

**Board of Selectmen's Meeting
August 17, 2015 -- 7:02 PM
Sanford Hall, Town Hall
155 Village Street**

Present: John Foresto, Chair; Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk; Dennis Crowley and Glenn Trindade.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; David D'Amico, Deputy Director, Department of Public Services; Mary Lou Staples, Chair, Council on Aging.

Others Present: Amanda Zuretti, Town Counsel

At 7:02 PM Chairman Foresto called the meeting to order and led the Pledge of Allegiance.

Public Comments:

Mr. Brian Adams, 2 Milford Street, asked if the Town gets to vote on any aspect of proposed Exelon expansion at Town Meeting. Mr. Boynton responded that, in terms of permitting, the answer is no. A Town Meeting vote is required to approve any PILOT agreement. Mr. Adams asked if the Town is allowing the State to decide the matter for it. Mr. Boynton responded that statement is not a fair characterization. The State has the authority to site this type of facility while any PILOT agreement and community benefit agreement is determined by the individual community.

At this time, Mr. Boynton explained the role of Julie Dennehy, a consultant hired as a communications specialist. She was hired for her expertise in communications for the Town; she is not involved with this plant proposal in any way. Ms. Dennehy will be involved in communications outreach in general.

Mr. Adams continued, stating that in 2009 Annual Town Meeting approved the Master Plan as Article 30. One of the goals relates to the Town's cultural and natural resources, and can be found on page 59. Mr. Boynton assured Mr. Adams that neither the Board nor Town officials would do anything that would result in a negative effect on the community. They are in the process of fact-finding and hiring consultants to help us learn as much as possible.

Consideration of Appointment: Zoning Board of Appeals, Assoc. Member – Brian White: Medway Pride Day Committee – Sarah Stone:

The Board reviewed the following information: Letter of interest and resume from Brian White; (2) Memorandum dated July 27, 2015 from Zoning Board of Appeals; and (3) Letter of Interest from Sarah Stone.

Present: Brian White; Sarah Stone.

Mr. Brian White, 116 West Street, stated he had recently moved to Medway. He works at Rhode Island College and currently holds a contractor's license. He has been working in construction and real estate for 10-15 years. Mr. White is married with four daughters under the age of 8.

Selectman Trindade noted that the two most thankless boards are the Board of Selectmen and Zoning Board of Appeals. The key is objectivity in all decisions, and not allowing preconceived notions to rule. Mr. White responded that he is familiar with board work and civic duty.

Selectman Crowley asked Mr. White to reassure the Board that he can be objective as West Street is very close to the power plant. Brian stated he will be objective, noting that his home is at the other end of West Street.

Selectman Trindade moved that the Board appoint Brian White to the Zoning Board of Appeals as an associate member for a three-year term; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Ms. Sarah Stone, 62 Fisher Street, stated she has lived in Medway for seven years. She has worked with the Medway Pride Day Committee for three years and is now looking for a formal appointment.

Selectman Trindade moved that the Board appoint Sarah Stone to the Medway Pride Day Committee for a one-year term; Selectman D’Innocenzo seconded. No discussion. VOTE: 5-0-0.

Approval – Common Victualler License Transfer – Golden Bamboo Inc.:

The Board reviewed the Application. It is noted that the Town Administrator’s office is awaiting signature from the Building and Fire Departments.

It was noted that the owner was not present. Selectman Trindade pointed out that this is the busy dinner hour at the restaurant. Ms. Potter clarified that the restaurant does not have a liquor license.

Selectman Trindade moved that the Board approve the issuance of a common victualler license to Golden Bamboo, Inc. conditioned upon the required departmental approvals; Selectman White seconded. Selectman Crowley stated he would not vote for this as this is the third license transfer in the past couple years, all for \$1, though it looks like it is staying in the family. VOTE: 4-1-0.

Authorization to Expend Grant Funds – Executive Office of Elder Affairs Grant – Council on Aging - \$18,027:

The Board reviewed a Grant Expenditure Form accompanied by grant information.

Present: Mary Lou Staples, Chair, Council on Aging.

Ms. Staples stated that there are specific things that the grant funds can be used for, including Volunteer Coordinator, specific events and associated expenses. It is based on the 2010 census.

Selectman Trindade moved that the Board authorize the expenditure of the Executive Office of Elder Affairs grant funds in the amount of \$18,027 as outlined; Selectman White seconded. No discussion. VOTE: 5-0-0.

Authorization of Chairman to Execute Contract with George E. Sansoucy, P.E., LLC for Utility Valuation Modeling - \$6,000:

The Board reviewed the following information: (1) Memorandum dated August 11, 2015 from Donna Greenwood, Principal Assessor; and (2) Contract.

Mr. Boynton reported that this contract is for the Assessors' overall utility valuation process, adding that there may be a Fall Town Meeting article proposed to address a greater than anticipated need for contracted services this fiscal year. Selectman Trindade noted that this company is one of the best in their field of expertise.

Selectman Trindade moved that the Board authorize the Chairman to execute the contract with George E. Sansoucy, P.E., LLC to provide utility valuation modeling in the amount of \$6,000 pending review and approval by both Town Counsel and the Town Accountant; Selectman White seconded. No discussion. VOTE: 5-0-0.

Authorization of Chairman to Execute Contract with Concrete Modular Systems, Inc. for Cassidy Field Bathroom Installation - \$55,905.95:

The Board reviewed the following information: (1) Memorandum dated August 17, 2015 from Tom Holder, Director, DPW; (2) Bid results; and (3) Contract.

Mr. Boynton reported that the concrete pad for the modular bathrooms has been poured. The sewer connections have been completed. Some of the remaining components of this project need to be coordinated.

Selectman Trindade moved that the Board authorize the Chairman to execute the contract with Concrete Modular Systems in the amount of \$55,905.95 pending review and approval by both Town Counsel and the Town Accountant; Selectman White seconded. It was noted that the additional electric requirement will be handled by the Little League. No further discussion. VOTE: 5-0-0.

Approval – Orders of Taking – Route 109 Right of Way:

The Board reviewed the following information: (1) Draft Order of Taking; (2) Example Affidavit; and (3) Progress Print of Taking Plans.

Present: David D'Amico, Deputy Director, Department of Public Services; Amanda Zuretti, Town Counsel.

Mr. Boynton extended kudos to Mr. D'Amico and Attorney Zuretti for their diligence on getting the paperwork completed to ensure that this project can be shovel-ready in the spring.

Mr. D'Amico reported that over 100 properties are involved, i.e., permanent easements, walls, drainage, etc., for a three-year period while the construction is being done. Ms. Zuretti stated this project was under very good control when she came on board. At this time, she asked the Board to consider the motion before it.

Selectman Trindade moved that the Board has determined that common convenience and necessity require that Main Street (Route 109), a public way in the Town of Medway, be reconstructed; and it is necessary to acquire fee interests, temporary easements, and permanent easements in certain parcels of land for the purpose of reconstructing said way; and under the authority given by the votes under Article 29 of the Annual Town Meeting held on May 12, 2014; the vote under Article 17 of the November 30, 2014 Special Town Meeting; and Article 5 of the Town at the Annual Town Meeting held on March 9, 2015 (the "Town Votes"), and General Laws c. 82 §§ 1-23 and General Laws c. 79, as amended, and any and every other power and authority which is hereunto in anyway enabling, and having given notice according to the requirements of law to all persons known to it to be interested in

the reconstruction of said way, of its intention to take such interests in real property described in the plan titled "Alteration Plan Main Street (Routed 109) Medway, prepared for the Town of Medway" dated August 17, 2015, prepared by Greenman-Pedersen, Inc., recorded with the Norfolk County Registry of Deeds herewith (the "Plan"), a copy of which is on file with the Town Clerk of the Town of Medway.

The Board of Selectmen hereby votes to endorse the Plan, and to take for the purpose of public ways, those fee interests, temporary easements and permanent easements over those certain parcels of land commonly known as Route 109 shown as on said Plan, which land is owned or supposed to be owned by the abutters on said way, and determine that damages by reason of this taking shall be awarded as shown on the schedule shown on the Order of Taking.

The Board further votes that a representative of the Town of Medway shall cause this Order of Taking to be filed with the Norfolk Registry District of the Land Court and recorded in the Norfolk Registry of Deeds, in Dedham, Massachusetts and shall notify the Treasurer and Collector of Taxes in the Town of Medway of this taking in accordance with General Laws c. 79, §7F.

The Board also votes to authorize its Chairman, John Foresto, to execute Notices of Taking and Offers of Payment Pro Tanto upon filing and recording of said Order of Taking and plans.

And, the Board votes to authorize its Chairman, John Foresto, to execute the Affidavit, the post-recording Affidavit required by MassDOT as part of the Federal Highways funds program, an example of which is presented here.

Selectman White seconded the motion. Selectman Trindade offered an amendment reflecting changes requested by Town Counsel, specifically that March 9, 2015 was Special Town Meeting, not Annual; and authority is given per Mass. General Laws, c. 82 §1-84. Selectman White seconded the amendment. Selectman Crowley asked if this was the final piece for this project. Mr. D'Amico is still receiving comments from MassDOT. Mr. D'Amico stated that all affected owners were notified by registered letter and asked to notify DPS if there are issues. Attorney Zuretti reported that the takings would be by eminent domain. Each property owner has the right to file suit in Superior Court within three years of the Order of Taking. Brief discussion followed on the process. Mr. D'Amico will provide a list of the affected properties to the Board, noting that 90% of these takings are temporary. VOTE: 4-0-1 -- Selectman White abstained as she is a property owner along Route 109 and her property is one of the affected properties.

Ms. Zuretti instructed Board members that they need to sign two sets of Mylar plans as well as two copies of the documents which she will then notarize. Each Board member confirmed they are signing of their own volition and as representatives of the Town. Plans and documents were signed and notarized.

Approval – Inter-municipal Agreement with Millis for Shared Energy Manager:

The Board reviewed the following information: (1) Email from Robert Weiss, Energy Manager; (2) Proposed inter-municipal agreement; (3) Annual report; and (4) Energy Usage Report samples.

Mr. Boynton reported that this will be Year Two of the agreement.

Selectman Trindade moved that the Board approve the inter-municipal agreement with Millis for shared energy manager services as presented; Selectman White seconded. No discussion. VOTE: 5-0-0.

Approval – Opening and Closing Dates for Fall Town Meeting Warrant (9/1/15, 9/14/15):

The Board reviewed a Draft Town Meeting Calendar.

Mr. Boynton reminded Board members that, as their next meeting will be August 31, this needs to be addressed tonight.

Selectman Trindade moved that the Board open the November 9 Fall Town Meeting Warrant on September 1, 2015 and to close it on September 14, 2015; Selectman White seconded. No discussion. VOTE: 5-0-0.

Approval – One-Day Liquor License Application – Greg Bedard, Thayer Homestead, 8/28/15:

The Board reviewed the following information: (1) One-Day License Application; and (2) Police Chief's recommendation.

Selectman Trindade moved that the Board approve a one-day liquor license for Greg Bedard's event at the Thayer Homestead on August 28, 2015 subject to fulfillment of the Police Chief's recommendations; Selectmen White seconded. No discussion. VOTE: 5-0-0.

Action Items from Previous Meeting:

The Board reviewed the Action Items list.

- #1 -- Street acceptance process – No update.
- #2 -- Route 109 – the Orders of Taking was discussed earlier this evening.
- #3 -- Brentwood Project– The engineers will begin focusing on the piece that involves CVS. The Town Administrator made it clear that the work near the CVS needs to happen within the Route 109 construction work or it will be at a substantial private cost.

It was noted that interviews for the DPS Facility OPM will begin next week.

Approval of Warrants:

The Board reviewed Warrants 16-8 and 16-8S.

Selectman D'Innocenzo, Clerk, read aloud Warrants 16-8 and 16-8S, dated 8/2015, presented for approval:

16-8S	School Bills	\$ 360,714.50
16-8	Town Bills	<u>\$1,724,727.77</u>
	TOTAL	\$2,085,442.27

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 November 3, 2014; February 4, 2015; and March 16, 2015.

Selectman Trindade moved that the Board approve the minutes of November 3, 2014, as drafted; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board approve the minutes of February 4, 2015, as drafted; Selectman White seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board approve the minutes of March 16, 2015; Selectman White seconded. No discussion. VOTE: 4-0-1 -- Crowley abstained as he was absent.

Town Administrator's Report:

Mr. Boynton reported on a variety of topics:

- The results of the Solid Waste Survey (polling of area communities) due soon;
- A recent visit to a building that straddles the line between Medway and Holliston on Route 126 that might prove useful for municipal use;
- Town-wide financial updates;
- FY2017 budget update;
- 2015 Fall Town Meeting update; and
- Social Media Training

Selectmen's Reports:

Selectman Crowley stated he attended the Conservation Commission meeting with Timber Crest LLC. He noted that ConCom chair, David Travalini, did an excellent job walking residents through the process and answering questions. This group does not get enough credit for all the work they do.

Selectman Crowley asked Mr. Boynton about Woodside Condominiums. Mr. Boynton responded that Town Counsel has been consulted.

At 8:09 PM Selectman Trindade moved that the Board enter into Executive Session under Exemption 3 to discuss strategy with respect to litigation where an open meeting may have a detrimental effect on litigating position of the Town [Exelon West Medway, LLC and Exelon West Medway II, LLC - Energy Facilities Siting Board intervention] if the chair declares than an open meeting may have a detrimental effect on the negotiating position of the public body. The Board will reconvene in open session to address agenda item #16. Selectman White seconded the motion. Chairman Foresto did so declare. No discussion. Roll Call Vote: 5-0-0 (Crowley, aye; D'Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).

Chairman Foresto reconvened Public Session at 9:11 PM.

Approval – Technical Consultants to Review Proposed Exelon Expansion Project:

Background materials were reviewed in Executive Session.

Selectman Trindade moved that the Board authorize the Chair to execute a contract for Acentech, Inc. for noise consultation and acoustical consulting services in an amount not to exceed \$10,000; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade moved that the Board authorize the Chair to execute a contract with Lynne Santos and Air Quality Associates for emissions consulting services in an amount not to exceed \$10,000; Selectman White seconded. No discussion. VOTE: 5-0-0.

Selectman Trindade announced that the Town Administrator vetted both these companies to confirm that neither of these firms had performed any work for Exelon in the past.

Selectman Crowley asked the Town Administrator to prepare a list of all the consultants who are looking at the proposed expansion project, including such things as tax matters, configuration of the water system, air quality and emissions, noise concerns, and a legal consultant with regard to any contracts and agreements. Also noted was that eleven pages of questions will be submitted to the Energy Facilities Siting Board

**At 9:13 PM Selectman Trindade moved to adjourn; Selectman D’Innocenzo seconded. No discussion.
VOTE: 5-0-0.**

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary