural step, necessary to continue to move forward through the process. Mr. Romano reminded everyone that it is a medical program, not free-for-all marijuana distribution.

Mr. Andy Rodenhiser, Chair, Planning and Economic Development Board, stated he has worked with Ms. Rosenfeld a few times and is very supportive of this effort.

Selectman Trindade asked about venting as he has heard the smell can be bad. Mr. Romano responded that the team includes a very experienced grower from California from a very advanced facility. Carbon filters will eliminate the odors, which is a recognized process by growers in the industry. The subject property is also fairly secluded which should help keep odors to a minimum.

Mr. Rodenhiser stated that eventually CommCan will apply for a special permit which will not be treated as an application for agricultural use. He reminded the Board that the Planning and Economic Development Board will have a lot of oversight.

Chairman Foresto theorized that, though only three Selectmen are available this evening, he saw no reason not to move forward. Brief discussion followed.

Selectman Trindade moved that the Board authorize a letter of support of the CommCan, Inc. medical marijuana cultivation application to be signed by the Chairman on behalf of the Board of Selectmen, and, further, authorize the Chairman and the Town Administrator to work with CommCan to develop a potential host community agreement; Selectman D’Innocenzo seconded. No further discussion. VOTE: 3-0-0.

Approval – Appointment to Planning and Economic Development Board:

The Board reviewed a Memorandum dated June 24, 2015 from Susy Affleck-Childs, Planning & Economic Development Coordinator.

Mr. Andrew Rodenhiser, Chair, Planning and Economic Development Board (PEDB), reported that Mr. Di Iulio injured his back today and is unable to attend the meeting. He indicated that the PEDB voted on the appointment to move forward with a joint appointment. He has been an associate member for a couple of years. Selectman Trindade asked if this appointment should take place at a joint meeting. Discussion followed. The Board decided to go ahead with the appointment as it can always meet again to affirm the appointment.

Selectman Trindade moved that the Board appoint Rich Di Iulio as full member of the Planning & Economic Development Board to replace the position vacated by Karyl Spiller-Walsh until the May 2016 elections; Selectman D’Innocenzo seconded. No discussion. VOTE: 3-0-0.

Approval – DOER Energy Manager Grant, Year 2:

The Board reviewed the following information: (1) Email dated June 5, 2015 from Paul Carey, Grant Coordinator for Massachusetts Department of Energy Resources; and (2) Second year extension for the Medway/Millis Energy manager grant contract.

There was brief discussion on revisiting this matter during the budget process for FY17.

Selectman Trindade moved that the Board authorize the Chair to execute the Commonwealth's Standard Form of Contract for Year 2 of the energy manager grant; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Approval – Millstone Village Affordable Unit Price Adjustment:

The Board reviewed the following information: (1) Correspondence dated June 25, 2015 from Ann Sherry, Chair, Affordable Housing Trust, and Robert Ferrari, Chair, Affordable Housing Committee; and (2) Proposed letter draft to Janie Lesniak, Division of Housing Development of Department of Housing

Present – Doug Havens, Community Housing Coordinator.

Mr. Havens reported that the developer had previously come to request increased prices and discuss other matters. Since the initial denial of increases, the Affordable Housing Committee has met with the developer to further review the request for the increase. The Affordable Housing Committee supports the request for a price increase and notes three factors: the increased price remains throughout the sale of the affordable housing inventory, special needs requirements will be accommodated, and, if ramps are requested inside garages, they will be built at a cost of materials only. The proposed unit price of \$174,700 is for a three-member household.

Selectman Trindade stated he has met with the group and concurred with the conditions.

Selectman Trindade moved that the Board approve the proposed increase in pricing of Millstone Village's eight (8) affordable units from \$170,000 to \$174,700 and authorize the chair to execute the proposed letter to the Department of Housing and Community Development; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

At this time, Mr. Havens approached the Board on another matter, that of the former American Legion Hall with the intent to repurpose it into affordable housing. He indicated that the Affordable Housing Committee is in the process of forming a committee to evaluate proposals. He requested that a member of the Board to participate with this group. Selectman Trindade emphasized that, as it is the first project of this kind, they would like it to be as perfect as possible. Chairman Foresto agreed to represent the Board in this endeavor.

Approval – GATRA Contract Extension, July 1, 2015 to August 31, 2015:

The Board reviewed the following information: (1) Memorandum from Francis Gay, GATRA Administrator, dated June 24, 2015; and (2) Amendment to contract dated July 1, 2014 between Greater Attleboro-Taunton Regional Transit Authority and Town of Medway.

Present: Missy Dzikczek, Director, Council on Aging.

Selectman Trindade moved that the Board authorize the Chair to execute the amendment to the contract between GATRA and the Town which will provide for the contract's extension from July 1, 2015 through August 31, 2015; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Approval of Donation Acceptance – From the Friends of the Medway Public Library to the Medway Public Library, \$17,000:

The Board reviewed a Notice of Donation Fund, dated June 2, 2015.

Chairman Foresto stated that the Friends of the Medway Public Library gets these funds through their two books sales per year. The per capita donation amount is the highest of all the surrounding communities.

Selectman Trindade moved that the Board approve the gift from the Friends of the Medway Public Library to the Medway Public Library in the amount of \$17,000 to be added to the Memorial Donations account for the purchase of books, media, electronic resources and other materials, and programs; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Approval – Contract for Technical Consulting Services for Proposed Exelon Project, Power Advisory:

The Board reviewed the following information: (1) Proposal dated June 23, 2015 from Power Advisory LLC; and (2) Resume of Michael D. Ernst, Esq.

Present: Charles Myers, Michael Ernst.

Mr. Boynton introduced Michael Ernst. He stated the Mr. Ernst has been reviewing the needs of the Town with respect to the application that Exelon has put forward to the Energy Facilities Siting Board (EFSB). He noted the Town has filed as an intervener in the hearing process, as has the Charles River Watershed group and the Conservation Law Foundation. Mr. Boynton stated that the Town needs technical consulting, such as what Mr. Ernst can offer, for this permitting process. He went on to say there are three phases of review by the EFSB, and number 1 is already underway, which is the tax review piece. He asked that the Board approve Mr. Ernst to review the application. He also stated there is a proposal from Kleinfelder to work on water issues relative to this facility.

Mr. Ernst stated that he has experience on the Siting Board staff for a few years, as well as with law firms representing companies similar to Exelon. The permitting process is complex, and it usually takes at least a year to get through. Applications are several hundred pages addressing factors such as water, pollution, noise, etc. The Town will have an opportunity to draft a host community agreement. Mr. Ernst stated that he will prepare a summary of what the Town needs, precedent information, and an overview of all issues to consider.

Selectman D'Innocenzo asked if Mr. Ernst will also be on the lookout for things that should be included in the application but is not for some reason. Mr. Ernst responded that there is usually a pre-application meeting, but sometimes relevant issues are not always fully addressed. That would be part of his initial review.

John asked what the next steps are. Mr. Ernst said the next step is a procedural hearing on the petitions to intervene. The hearing officer rules on the petitions and only the Town is guaranteed intervener status. A schedule will be set for issuing discovery on relevant issues. The company will respond and the Town will have access to all of the responses. Other interveners and state agencies that would be

issuing permits may also share the Town's concerns which presents the opportunity to share resources during a period of discovery which can extend for a few months. Ultimately there is an evidentiary hearing. The EFSB issues the approval before any permits are issued, however. Brief discussion followed.

Selectman Trindade moved that the Board accept the proposal to furnish technical consulting services relative to the proposed Exelon project as presented by Power Advisory LLC and to instruct the Town Administrator to prepare the necessary contract documents for execution by the Chair; Selectman D'Innocenzo seconded. It was noted that the company name should be Grasso Associates. Selectman Trindade rescinded his original motion and restated it with the correct name of Grasso Associates; Selectmen D'Innocenzo seconded the new motion. No discussion. VOTE: 3-0-0.

Mr. Boynton reviewed the steps the Town has taken since Exelon first approached the Town regarding its desire to expand its generation capacity. There has been significant review of the issues by staff and communication with Exelon on these. There are public safety issues to consider, significant water demand, and mitigation needs. Brief discussion followed on water system analysis work that is proposed to be done by Kleinfelder, which would take approximately four weeks.

Selectman Trindade moved that the Board authorize the Town Administrator to seek funding from Exelon in the amount of \$28,100 to cover the costs of a water system analysis by Kleinfelder and to authorize the Chair to enter into an agreement for this work; Selectman D'Innocenzo seconded. No further discussion. VOTE: 3-0-0.

Approval – One-Day Liquor License Applications:

The Board reviewed license applications for (1) Elena Karpova, (2) Jaime Hodges and Susan Parlee, (3) West Medway Liquors, (4) Dyana Luccio, and (5) Special event for the Thayer Homestead as well as recommendations from the Police Chief as of July 6, 2015.

Selectman Trindade moved that the Board approve all one-day alcohol licenses as presented conditioned upon fulfillment of the Police Chief's recommendations and receipt of required insurance confirmation for each respective event; selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Vote – Designation of Medway as Purple Heart Town, Department of Massachusetts Military Order of the Purple Heart:

The Board reviewed the following information: (1) Email dated June 11, 2015 from Leo David Agnew, Commander; and (2) Proposed proclamation.

Mr. Boynton briefly reviewed the background of the program, and the number of communities that have stepped forward to honor those who have made ultimate sacrifice. The intent is to make August 7 Purple Heart Day. Chairman Foresto suggested that Colonel Matondi be contacted to see if there was anything else that could be done.

Selectman Trindade moved that the Board execute the proposed Proclamation for submittal to the Department of Massachusetts Military Order of the Purple Heart, which will allow for Medway's designation as a Purple Heart Town; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Selectman Trindade asked if there was any progress on lowering flag for soldiers killed in action or other displays to honor those individuals. Mr. Boynton responded that there is no real policy in place. He will work on it with the Veterans' District and other individuals.

Action Items from Previous Meeting:

The Board reviewed the Action Item list.

Brief discussion followed on the possibility of scaling back the Brentwood Project.

Approval of Warrants:

The Board reviewed Warrant 16-2.

Selectman D'Innocenzo, Clerk, read aloud Warrant 16-2, dated 7/9/15, presented for approval:

Town Bills	<u>\$735,574.93</u>
TOTAL	\$735,574.93

Selectman Trindade moved that the Board approve the Warrant as read; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Approval of Minutes:

The Board reviewed revised draft minutes from February 4, 2015.

Due to the fact that only three members of the Board were present, it was decided to postpone review of the minutes.

Town Administrator's Report:

Mr. Boynton reported that FY15 has been closed out. Reports with the ending balances will be ready in the coming weeks.

He expressed concern for shelter locations during the winter months, noting that the high school emergency generator was not designed for long term use.

Selectmen's Reports:

Selectman Trindade reported that there are a lot of people posting on the Friends of Medway Facebook page who have expressed interest in improvements to recreational facilities such as a splash park. Mr. Boynton will get information that can be shared with parents. Selectman Trindade continued, noting that the problem is that people say that their favorite place is Choate Park which is a small area with a lot of stuff already in it. He suggested getting a consultant to help determine what kinds of things would fit. Chairmn Foresto emphasized that there should be a vision of what the park should look like. The matter will be discussed further at a future meeting.

At 8:42 PM Selectman Trindade moved to adjourn; Selectman D'Innocenzo seconded. No discussion. VOTE: 3-0-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary