

**Board of Selectmen's Meeting  
August 31, 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.**

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator.

Others Present: Susy Affleck-Childs, Planning and Economic Development Coordinator; Tom Holder, Director, Department of Public Services;

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

**Public Comments:**

Mr. Charlie Myers distributed a handout and briefly discussed start-up time which was originally announced as ten minutes, and then corrected to ten minutes with an additional twenty. He also expressed concern about the potential number of trucks coming on and off the site and identified an inconsistency in the map of the property relative to staging area for trucks on one plan and another use in the same place on another map. Brief discussion followed on concerns about emissions relative to dual-fuel system of natural gas and oil.

Additionally, Mr. Myers encouraged the Board to check all pertinent dates for document submittal before the October public hearing. He suggested reserving some time at regular meetings before the end of September to solicit questions from the public, outside of the public hearing itself. This would allow time to get answers back from Exelon before the public hearing, and then formulate a rebuttal, if one is necessary. Brief discussion followed.

Brian Adams, 2 Milford Street, asked if representatives from Exelon, the Conservation Law Foundation (CLF) and Charles River Watershed (CR) would also be present at the October public hearing. He is trying to get people involved, encouraging them to review documents that are available and learn as much as possible before that October meeting. Selectman Crowley pointed out that CLF and CR are doing their own negotiations so it may not be appropriate to approach them, but it is worth asking the question. Brief discussion followed.

Brian Gagnon, 8 Oak Street, asked about measuring the output of the carbon monoxide. One cannot smell it and a person will not know if he is breathing it. Selectman Crowley responded that is one of the questions the Board has. The EPA will also come in and shut them down if it is at harmful levels. Selectman Trindade added that the Town has asked that monitoring equipment is placed in Medway.

Mr. Gagnon also expressed concern for excessive traffic on Oak Street surrounding events at Thayer Homestead, as well as high school drivers cutting through. Selectman Trindade pointed out that during traffic enforcement activity on that street many of the warning tickets issued are to people who live in that area.

**Acceptance of Land – Trail Drive (Norwood Acres):**

*The Board reviewed the following information: (1) Memorandum dated August 24, 2015 from Susy Affleck-Childs, Planning and Economic Development Coordinator; (2) Associated subdivision plan and map; and (3) Deed documents.*

Present: Susy Affleck-Childs, Planning and Economic Development Coordinator.

Ms. Affleck-Childs reported that this particular parcel of land is associated with a small private way subdivision developed by the Marshall family. The project is coming to a close so this is the time to convey the open space parcel to the Town. This parcel is immediately north of an existing 9-acre parcel that is already owned by the Town. The Conservation Commission has voted its acceptance.

Selectman Trindade asked if trails can be developed there without impacting the privacy of the abutting property owners. Selectman Crowley asked if that is in perpetuity and if there was any way of changing it in the future if the needs of the Town are dramatically different. Mr. Boynton theorized that, as it already abuts open space land and a fair percentage is wetland, the odds are that there could be no other use in the future. Brief discussion followed.

It was decided to table this until the next meeting while additional information is gathered. How many more proposals such as this are in the works? Is there a policy for these kinds of transactions? Do they come under the supervision of the Conservation Commission or the Board of Selectmen? The minutes can be researched. Is there anything that offers a choice or does it automatically go to the Conservation Commission?

**Authorization of Chairman to Execute Change Order for Cassidy Field Complex – Gravity Construction, \$44,600:**

*The Board reviewed the following information: (1) Memorandum dated August 25, 2015 from Tom Holder, DPS Director; and (2) Change order.*

Present: Tom Holder, Director, Department of Public Services.

Mr. Holder reported that the existing water service was likely installed by volunteers years ago with valves and couplings that have not held up over time. The line is also not sufficient to service present and future needs of the complex. It will have to be put on the other side of the driveway, and that property owner is very supportive. The fence will be taken down, the work will be done, the fence will be replaced and the disturbed area will be landscaped. He briefly described the parts of the installation.

Regarding funding, Mr. Holder stated that 2015 Annual Town Meeting included a financial article for “unforeseen water uses” in the amount of \$158,000, and this project meets the spirit of that article.

**Selectman Trindade move that the Board authorize the Chairman to execute the change order relative to the Cassidy Field complex contract with Gravity Construction in the amount of \$44,500; Selectman White seconded. Selectman Crowley asked how much money is left in that article. It was noted that this company is already in Medway doing other projects so it makes good sense to take care of this one now. No further discussion. VOTE: 4-1-0 -- Crowley opposed, noting that he cannot vote on the amount of a change order without knowing the balance of the account.**

**Authorization of Chairman to Execute Change Order for Route 109 Engineering – Greenman Pederson, Inc., \$238,822.69:**

*The Board reviewed the following information: (1) Memorandum dated August 26, 2015 from Tom Holder, DPW Director; and (2) Change Order.*

Present: Tom Holder, Director, DPS; David D’Amico, Deputy Director, DPS.

Mr. D’Amico reported that DPS has been going back and forth with GPI, integrating grant money and so on. He briefly described some of the changes that were required by MassDOT including the replication of a wetland area. Necessary funding is coming from Chapter 90 funds. Mr. Boynton noted that this was not unexpected, but this is the final change order.

**Selectman Trindade moved that the Board authorize the Chairman to execute the change order relative to Route 109 engineering contract with Greenman-Pedersen, Inc. in the amount of \$238,822.69; Selectman White seconded. No discussion. VOTE: 4-1-0. Crowley opposed because he would like to see a summary of the original contract as it relates to previously approved change orders.**

**Approval – Amended Compensation Values for Route 109 Takings:**

*The Board reviewed a Revised Order of Taking Value for Route 109 Project.*

Present: Tom Holder, Director, DPS; David D’Amico, Deputy Director, DPS.

It was noted that some of the numbers associated with parcels may have changed minimally from the original calculations. The recorded Order of Taking has the correct value, but now this has to be corrected as well.

**Selectman Trindade moved that damages in the amount of \$9,146.00 be awarded to Albert Rao and Paul Rao, Trustees of P & A Realty Trust who are the purported owners of the property known and numbered 82 Holliston Street, Medway, MA in compensation for the taking of a permanent easement in the parcel shown as PUE-15 and temporary construction easements in the parcels shown as TE-122; TE-123; and TE-156 as shown on the Order of Taking voted by the Board of Selectmen on August 17, 2015 that was filed on August 18, 2015 with the Norfolk District Registry District of the Land Court as Document No. 1335903 and also recorded the Norfolk Registry of Deeds in Book 33407, Page 214, and shown on the plans recorded with said Deeds in Plan Book 641, Page 1. The damage award is made by the Board pursuant to the authority under General Laws chapter 79, section 6, to compensate the owner for the increase in area of the easement in parcels TE-123 and TE-156 which valuation was set prior to the Order of Taking and is correctly shown thereon. Selectman White seconded. No discussion. VOTE: 5-0-0.**

**Approval – Change of Hours, Sri Sitaram LLC d/b/a Medway Mart:**

*The Board reviewed the following information: Alcoholic Beverages Control Commission Monetary Transmittal Form; (2) ABCC Form 43; (3) Change of Hours Checklist; and (4) Certificate of LLC Vote.*

**Selectman Trindade moved that the Board approve a change of hours of operation for Sri Sitaram Enterprises LLC d/b/a Medway Mart to the following: Sunday 10AM – 10PM, Monday through Saturday 8AM – 10PM; Selectman White seconded. No discussion. VOTE: 5-0-0.**

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

The Board reviewed applications and Police Chief's recommendations for the following events to be held at the Thayer Homestead: (1) Jason Rose, September 5, 2015; (2) Lisa [Beksha] Bravo, September 6, 2015; (3) Milford Area Chamber of Commerce, September 9, 2015; (4) Premier Bartending, September 20, 2015; (5) Tiffany Rose, November 7, 2015; and (6) Scott Buchanan/Melissa Ostrout, June 25, 2016.

Selectman Trindade moved that the Board approve one-day alcohol licenses for Jason Rose, Lisa [Beksha] Bravo, Milford Area Chamber of Commerce, Premier Bartending, Tiffany Rose and Scott Buchanan/Melissa Ostrout as outlined subject to fulfillment of the Police Chief's recommendations and receipt of all insurance documentation; Selectman White seconded. No discussion. VOTE: 5-0-0.

**Action Items from Previous Meeting:**

There were no updates on the Action Items list.

**Approval of Warrants:**

The Board reviewed Warrant 16-10.

Selectman D'Innocenzo, Clerk, read aloud Warrant 16-10, dated 9/3/15, presented for approval:

16-10	Town Bills	<u>\$1,371,579.89</u>
	TOTAL	\$1,371,579.89

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

**Approval of Minutes:**

The Board reviewed draft minutes from April 21, 2015; June 1, 2015; and August 27, 2015.

Review and approval of the minutes was postponed.

**Town Administrator's Report:**

Mr. Boynton reported that the Veterans District main office has acquired new space in the Town of Holliston. Mr. Givens, Veterans Agent, will still have office hours in Medway but can also meet with people in the new space after it is renovated.

Bids for the middle school renovations on the space for DPS are coming in higher than anticipated. The School Committee will be addressing the extra expense at its meeting this week.

He briefly reported on the Cassidy Field Bathrooms, Medway's participation in the Commonwealth Community Compact program, and updated the Board on the traffic enforcement program.

**Selectmen's Reports:**

Chairman Foresto reported he met with the Superintendent of Schools to talk about the impact of the proposed 40B project on the school system, noting that there is some concern. There is additional concern about the number of younger teachers who will be getting advanced degrees and higher salaries each time they do so. There are also price increases for HVAC operations (heat and AC).

At 8:22 PM Chairman Foresto suspended the meeting for a brief recess.

**Executive Session:**

**At 8:30 PM Selectman Trindade moved that the Board enter into executive session under Exemption 3: to discuss strategy with respect to litigation when an open meeting may have a detrimental effect on litigating position of the town [Exelon West Medway, LLC and Exelon West Medway II, LLC – Draft Host community and PILOT Agreements] if the chair so declares; Selectman White seconded. The Chair did so declare. It was noted that the Board will not reconvene in Public Session. No further discussion. Roll Call Vote: 5-0-0 (Crowley, aye; D’Innocenzo, aye; Foresto, aye; Trindade, aye; White, aye).**

Respectfully submitted,  
Jeanette Galliardt