

Town of Medway

BOARD OF SELECTMEN
155 Village Street, Medway MA 02053
(508) 533-3264 • FAX: (508) 321-4988

Glenn Trindade, Chairman
Dennis Crowley, Vice Chairman
Richard D'Innocenzo, Clerk
John Foresto, Member
Maryjane White, Member

Board of Selectmen's Meeting

February 18, 2014, 7:00 PM

Sanford Hall

155 Village Street

Agenda

7:00 PM

- Call to order; Recitation of the Pledge of Allegiance
- Public Comments

Other Business

1. Discussion – Board of Health
2. Approval – License to Store Flammable and Combustible Liquids, Flammable Gases and Solids – Cumberland Farms
3. Approval – ALS TDI Tri-State Trek – June 27, 2014
4. Approval – Medway Youth Baseball Parade – April 27, 2014
5. Approval – CORI Policy
6. Approval - SWMI Grant - \$50,000
7. Presentation – Water/Sewer Rates
8. Authorization of Chairman to Execute Contract for Managed Print Services – Printer Pro Solutions, Inc.
9. Approval – Spending in Excess of Budget Allocation – Snow Removal
10. Consideration of Appointments to Redevelopment Authority
11. Review and Approval - Annual and Special Town Meeting Warrants
12. Action Items from Previous Meetings
13. Approval of Warrants
14. Town Administrator's Report
15. Selectmen's Reports

Upcoming Meetings, Agenda and Reminders

March 3, 2014 ---- Regular Meeting

March 17, 2014-----Regular Meeting

The listed matters are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

AGENDA ITEM #1

**Discussion –
Board of Health**

No associated back up materials.

AGENDA

ITEM #2

Approval – License to Store Flammable and Combustible Liquids, Flammable Gasses and Solids – Cumberland Farms, Inc.

Associated back up materials attached:

- License
- Correspondence from Peter Paulousky, Cumberland Farms attorney, dated February 12, 2014
- Massachusetts General Law reference – Chapter 148, Section 13

Proposed motion: I move that the Board of Selectmen approve a license to store flammables and combustibles, flammable gasses and solids to Cumberland Farms, Inc. for the property located at 38 Summer Street.



FP-2
(Rev. 05-2009)

The Commonwealth of Massachusetts
City/Town of Medway
License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws, a license is hereby granted to use the land herein described for the purposes described.

GIS Coordinates

LAT.

LONG.

License Number

Location of Land: 38 Summer Street Map 56, Lot 039
Number, Street and Assessor's Map and Parcel ID

Owner of Land: Onilleva Realty, LLC /Applicant: Cumberland Farms, Inc.

Address of Land Owner: 38 Summer Street, Medway, MA /Applicant: 100 Crossing Blvd., Framingham, MA

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>Gasoline*</u>	<u>IB</u>	<u>20,000</u>	<u>gal.</u>	<u>UST</u>
<u>Gasoline**</u>	<u>IB</u>	<u>12,000</u>	<u>gal.</u>	<u>UST</u>
<u>Diesel**</u>	<u>II</u>	<u>8,000</u>	<u>gal.</u>	<u>UST</u>

*compartment tank

**20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)

LP-gas (Complete this section for the storage of LP-gas or propane)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____
- ❖ Maximum amount (in pounds) of Class 1.4G: _____
- ❖ Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

Explosives (Complete this section for the storage of explosives)

- | | |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.2: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.3: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.4: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.5: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.6: _____ | Number of magazines used for storage: _____ |

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

Signature of Licensing Authority

Title

Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**



Doherty, Ciechanowski,
Dugan & Cannon, P.C.

124 Grove Street, Suite 220
Franklin, MA 02038
TEL. NO. (508) 541-3000
FAX NO. (508) 541-3008

Peter J. Paulousky
pjp@dcdclaw.com

February 12, 2014

Via Email and 1st Class Mail
Medway Board of Selectmen
Town of Medway
155 Village Street
Medway, MA 02053
Attn: Karen Kisty & Susan Afleck-Childs

Re: GCCF, New England, LLC c/o Cumberland Farms
Agreement regarding terms for UST permit, for Rte.109 and Rte. 126
project

Dear Board Members,

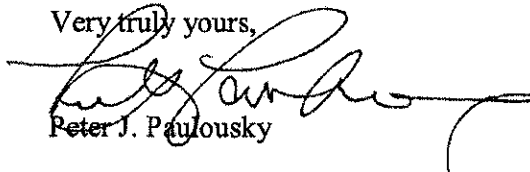
This letter is confirmation that the Applicant agrees to the following actions as noted during the Board of Selectmen public hearing on October 21, 2013. The Applicant understands that the agreed upon items are in addition to the conditions included in the recent Planning, Economic and Development Board decision approving both Special Permit and Site Plan for the above project site.

The Applicant agrees as follows:

1. To distribute an informational mailing to abutters, well in advance, re: the blasting process, the availability of a pre-blast survey, and the complaint procedure;
2. To meet with abutters to inform them of their right to have a pre-blast survey option conducted at no expense to the abutters;
3. To post on-line the pre-blasting survey information and the associated procedures for requesting the pre-blast survey and filing blasting damage complaint forms; and,
4. To complete a video survey to serve as a record of the existing conditions for abutting properties.

I request that the Board of Selectmen place the above matter on its next available hearing agenda and vote to approve the UST permit with the above conditions.

Very truly yours,



Peter J. Paulousky

PJP/sjk

cc: GCCF, New England, LLC
Cumberland Farms, Inc.

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

Title XX. Public Safety and Good Order (Ch. 133-148A)

Chapter 148. Fire Prevention (Refs & Annos)

***§ 13. Licenses for land for explosives and inflammable materials; certificate of approval; record; certificate of registrations; fees; replacements and alterations of, and regulations for buildings; explosion hazard; appeals to marshal**

No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, unless the local licensing authority shall have granted a license to use the land on which such building or other structure is or is to be situated for the aforementioned uses, after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein said land is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department. Such license shall be recorded in the office of the city or town clerk, and it shall, from the time of the granting thereof by the licensing authority, be deemed a grant attaching to the land described therein and as an incident of ownership thereof running with the land and shall not be deemed to be merely a personal privilege. Any license granted hereunder, or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall remain in force unless and until revoked as hereinafter provided. Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.

The owner or occupant of said land licensed as herein provided, and the holder of any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall annually, on or before April thirtieth, file with the clerk of the city or town where such license is to be or has been exercised, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate of registration setting forth the name and address of the holder of such license; provided, that no certificate of registration shall be required for any building used as a garage for storing not more than three vehicles, when once used under such a license. The board may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively.

Every license granted under this section, and every certificate of registration filed under this section, shall be deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to such cessation. If the holder of the license fails so to eliminate such conditions, the local licensing authority may eliminate such conditions; and a claim for the expense incurred by the local licensing authority in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an account therefor to the holder of the license, and shall be recoverable from such holder in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date said debt becomes due, shall constitute a lien on said land if a statement of claim, signed by the local licensing authority, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties

with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

The marshal may, upon application and after a public hearing, reinstate and continue in force and effect any license granted prior to July first, nineteen hundred and thirty-six, for the keeping, storage, manufacture or sale of any of the articles named in said section nine, irrespective of the extent of the use and occupancy of buildings or other structures made or had under said license prior to the date of such reinstatement and continuance, anything in the provisions of this chapter to the contrary notwithstanding, unless prior to such reinstatement and continuance said license has been revoked for cause or the marshal shall have determined that a fire or explosion hazard would result from the exercise of such license. The marshal shall give written notice of such application, and of the date of the hearing thereon, to the head of the fire department of the city or town wherein is situated the land to which such application relates and shall, after such hearing, notify in like manner the clerk of such city or town of the action taken on such application.

Any license granted hereunder between July first, nineteen hundred and thirty-six and August seventeenth, nineteen hundred and fifty-one, both dates inclusive, not exercised for a period of at least three years, may be revoked by the local licensing authority after notice and hearing given to the owner or occupant of the land licensed.

When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal [FN1] or the head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal [FN1] or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license.

Any license granted hereunder or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority or by the marshal. Any building or structure erected or maintained under any of the aforementioned licenses shall always be subject to such replacements and alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the board may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same or similar use of the same land shall be granted within one year after the receipt by such authority of such notice.

AGENDA

ITEM #3

Approval – ALS TDI Tri-State Trek – June 27, 2014

Associated back up materials attached:

- Correspondence from David Virden, Sr. Development Manager ALS Therapy Development Institute, dated January 23, 2014
- Memorandum from Police Chief Tingley dated February 10, 2014

Proposed motion: I move that the Board of Selectmen approve the request by ALS TDI Tri-State Trek to allow cyclists to travel through Medway on June 23, 2014 with the proviso that the organization hire one detail officer as outlined in Chief Tingley's correspondence.

2/18/14



RECEIVED
JAN 27 2014

MEDWAY
TOWN ADMINISTRATOR

Town of Medway
Karen Kisty, Operations Manager
155 VILLAGE ST
Medway, MA 02053

January 23, 2014

Dear Ms. Kisty,

On **Friday, June 27, 2014**, 200 cyclists will travel through your town on their way from Boston to Greenwich, CT in the 12th annual ALS TDI Tri-State Trek. The event benefits the ALS Therapy Development Institute, a nonprofit biotechnology company based in Cambridge, Massachusetts.

Amyotrophic Lateral Sclerosis (ALS), Lou Gehrig's disease, is a neurodegenerative disorder that paralyzes the body but leaves the mind intact. Patients, on average, live between two to five years. There are currently no effective therapeutics to slow or stop the disease. The ALS Therapy Development Institute is driven by a single, profoundly important goal - to discover viable treatments for ALS as quickly as possible.

Enclosed is a proposed route with the specific date and times that we anticipate to be in your location. Please forward this along to the proper channels. If applicable, we have indicated any rest areas that we are planning to stop at in your town. We have a comprehensive insurance policy for the event that recognizes your town as additionally insured under ALS TDI's insurance. The necessary insurance certificate is attached. Please forward along any permit applications to the address below. You can return these forms via e-mail, fax or regular mail. All my contact is below.

Thank you so much for your time. If you have any questions or concerns please feel free to contact me.

Best regards,

David Virden
Sr. Development Manager
ALS Therapy Development Institute
300 Technology Square, Suite 400
Cambridge, MA 02139
P: 617.441.7240
F: 707-760-4429
E: dvirden@als.net

ALS Therapy Development Institute
300 Technology Square
Suite 400
Cambridge, MA 02139
www.als.net



ALSTDI
TRI-STATE TREK

Medway	straight		Fisher Street	Crossing Town Border	
Medway	Left		Milford Street		25.6
Medway	Right		Summer Street		26.1
Medway	Right		Main Street/Hartford Ave/Rte. 126		26.7
Medway	Right		Main Street		27.1



Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

Allen M. Tingley
Chief of Police

February 10, 2014

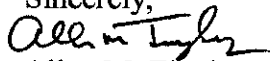
To: Suzanne Kennedy
Town Administrator

From: Allen M. Tingley
Chief of Police

Re: Tri-State Trek Bicycle Ride

I have reviewed the route the Tri-State Bike Ride will be traveling through the Town of Medway. The bicyclist will travel down Fisher Street and turn left onto Milford Street, right on Summer Street and then right onto Village Street and continue into Bellingham. The bicyclist will be traveling through town on Friday July 27, 2014 between the hours of 6:30AM to 8:30AM. Due to the time of day and the amount of heavy traffic that travels east and west on Milford Street. I would recommend the Tri-State Trek organization hire one detail officer to cover the intersection of Milford and Fisher Street to safely cross the bicyclist onto Milford Street. I will also have the on-duty officers; patrol the bicycle route during the ride to further assure the safety of the bicyclists.

Sincerely,


Allen M. Tingley
Chief of Police

AGENDA

ITEM #4

Approval – Medway Youth Baseball Parade – April 27, 2014

Associated back up materials attached:

- Email request from Daniel McNamara dated February 4, 2014
- Memorandum from Police Chief Tingley dated February 5, 2014

Proposed motion: : I move that the Board of Selectmen approve the request by Medway Youth Baseball to hold its annual parade on April 27, 2014 with the proviso that the organization hire two detail officers as outlined in Chief Tingley's correspondence.

From: McNamara, Daniel [mailto:damcnamara@shire.com]
Sent: Tuesday, February 04, 2014 3:02 PM
To: Karen Kisty
Cc: mnewman@DataSysCorp.com
Subject: Medway Baseball

Board of Selectman,

This is e-mail is to ask for approval for our annual Medway Youth Baseball parade scheduled for April. The parade begins in the parking lot of the VFW at 12pm (kids arrive at 11:30am). The parade walks up Holliston Street to Lovering Street to Winthrop Street and finishes at Cassidy fields. The walk usually takes about 45 minutes. Please add to your next meeting agenda (February) and then let me know when the request has been approved. Once I receive approval, I will notify the police and fire chiefs.

If you have any questions, please don't hesitate to contact me.

Thanks,
Dan

Daniel McNamara
US Patient Services and Operations
Shire
300 Shire Way
Lexington MA 02421
USA
(p) +1 (781)-482-9421
(f) +1 (781)-482-2898
(c) +1 (914)-299-8656
damcnamara@shire.com
www.shire.com



Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

Allen M. Tingley
Chief of Police

February 5, 2014

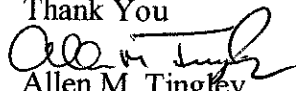
To: Suzanne Kennedy
Town Administrator

From: Allen M. Tingley
Chief of Police

Re: Annual Medway Youth Baseball Parade

I have reviewed the parade route, for the annual Medway Youth Baseball Parade, scheduled for April 27, 2014. I would approve of the issuing of the permit with the stipulation that two detail officers be hired by the organization, to assure the safety of the parade participants and the movement of traffic during the parade. The parade route does require the closing of Holliston Street, from the VFW to Lovering Street, Lovering Street from Holliston Street to Maple Street, Maple Street from Pond to Winthrop Street and Winthrop Street from Maple Street to the back entrance to the park. The road closures are for a very short period of time.

Thank You


Allen M. Tingley
Chief of Police

AGENDA

ITEM #5

Adoption – Criminal Offender Record Information (CORI) Policy

Associated back up materials attached:

- Proposed Town of Medway *CORI Policy*

Proposed Motion: I move that the Board of Selectmen adopt the *CORI Policy* as presented and authorize the Chair to execute same on its behalf.

TOWN OF MEDWAY

CORI POLICY

I. POLICY.

This policy is applicable to the criminal history screening of prospective and current employees, volunteers, interns and professional licensing applicants. CORI checks will be conducted only after a CORI Acknowledgement Form has been completed by the individual who is the subject of the CORI check.¹

II. SCOPE.

Criminal Offender Record Information (CORI) checks are part of a general background check for some employment and volunteer opportunities with the Town of Medway as well as certain licenses. The Town may also conduct CORI checks on existing employees and license holders. Such CORI checks shall be conducted in accordance with the following procedures.

III. PROCEDURES.

A. CONDUCTING CORI SCREENING

The Town's employment application shall not request conviction information. During the interview process, however, the applicant may be asked about any convictions as allowed by law. CORI checks will only be conducted after a determination has been made that the applicant is otherwise qualified for the position for which they have applied, unless otherwise permitted by law.

CORI checks will only be conducted as authorized by Department of Criminal Justice Information Services (DCJIS). Applicants and/or employees working in certain positions as well as certain license applicants and/or holders will be notified that a CORI check will be conducted. If requested, the applicant, employee and/or licensee will be provided with a copy of the CORI policy.

B. INQUIRING ABOUT CRIMINAL HISTORY

Prior to questioning an applicant, employee or licensee about his/her criminal record information, the Town will provide the applicant, employee or licensee with a copy of the criminal record in its possession. The Town will also advise the applicant, employee or licensee of the source(s) of the criminal record information.

C. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

¹ CORI Acknowledgement Forms are effective for one (1) calendar year. If a new CORI check is to be made on an individual within a year of his/her signing of the CORI Acknowledgement Form, the individual will be given seventy-two (72) hours' notice that a new CORI check will be conducted. If a new CORI check is to be made after the expiration of a previously signed CORI Acknowledgement Form, a new form will be executed.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulations.

D. VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from DCJIS (or other source), the Town will compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant, employee or licensee to ensure the record relates to the applicant, employee or licensee. The individual's identity shall be verified by examining a government-issued identification. Acceptable types of government identification include: (a) a state-issued driver's license; (b) a state-issued identification card with a photograph; (c) a passport; or (d) military identification.

E. DETERMINING SUITABILITY

If the Town reasonably believes the record belongs to the applicant, employee or licensee and is accurate, based on the information as provided in Section D, the determination of suitability for the position or license will be made. While the existence of a criminal record does create a higher level of scrutiny of an applicant, employee or licensee, due weight will be given to: (1) the age/date of the offense; (2) the age of the person when convicted; (3) the nature of the offense (4) the relevance of the offense to the position or license; (5) the type of offense; (6) the number of offenses; (7) whether there are charges pending; (8) any evidence of rehabilitation; and (9) any other factors the Town deems appropriate.

F. ADVERSE DECISIONS BASED ON CORI

If the Town is inclined to make an adverse decision based on the results of the CORI check, the applicant, employee or licensee will be notified by the Town in a timely manner. The applicant, employee or licensee will be: (1) provided with a copy of the criminal record in the Town's possession (if not previously provided), a copy of the Town's CORI policy and the source(s) of the criminal record; (2) advised of the part or parts of the record that make the individual unsuitable for the position or license; and (3) given an opportunity to dispute the accuracy and relevance of the CORI record before making a final decision. The Town, however, may rely upon the information obtained even if the applicant, employee or licensee contests its authenticity.

Applicants, employees or licensees challenging the accuracy of the CORI report shall be provided a copy of DCJIS's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, employee or licensee, the Town will make a determination based on a comparison of the CORI record and documents provided by the applicant, employee or licensee. The Town may contact DCJIS and request a detailed search consistent with DCJIS policy.

G. ACCESS TO AND MAINTAINING CORI INFORMATION

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know." The Town must maintain and keep a

current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time. All personnel authorized to review or access CORI will review and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by DCJIS.

The Town will maintain all CORI information for no longer than seven (7) years from either the last date of an individual's employment, the expiration of the applicable license, or the final decision on an application, whichever is longer. After this period, as required by law, the Town shall destroy the CORI information.

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be maintained to record any dissemination of CORI outside of the Town, including dissemination at the request of the subject.

IV. **ADMINISTRATIVE PROCEDURES.**

The Town Administrator may adopt administrative procedures to carry out this Policy.

Adopted by the Board of Selectmen on February , 2014.

BOARD OF SELECTMEN

By: _____
Glenn Trindade, Chair

AGENDA

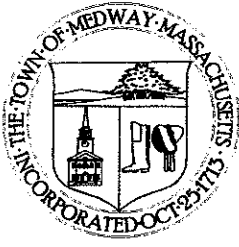
ITEM #6

Approval – Sustainable Water Management Initiative Grant - \$35,420 (Town Match - \$8,855)

Associated back up materials attached:

- Memorandum from DPS Director Tom Holder dated February 10, 2014
- Correspondence from Department of Environmental Protection Commissioner Kenneth Kimmell dated January 21, 2014
- Notice of Grant Award

Proposed Motion: I move that the Board of Selectmen approve the MADEP Sustainable Water Management Initiative Grant in the amount of \$35,420 for the purpose of evaluating and investigating water accountability.




TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES
MEDWAY, MASSACHUSETTS

*Entrusted To
Manage The
Public
Infrastructure*

THOMAS M. HOLDER
DIRECTOR

DAVID D'AMICO
DEPUTY DIRECTOR

MEMORANDUM

To: Board of Selectmen
From: Thomas Holder | DPS Director 
Date: February 10, 2014
RE: **Sustainable Water Management Initiative Grant**

The Town of Medway has been awarded a grant to evaluate and investigate water accountability as part of its water demand program.

The Medway Department of Public Services proposes a demand management project that will include a water audit and outreach to large industrial, commercial, and institutional water users. This project is expected to result in measurable water savings benefits to the Charles River Basin.

Medway's current withdrawals are approaching the baseline set in our Water Management Act Permit. As such, we are aware of the need to optimize existing withdrawals and confidently account for the water we produce. With limited funds in these economic times, it becomes difficult to fund important operational studies. We are pleased to see that this Grant Program recognizes the funding need to provide for a detailed audit which will make for a more efficient use of existing supplies, safeguard public health, increase knowledge of the distribution system and to identify potential losses. This work will build upon and enhance Medway's ongoing efforts to improve water conservation, accountability and resource allocation.

Thank you for your consideration and approval of attached Notice of Grant Award.

Ecopsy: Suzanne Kennedy
David D'Amico
William Donahue



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

January 21, 2014

Thomas Holder, Director
Town of Medway
Dept. of Public Services
155 Village St.
Medway, MA 02053

Dear Mr. Holder:

On behalf of Governor Deval L. Patrick and Secretary Richard K. Sullivan, I am pleased to inform you that Medway's proposal, *Water Audits*, was selected for funding under the Sustainable Water Initiative Grant Program (SWMI). The SWMI grant program will assist eligible public water suppliers and municipalities by providing grants for planning and implementation work related to regulation changes that are being developed, and are the result of a multi-year stakeholder development process.

This award is contingent upon available funding, the negotiation of an acceptable scope of services, budget, and project schedule between the Department and the Grantee. The Department of Environmental Protection staff will work with you to ensure these negotiations begin promptly.

Congratulations on securing funding for your project. We look forward to working with you. If you have any questions or concerns, please contact Jen D'Urso, at (617) 654-6591.

Very truly yours,

Kenneth L. Kimmell
Commissioner

Cc: Jen D'Urso, MassDEP

TOWN OF MEDWAY
NOTICE OF GRANT AWARD

DEPARTMENT: DPS DATE: 4-Feb-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Tom Holder *Tom Holder*

NAME OF GRANT: SWMI Water Audit-Accountability

GRANTOR: MADEP

GRANT AMOUNT: \$35,420.00

GRANT PERIOD: Expires June 30, 2014

SCOPE OF GRANT/
ITEMS FUNDED Perform demand management activities directly related to proper water accountability. Work to include audits of the Town's water system as well as the top ten water users in Town. This work will result in a better understanding and reporting of the relationship between drinking water produced and volumes that constitute authorized and unaccounted-for use.

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING TOWN
FUNDS REQUIRED? Yes \$8,855.00

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF TOWN FUNDS
TO BE USED:
Account 450 5383 Water Contract Services

ANY OTHER EXPOSURE TO TOWN?
NA

IS THERE A DEADLINE FOR BOARD OF SELECTMEN APPROVAL: 2/18/2014

APPROVAL SIGNATURES _____

DATE _____

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE SELECTMEN'S OFFICE FOR APPROVAL OF DEPARTMENT TO EXPEND
THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT

ONCE APPROVED - ORIGINAL TO TOWN ACCOUNTANT

AGENDA ITEM #7

Presentation – Water/Sewer Rates

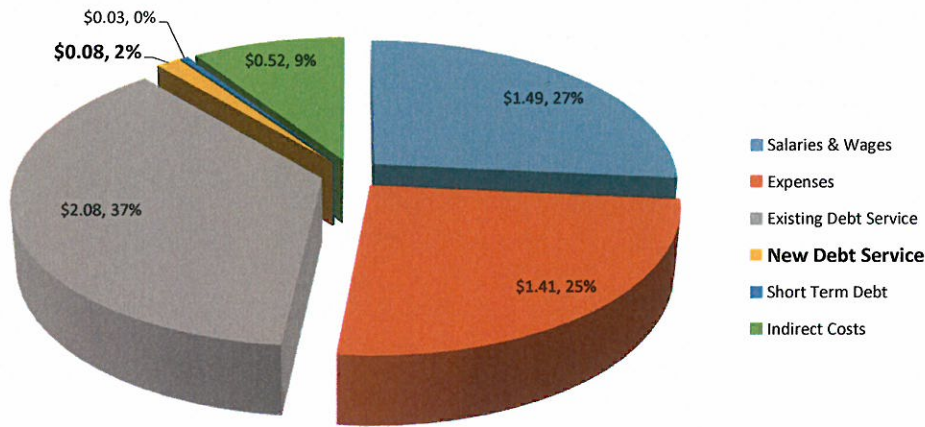
Associated back up materials attached:

- FY14 and FY15 Rate Analyses
- Water Rate Study – Water Three Year Summary
- Water Rate Study – Water Rate Increase

FY14 RATE ANALYSIS

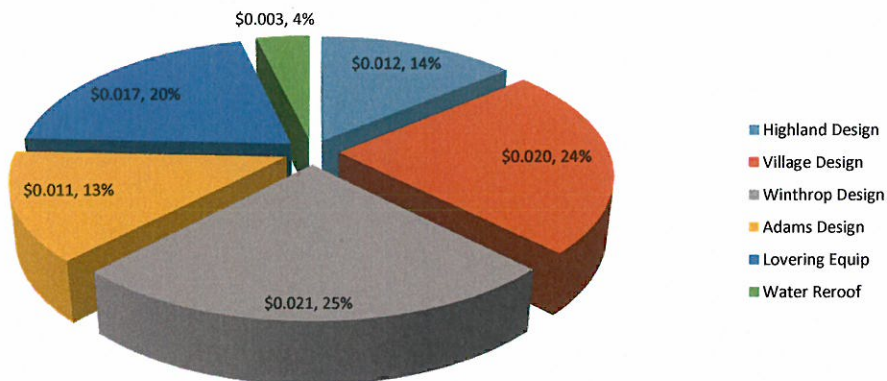
Expense:		
Salaries & Wages	\$1.49	26.50%
Expenses	\$1.41	25.11%
Existing Debt Service	\$2.08	37.16%
New Debt Service	\$0.08	1.49%
Short Term Debt	\$0.03	0.48%
Indirect Costs	\$0.52	9.26%
TOTAL New Debt	\$5.61	100.00%

FY14 WATER RATE (\$5.61) EXPENSES COST ANALYSIS



Expense:		
Highland Design	\$0.012	13.95%
Village Design	\$0.020	23.59%
Winthrop Design	\$0.021	24.62%
Adams Design	\$0.011	13.54%
Lovering Equip	\$0.017	20.51%
Water Reroof	\$0.003	3.79%
TOTAL New Debt	\$0.08	100.00%

FY14 WATER RATE (\$5.61) NEW DEBT COST ANALYSIS

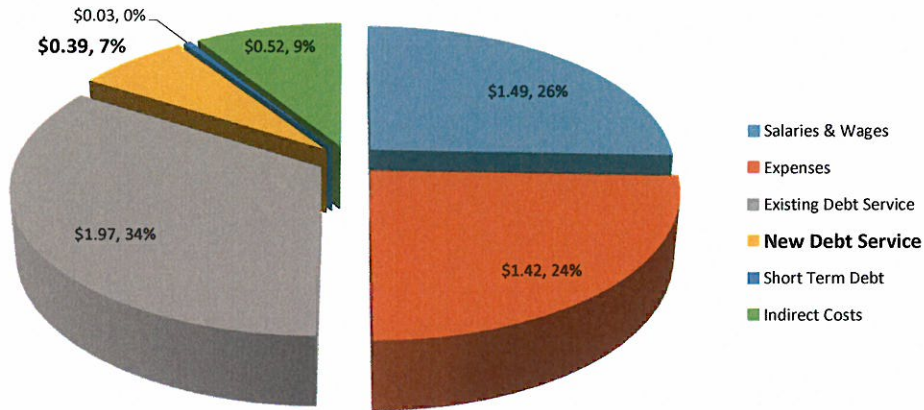


FY14 Water Rate Tier 1	\$5.61		
Expenses	Amount	Percentage	Value in Rate
Salaries & Wages	\$553,161.87	26.50%	\$1.49
Expenses	\$524,050.00	25.11%	\$1.41
Existing Debt Service	\$775,532.00	37.16%	\$2.08
New Debt Service	\$31,078.13	1.49%	\$0.08
Short Term Debt	\$10,000.00	0.48%	\$0.03
Indirect Costs	\$193,200.00	9.26%	\$0.52
Total Expenses	\$2,087,021.99	100.00%	\$5.61
FY14 New Debt Service	\$31,078.13	Based on first payments due in Spring of FY14	
Projects	Amount	Percentage	Value in Rate
Highland Street Water Main Design	\$68,000.00	13.95%	\$0.012
Village Street Water Main Design	\$115,000.00	23.59%	\$0.020
Winthrop Street Water Main Design	\$120,000.00	24.62%	\$0.021
Adams Street Water Main Design	\$66,000.00	13.54%	\$0.011
Lovering St Mixing Equipment Design	\$100,000.00	20.51%	\$0.017
Water Street Municipal Buildings Reroof Design	\$18,500.00	3.79%	\$0.003
Total Project Costs	\$487,500.00	100.00%	\$0.08

FY15 RATE ANALYSIS

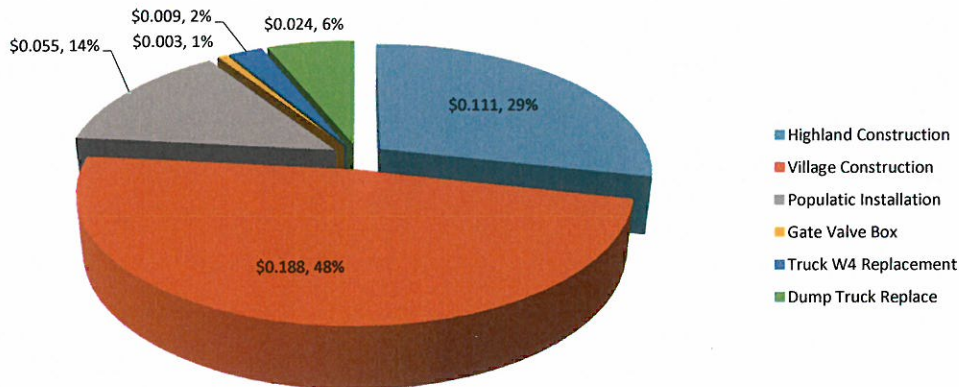
Expense:		
Salaries & Wages	\$1.49	25.58%
Expenses	\$1.42	24.43%
Existing Debt Service	\$1.97	33.87%
New Debt Service	\$0.39	6.70%
Short Term Debt	\$0.03	0.45%
Indirect Costs	\$0.52	8.96%
TOTAL New Debt	\$5.83	100.00%

FY15 WATER RATE (\$5.83) EXPENSES COST ANALYSIS



Expense:		
Highland Construction	\$0.111	28.49%
Village Construction	\$0.188	48.18%
Populatic Installation	\$0.055	13.96%
Gate Valve Box	\$0.003	0.72%
Truck W4 Replacement	\$0.009	2.42%
Dump Truck Replace	\$0.024	6.24%
TOTAL New Debt	\$0.39	100.00%

FY15 WATER RATE (\$5.83) NEW DEBT COST ANALYSIS



FY15 Water Rate Tier 1	\$5.83		
Expenses	Amount	Percentage	Value in Rate
Salaries & Wages	\$565,725.91	25.58%	\$1.49
Expenses	\$540,301.25	24.43%	\$1.42
Existing Debt Service	\$748,980.75	33.87%	\$1.97
New Debt Service	\$148,188.00	6.70%	\$0.39
Short Term Debt	\$10,000.00	0.45%	\$0.03
Indirect Costs	\$198,030.00	8.96%	\$0.52
Total Expenses	\$2,211,225.91	100.00%	\$5.83
FY15 New Debt Service	\$148,188.00	Based on continuing FY14 project payments and new FY15 borrowings.	
Projects	Amount	Percentage	Value in Rate
Highland Street Water Main Construction	\$612,000.00	28.49%	\$0.111
Village Street Water Main Construction	\$1,035,000.00	48.18%	\$0.188
Populatic Filtration Equipment Installation	\$300,000.00	13.96%	\$0.055
Gate Valve Vaccuum Box	\$15,411.00	0.72%	\$0.003
Truck W4 Replacement	\$52,000.00	2.42%	\$0.009
Dump Truck to replace W2 and/or P4	\$134,000.00	6.24%	\$0.024
Total Project Costs	\$2,148,411.00	100.00%	\$0.39

Description	Projected FY 2014	Projected FY 2015	Projected FY 2016	Totals	Comments
Water Revenues					
User Charges	\$2,054,205 (10,000)	\$ 1,851,929 (10,000)	\$ 1,926,006 (10,000)	\$ 5,832,141 (30,000)	Billing analysis at 90% collections; Desired Rate Increase each year (see Increase tab) Based on FY12, FY13 actuals
Abatements and Adjustments					
Liens to Taxes	153,530	153,530	153,530	460,589	FY12 actual; level funded in future years
Other Revenue (Fees, Interest, etc.)	97,614	97,614	97,614	292,841	FY12 actual (less Bond Premiums); level funded in future years
Lifeline Discount	(9,501)	(8,750)	(9,100)	(27,350)	Calculated by determining consumption for each lifeline account using billing analysis file
Total Revenues	\$ 2,285,848	\$ 2,084,323	\$ 2,158,050	\$ 6,528,221	
Available Funds					
Retained Earnings Appropriated	-	-	257,578	257,578	Rate relief in FY16
Total Revenues and Available Funds	\$ 2,285,848	\$ 2,084,323	\$ 2,415,628	\$ 6,785,799	
Water Expenditures					
Salaries & Wages	\$ 553,162	\$ 565,726	\$ 578,604	\$ 1,596,292	See Water Three Year Operations tab
Expenses	524,050	540,301	557,148	1,621,499	See Water Three Year Operations tab
Capital	-	-	-	-	See Water Equipment tab
Existing Debt Service	775,532	748,981	725,996	2,250,509	See Water 3 Yr Debt Service tab
New Debt Service	31,078	148,188	340,899	520,165	See Water New Debt Service tab
Short Term Debt	10,000	10,000	10,000	30,000	FY14 Budget and assumed level funded going forward
Indirect Costs	193,200	198,030	202,981	594,211	FY14 amount from budget; 2.5% annual increase
Total Expenditures	\$ 2,087,022	\$ 2,211,226	\$ 2,415,628	\$ 6,713,876	
Excess (Deficit) of Revenues and Available Funds > Expenditures	\$ 198,826	\$ (126,903)	\$ 0	\$ 71,923	
Cumulative Surplus	\$ 198,826	\$ 71,923	\$ 71,923		
Retained Earnings Projections					
Certified RE June 30, 2012	\$ 1,068,516				
Retained Earnings Appropriated FY13	\$ (48,193)				
Surplus/(Deficit) FY13	\$ (90,000)				
Projected Retained Earnings end of FY13	\$ 930,323				
Retained Earnings Start FY	\$ 930,323	\$ 1,129,149	\$ 1,002,246		
Retained Earnings Appropriated Current FY	\$ -	\$ -	\$ (257,578)		
Surplus/(Deficit) Current FY	\$ 198,826	\$ (126,903)	\$ 0		
Projected Available Certified RE at end of FY	\$ 1,129,149	\$ 1,002,246	\$ 744,668		
				30.83%	These balances will be impacted by the surplus or deficit in FY13.
Rate increase based on water user charges for latest 12-month period					
Numbers may be off due to rounding					

FY13 Rates

	Tier 1	Tier 2	Tier 3
Minimum	1	2,001	3,501
	cuft	3,500	+
RES	\$ 26.96	\$ 5.39	\$ 6.31
COM	\$ 28.67	\$ 5.73	\$ 7.13
IRR	\$ -	\$ 7.88	\$ 10.08

FY14 Rate Recommendation to Meet Revenue Targets

	Tier 1	Tier 2	Tier 3
Minimum	1	2,001	3,501
	cuft	3,500	+
RES	\$ 28.04	\$ 5.61	\$ 6.57
COM	\$ 29.81	\$ 5.96	\$ 7.42
IRR	\$ -	\$ 8.19	\$ 10.48

\$ Increase/(Decrease) from Previous FY

	Tier 1	Tier 2	Tier 3
RES	\$ 1.08	\$ 0.22	\$ 0.25
COM	\$ 1.15	\$ 0.23	\$ 0.29
IRR	\$ -	\$ 0.31	\$ 0.40

% Increase/Decrease from Previous FY

	Tier 1	Tier 2	Tier 3
RES	4.00%	4.00%	4.00%
COM	4.00%	4.00%	4.00%
IRR	4.00%	4.00%	4.00%

Revenue Projection at FY13 Rates
\$ 1,975,198

Revenue Projection at Recommended FY14 Rates
Diff \$ \$79,008
Diff % 4.00%

FY15 Rate Recommendation to Meet Revenue Targets

	Tier 1	Tier 2	Tier 3
Minimum	1	2,001	3,501
	cuft	3,500	+
RES	\$ 29.16	\$ 5.83	\$ 6.83
COM	\$ 31.00	\$ 6.20	\$ 7.71
IRR	\$ -	\$ 8.52	\$ 10.90

\$ Increase/(Decrease) from Previous FY

	Tier 1	Tier 2	Tier 3
RES	\$ 1.12	\$ 0.22	\$ 0.26
COM	\$ 1.19	\$ 0.24	\$ 0.30
IRR	\$ -	\$ 0.33	\$ 0.42

% Increase/Decrease from Previous FY

	Tier 1	Tier 2	Tier 3
RES	4.00%	4.00%	4.00%
COM	4.00%	4.00%	4.00%
IRR	4.00%	4.00%	4.00%

Revenue Projection at FY14 Rates
\$ 1,780,701

Revenue Projection at Recommended FY15 Rates
Diff \$ \$71,228
Diff % 4.00%

FY16 Rate Recommendation to Meet Revenue Targets

	Tier 1	Tier 2	Tier 3
Minimum	1	2,001	3,501
	cuft	3,500	+
RES	\$ 30.33	\$ 6.07	\$ 7.10
COM	\$ 32.24	\$ 6.45	\$ 8.02
IRR	\$ -	\$ 8.86	\$ 11.34

\$ Increase/(Decrease) from Previous FY

	Tier 1	Tier 2	Tier 3
RES	\$ 1.17	\$ 0.23	\$ 0.27
COM	\$ 1.24	\$ 0.25	\$ 0.31
IRR	\$ -	\$ 0.34	\$ 0.44

% Increase/Decrease from Previous FY

	Tier 1	Tier 2	Tier 3
RES	4.00%	4.00%	4.00%
COM	4.00%	4.00%	4.00%
IRR	4.00%	4.00%	4.00%

Revenue Projection at FY15 Rates
\$ 1,851,929

Revenue Projection at Recommended FY16 Rates
Diff \$ \$74,077
Diff % 4.00%

FY14 Rate User Impact	Amount per Bill		Difference	%
	FY13	FY14		
Usage in CF	\$ 26.96	\$ 28.04	\$ 1.08	4.00%
Min. RES User (500)	\$ 106.51	\$ 110.77	\$ 4.26	4.00%
Avg. RES User (1,975)	\$ 202.55	\$ 210.65	\$ 8.10	4.00%
Tier 2 RES User (3,500)	\$ 317.46	\$ 330.16	\$ 12.70	4.00%
Tier 3 RES User (5,000)	\$ 114.66	\$ 119.25	\$ 4.59	4.00%
Tier 1 COM User (2,000)	\$ 221.63	\$ 230.50	\$ 8.87	4.00%
Tier 2 COM User (3,500)	\$ 345.81	\$ 359.64	\$ 13.83	4.00%
Tier 3 COM User (5,000)	\$ 26.96	\$ 28.04	\$ 1.08	4.00%
Min. RES User (500)	\$ 110.77	\$ 115.20	\$ 4.43	4.00%
Avg. RES User (1,975)	\$ 210.65	\$ 219.07	\$ 8.43	4.00%
Tier 2 RES User (3,500)	\$ 330.16	\$ 343.36	\$ 13.21	4.00%
Tier 3 RES User (5,000)	\$ 119.25	\$ 124.02	\$ 4.77	4.00%
Tier 1 COM User (2,000)	\$ 230.50	\$ 239.72	\$ 9.22	4.00%
Tier 2 COM User (3,500)	\$ 359.64	\$ 374.02	\$ 14.39	4.00%
Tier 3 COM User (5,000)	\$ 26.96	\$ 30.33	\$ 3.37	4.00%
Min. RES User (500)	\$ 115.20	\$ 119.81	\$ 4.61	4.00%
Avg. RES User (1,975)	\$ 219.07	\$ 227.84	\$ 8.76	4.00%
Tier 2 RES User (3,500)	\$ 343.36	\$ 357.10	\$ 13.73	4.00%
Tier 3 RES User (5,000)	\$ 124.02	\$ 128.98	\$ 4.96	4.00%
Tier 1 COM User (2,000)	\$ 239.72	\$ 249.31	\$ 9.59	4.00%
Tier 2 COM User (3,500)	\$ 374.02	\$ 388.99	\$ 14.96	4.00%
Tier 3 COM User (5,000)	\$ 26.96	\$ 30.33	\$ 3.37	4.00%

AGENDA

ITEM #8

Authorization of Chairman to Execute Contract for Managed Print Services – Printer Pro Solutions, Inc.

Associated back up materials attached:

- Contract between Town of Medway and Print Pro Solutions, Inc.

Proposed Motion: I move that the Board of Selectmen authorize the Chair to execute the contract between the Town and Print Pro Solutions, Inc. as presented.

CONTRACT BETWEEN THE TOWN OF MEDWAY
and
Print Pro Solutions Inc
174 Davis St Douglas, Ma 01561

This Agreement is made on this 1st day of February, 2014, between the Town of Medway, acting by and through its duly elected Board of Selectmen (hereinafter, the "Town") and Print Pro Solutions Inc (hereinafter, "Contractor") whereby the Town and Contractor contract for *goods or services* under the terms and conditions set forth herein.

I. GOODS

Contractor shall provide [see Attachment A] pursuant to the Town's specifications. The Contract Documents consist of the following, and in the event of conflicts or discrepancies among them, they shall be interpreted on the basis of the following priorities:

- 1) This agreement between the Town and Contractor
- 2) Contractor's bid or proposal
- 3) Invitation for bids, bid specifications, request for proposals or purchase description
- 4) Copies of all required certificates of insurance required under the contract,

EACH OF WHICH IS ATTACHED HERETO. These documents form the entire Agreement between the parties and there are no other agreements between the parties. Any amendment or modification to this Agreement must be in writing and signed by an official with the authority to bind the Town.

II. COMPENSATION

The Town agrees to pay the Contractor per page as listed in the contractor bid proposal [attachment B] for the *goods or services* delivered pursuant to this contract. Upon delivery of the *goods or services* contained in paragraph one, the Contractor shall submit an invoice to the Town with any reasonable supporting documentation requested by the Town. Upon satisfactory review of said *goods or services*, invoice and documentation, the Town shall remit payment to the Contractor within forty-five days after receipt by the Town as stamped in by the appropriate Town office.

III. TIME FOR PERFORMANCE

All *goods or services* pursuant to this contract shall begin delivery by the Contractor no later than February 1st, 2014 .

IV. INDEMNIFICATION

The Contractor hereby indemnifies and agrees to hold harmless and defend the Town and its employees, officials and agents from and against all claims and liability, including all claims for bodily injury or property damage that may arise out of the Contractor's performance of its obligations under this contract. The Contractor hereby

releases the Town from any claim for liability by itself or a subcontractor, officer, agent or employee.

V. INSURANCE

(a) The Contractor shall, at its own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the Town in connection with any operations included in this Contract, and shall have the Town as an additional insured on the policies. General liability coverage shall be in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury liability and property damage liability.

(b) The Contractor shall, before commencing performance of this Contract, provide by insurance for the payment of compensation and the furnishing of other benefits in accordance with Mass. Gen. L. Ch. 152, as amended, to all employed under the Contract and shall continue such insurance in full force and effect during the term of the Contract.

(c) All insurance coverage shall be in force from the time of the contract to the date when all work under the Contract is completed and accepted by the Town. Certificates and any and all renewals substantiating that required insurance coverage is in effect shall be filed with the Town and shall list the Town as additional insured for each policy. Any cancellation of insurance required by this contract, whether by the insurers or the insured, shall not be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the Town at least fifteen days prior to the intended effective date thereof, which date should be expressed in said notice. The Contractor shall provide a copy of additional insured endorsements for all policies that require the Town to be listed as an additional insured.

V. TERMINATION

This contract may be terminated by the Town or Contractor upon thirty days advance written notice by certified mail.

VI. NOTICES

All notices required to be given under this Agreement shall be in writing and shall be effective upon receipt by hand delivery or certified mail to:

Town of Medway:
Town Administrator
Town of Medway
155 Village Street
Medway, MA 02053

Contractor:

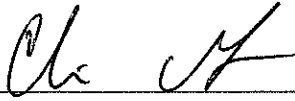
Name CHRISTOPHER LAZDELLA
Title PRESIDENT
Company PRINTEIZ PRO SOLUTIONS INC.
Address 174 DAVIS STREET
DOUGLAS, MA 01516

VII. GOVERNING LAW

This Agreement and performance thereunder are governed by the laws of the Commonwealth of Massachusetts and all other applicable by-laws and administrative rules, regulations and orders.

VIII. BINDING AGREEMENT AND ASSIGNMENT OF INTEREST

This Agreement shall be binding upon the Town and the Contractor and the partners, successors, heirs, executors, administrators, assigns and legal representatives of the Town and the Contractor. Neither the Town nor the Contractor shall assign, sublet or transfer any interest in this Agreement without the written consent of each other, and such consent shall not be unreasonably withheld.



For
By its duly authorized representative


Town of Medway by its
Board of Selectmen

Date: 1/30/14

Date: _____

Approved as to availability of funds:

Approved as to form:

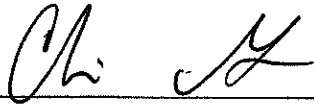


Town Accountant
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~~19140881 2935~~



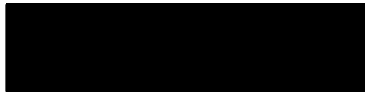
Town Counsel

Pursuant to General Laws Chapter 62C Section 49A, the undersigned certifies under the pains and penalties of perjury that [insert name of Contractor] is in compliance with the laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.



For
By their duly authorized representative

Social Security number or Tax Identification number:



General Contract for Goods-Services

Attachment A – RFP For Managed Print Services

Attachment B – PPSI Contract Proposal

(Attachment A)

**REQUEST FOR PROPOSALS
TOWN OF MEDWAY
MEDWAY PUBLIC SCHOOLS
Invitation for Bids
Managed Print Services**

PROCUREMENT OVERVIEW

The Town of Medway, Massachusetts Department of Information and Technology (IT) serves both its public schools and all other municipal departments. The Town of Medway and the Medway Public School System seek to improve printer device service response, improve device “up-time”, and lower operational costs and consumption through the implementation of Managed Print Services (MPS) contract for all non-copier related printing devices. This contract is being procured by the Medway DIS through this Invitation for Bids under Section 5 of Massachusetts General Laws, Chapter 30B.

SCOPE OF SERVICES

Qualified vendors should provide all aspects of print service management, including but not limited to the following minimum services as listed below:

- Supply All Parts, Labor, Supplies, and travel expenses; excluding paper.
- Unlimited On-site Response Service.
- Tech Support Line – Phone assistance for non-hardware related issues (print drivers, trouble-shooting, etc.).
- Per Page Pricing – The Town of Medway and Medway Public Schools is requesting Per Page Pricing with pricing locked in for 36 months with no minimum or maximum allotments. *We currently estimate our average monthly use at approximately 75,000 black and 12,000 color prints.*
- No Long-Term Commitment –90-Day written notification, the Town of Medway and Medway Public Schools can opt out of the program at any time.
- Separate Monthly Invoice Billing – The Town of Medway and Medway Public Schools will receive separate monthly invoices for all printer related expenses. Device, departmental, and location cost breakdown will be provided for budget cost allocation.
- Usage Reporting & Program Review – provider will collect and report printer usage every 4-months so the program is consistent with actual usage. Should usage significantly increase or decrease, the vendor will make recommendations to include more or less pages in the base monthly program (at the same rates agreed upon in the initial contract).

- Automated Monitoring of Networked Devices – The vendor will include an automated reporting system to proactively monitor usage, provide service and supply alerts as well as page count data.
- Toner/Parts Storage & Recycling – the vendor will provide only OEM supplies and parts for all devices, local storage to ensure toner and other major consumable items are available for all printers. The vendor will also remove used cartridges for recycling.
- The Vendor will assume responsibility for all equipment, services, and supplies upon contract execution date regardless of current state of equipment.
- The vendor will be responsible for processing service/supply requests, diagnosing/repairing printer devices, delivering and recycling supply items, etc.

DELIVERABLES

- 1 - The Town of Medway and Medway Public Schools (MPS) will supply a good faith estimate of current inventory and usage for all print devices. *See appendix A*
- 2 – Proposing firms will supply the Town of Medway and MPS with a good faith estimate of cost per page for supplies and service of all equipment in inventory as described in the above Scope of Services, included in the materials listed in Proposal Content below.
- 3 –Upon contract execution the Vendor will supply the Town of Medway and Medway Public Schools with:
 - a. Exact inventory and specifications of equipment covered under the proposal as of the date of contract implementation.
 - b. Identification tags clearly marking all devices covered under the proposal.
 - c. Recommendations on how to improve service levels and lower print operating costs (*this may require equipment substitutions or replacements*).
 - d. Recommendations on “Best Practices” for lowering print levels within a digital society.

PROPOSAL CONTENT

For a bid to be considered valid, Respondents shall submit the following at a minimum:

1. Respondent information: The respondent must provide
 - a. Name, address, telephone number and email address of firm or individual submitting the proposal
 - b. History of firm or individual provided in a summary of the length of experience (must have minimum of three years of municipal managed print services experience)
 - c. Name(s), position(s) and qualifications of the individual(s) who will perform the services for the Town of Medway, noting the lead person if applicable.

2. Proposal Details: A thorough description of the proposed method of provision of service, that is, what processes will be followed and what timeline will be implemented to complete the scope of services and provide the deliverables.
3. References: A minimum of three municipal and/or educational clients currently being serviced through your managed print services (*use Attachment 2 or facsimile*)
 - a. Name, address and telephone number of client (company, agency, municipality, etc.)
 - b. Type of service(s) provided and date(s) of service(s)
 - c. Contact person within client organization responsible for oversight of specified services
4. Self Certification: Completed enclosed "Non-Collusion, Tax Compliance, Authority and Good Faith Certificate" (*use Attachment 3 or facsimile*)
5. Fees: A cost per page for completing the "scope of services" and providing the "deliverables" noted in this request for proposals, (*use Attachment 1 or facsimile*).

SUBMITTAL

Proposals may be submitted in EITHER of the following manners:

1. ELECTRONICALLY – Via pdf format, return receipt email to: rboucher@medway.k12.ma.us , or
2. WRITTEN PROPOSALS – Via US Mail, addressed to:
Town of Medway
155 Village Street
Medway, Massachusetts, 02053.
(Attn: IT Department - MPS Bid)

**Proposals must be received on or before 10:00 a.m. EST on November 18, 2013.
Proposals received after that date/time shall not be accepted.**

QUESTIONS

Richard Boucher may be contacted concerning this proposal by email at rboucher@medway.k12.ma.us or telephone, (508) 321-4961.

SELECTION PROCESS / DELIVERABLE START DATE

It is the intent of the Town of Medway and Medway Public Schools to select a vendor and begin execution of services on or before December 1, 2013.

Respondents are advised to submit complete proposals thoroughly addressing all items within the Scope of Services and to provide any additional information pertinent to any factor of this request for proposals. The Town IT Director will review all proposals submitted and will rate the proposals based on the vendor ability to provide all services as listed in the Scope of Services. Vendors meeting all of these criteria will then be evaluated on price.

Proposal Execution & Qualifications: Proposal contains all required information, presented in a clear, unambiguous fashion. Proposal demonstrates the required experience, background training and credentials of the firm/individual and/or staff.

Cost and Analysis: Proposal contains all required price information which is presented in a clear, unambiguous fashion. Proposal clearly represents all service line agreements, expected monitoring tools, and designated service review cycles.

Based upon the rankings of the proposals, we will contact the references listed by the firms/individuals. The respondents with the more superior rankings and the more favorable references will be considered finalists.

The Town of Medway reserves the right to reject any or all proposals, as well as any part of any or all proposals, deemed not in the best interest of the Town and to waive any informality in the proposals.

End of IFB

Appendix A-

Current Printer Inventory

Model Type	Quantity	Location
Oki c610	13	School Department
Oki c6150	3	School Department
Hp 4200	18	School Department
HP 4240	6	School Department
Hp 3600	3	School Department
Hp 2600	1	School Department
Hp 4015	1	School Department
Hp 2200n	75	School Department
Hp 2035	3	School Department
Hp 400n	24	School Department
Hp 4650	6	School Department
Hp 500M551	1	School Department
Hp 4350	1	Town Department
HP 4250	2	Town Department
HP Cp5225	2	Town Department
HP 500M551	1	Town Department
Hp 4515x	2	Town Department
Hp 3600n	1	Town Department
Hp 4100n	3	Town Department
Dell 2335n	1	Town Department
BizHub20	2	Town Department

Attachment 1

BID FORM

(use this form or facsimile in responding to this IFB)

	Estimated Monthly Printing (pages)	Unit Bid Cost Per Print (three years fixed cost)	Extended Estimated Cost Per Year
Vendor Name:	Printer Pro Solutions Inc.	<i>Completed by vendor</i>	<i>Completed by vendor</i>
Contract Term	Dec 1, 2013 to Nov 30, 2016	(enter below)	(enter below)
Black Printing	75,000	Non OEM \$0.0125 OEM \$0.0359	Non OEM \$11,250 OEM \$32,310
Color Printing	12,000	Non OEM \$0.0378 OEM \$0.0575	Non OEM \$5,443.20 OEM \$8,280

* Cost per page on printers supplied by Printer Pro Solutions Inc. will be \$0.0246 for Non OEM Mono, \$0.0539 for Non OEM Color, or \$0.0410 for OEM Mono, and \$0.0698 for OEM Color.

SUBMITTAL

A copy of this Bid Form, along with other required information (Attachments 2 and 3) must be submitted in EITHER of the following manners:

1. **ELECTRONICALLY** – Via pdf format, return receipt email to: rboucher@medway.k12.ma.us , or
2. **WRITTEN PROPOSALS** – Via US Mail, addressed to:
Town of Medway
155 Village Street
Medway, Massachusetts, 02053.
(Attn: IT Department - MPS Bid)

**Proposals must be received on or before 10:00 a.m. EST on November 18, 2013.
Proposals received after that date/time shall not be accepted.**

Attachment 2

REFERENCES
TOWN OF MEDWAY – MEDWAY PUBLIC SCHOOLS
MANAGED PRINT SERVICES
(use this form or facsimile in responding to this IFB)

RESPONDENT: Brian Misiaszek

<u>Company or Municipality</u>	<u>Contact Name</u>	<u>Contact Number</u>	<u>Years of Service</u>
--------------------------------	---------------------	-----------------------	-------------------------

King Philip Regional School District – Sean Bouzan – 508-451-3450 – Since 11/2010

Town of Smithfield, RI – Randy Rossi – 401-233-1072 – Since 7/2011

Tiverton, RI School District – Al Notarianni – 401-625-5674 – Since 8/2011

Amica Insurance – Ed Murphy – 866-463-6543 X 29114- Since 12/2010

Jamestown, RI School Department – Samira Hakki – 401-423- 7020 – Since 1/2012

All customers listed above are on our Cost Per Page Program which includes: toner, service, travel, parts, labor, including spare printers if there is a need. We use PrintAudit Software that alerts us when toner levels get to 25% life remaining, and a new toner is automatically set to the person specified, including service alerts. All above customers are using toner that is manufactured per OEM Specifications.

Attachment 3

CERTIFICATION

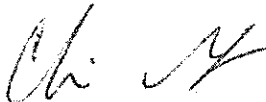
GOOD FAITH, NON-COLLUSION, TAX COMPLIANCE, &
AUTHORITY

(use this form or facsimile in responding to this IFB)

The undersigned certifies under the pains and penalties of perjury that the proposal is in all respects bona fide, fair, and made without collusion or fraud with any other persons. As used in this paragraph, the word "person" shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

Pursuant to M.G.L. Chapter 62C, Section 49A(b), the undersigned certifies under the pains and penalties of perjury that the contractor named below has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.


The undersigned certifies under the pains and penalties of perjury that he/she is the authorized on behalf of the contractor named below to submit bids and proposals and execute contracts in the name on behalf of said contractor. If the bidder is a corporation, a clerk's certificate of the vote of a Director's meeting will be provided.



Signature, duly authorized

Christopher Gardella - President
Printed Name of Signer

Printer Pro Solutions, Inc.
Company Name


Federal Tax Identification Number

11/13/13
Date

Start Date: February 1, 2014

Agreement for:

Town of Medway
155 Village Street
Medway, MA 02053.

And

Printer Pro Solutions Inc.
174 Davis Street
Douglas, MA 01516

Term: 36 month

Price Guarantee: 36 months

Town of Medway owned equipment:

Under this agreement Printer Pro Solutions Inc. will provide the Town of Medway all consumables (excluding paper and staples), and onsite service including parts for all of the Town of Medway owned monochrome, and color laser printers listed under this program.

Initials PPSI CB Initials Customer AS

Covered models are listed below. Printers may be added or removed at any time during the period specified, and prices will not change. Your only cost is for the pages printed, and we take care of everything having to do with the performance of the printers.

Model Type	Quantity	Location
Hp 4350	1	Town Department
HP 4250	2	Town Department
HP Cp5225	2	Town Department
HP 500M551	1	Town Department
Hp 4515x	2	Town Department
Hp 3600n	1	Town Department
Hp 4100n	3	Town Department
Dell 2335n	1	Town Department
BizHub20	2	Town Department

Initials PPSI CB. Initials Customer AS

Cost per page for Town of Medway Printers:

Mono, \$0.0125

Color, \$0.0378

Mono, 11X17 \$0.0375 (If Applicable)

Color 11X17 \$0.1077 (If Applicable)

Fax, \$0.01 (If Applicable)

Scan, \$0.01 (If Applicable)

Printer Pro Solutions Inc. owned equipment

Under this agreement, Printer Pro Solutions Inc. will provide all consumables(excluding paper and staples), and onsite service with all parts included for all Printer Pro Solutions Inc. owned monochrome, and color laser printers listed under this program. Any printer supplied, delivered, and installed by Printer Pro Solutions Inc. to the Town of Medway, will be at a cost of \$99. If the Town of Medway decide to perform the installation, then only the shipping cost of the printer shall be imposed.

Printers have no minimum usage required, and with the Town of Medway consultation and approval, Printer Pro Solutions Inc., may adjust models periodically, to insure proper usage of all equipment. All changes to existing standards will be like or better in quality and performance.

Initials PPSI CB Initials Customer LB

Cost per page for Printer Pro Solutions Inc. owned Printers:

Mono, \$0.0246

Color, \$0.0539

Mono, 11X17 \$0.0635 (If Applicable)

Color 11X17 \$0.1538 (If Applicable)

Fax, \$0.01 (If Applicable)

Scan, \$0.01 (If Applicable)

Exclusions:

Printer Pro Solutions Inc. will not be responsible for any machines which are damaged by power surges, electrical storms, transportation, damage, misuse, neglect or acts of God. Printer Pro Solutions Inc. will not be responsible for any machines which are damaged by someone, whom is not an authorized Printer Pro Solutions Inc. representative.

Initials PPSI CB, Initials Customer AB

Customer Responsibilities:

- PPSI will provide, free of charge, PrintAudit software to monitor all per page counts for devices. PPSI recommends the advanced version of this software PrintAudit6 Pro which provides additional monitoring, analysis, and advanced printing options. The cost of this upgraded software will be \$0.085 per end user device per month and to be paid by the Town of Medway.
- Payment terms are net 30 days.
- Additional freight charges of any kind incurred for the Town of Medway requesting expedited freight for equipment and/or supplies will be the responsibility of the Town of Medway.
- The Town of Medway will be responsible for any applicable taxes.

This program includes/requires the following features:

- Onsite Service including all parts and labor.
- Printer help desk.
- All consumables (excluding paper and staples).
- Service-Level Agreement (SLA) - 4 hour response time, with a 48 hour repair or work around in place (hot spare) with a 5 day resolution.
- If a manufacture no longer supports the product and is deemed obsolete, Printer Pro Solutions Inc. will provide best effort in repairing the problem.

Initials PPSI CB, Initials Customer [Signature]

Termination of Agreement

The Town of Medway & the Medway Public Schools has the right to cancel this agreement with a 30 day written notice to Printer Pro Solutions Inc., and Printer Pro Solutions Inc. has the right to cancel this agreement with a 30 day written notice to the Town of Medway & the Medway Public Schools.

This is a 36 month agreement, and should the Town of Medway & the Medway Public Schools cancel this agreement, it will be the responsibility of the Town of Medway & the Medway Public Schools to pay return freight on all Printer Pro Solutions Inc. equipment and unused Printer Pro Solutions Inc. supplies.

Authorized Agent
Printer Pro Solutions Inc.

1/24/14

Date

Authorized Agent
Town of Medway & the Medway Public Schools

Date

AGENDA ITEM #9

Approval – Spending in Excess of Budget Allocation- Snow and Ice Removal

Associated back up materials attached.

- Memorandum from Town Administrator dated February 13, 2014
- Massachusetts General Law Chapter 44, Section 31D

Proposed motion: I move that the Board authorize incurring liability and making expenditures in excess of the available fiscal year 2013 appropriation for snow and ice removal as provided for in MGL Chapter 44, Section 31D.



Town of Medway

OFFICE OF THE TOWN ADMINISTRATOR

155 Village Street, Medway MA 02053

Tel: (508) 533-3264
Fax: (508) 321-4988

Memorandum

Date: February 13, 2014
To: Glenn Trindade, Board of Selectmen
From: Suzanne Kennedy
Re: Emergency Expenditure Authorization - Snow & Ice Removal
Cc: Carl Pratt, Town Accountant

Medway's snow removal expenditures have exceeded the budget allocation this winter season. While it is acceptable to incur liability in this account, Massachusetts General Law Chapter 44, Section 31D requires that both the Board of Selectmen and the Finance Committee approve spending in excess of the allocation.

At your meeting to be held on February 18, 2014, I would like to request that the Board of Selectmen authorize incurring liability and making expenditures in excess of the available fiscal year 2014 appropriation for snow and ice removal as prescribed in the aforementioned MGL.

Attachment - MGL Chapter 44, Section 31D

PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 44 MUNICIPAL FINANCE

Section 31D Snow and ice removal; emergency expenditures; reporting requirements

Section 31D. Any city or town may incur liability and make expenditures in any fiscal year in excess of available appropriations for snow and ice removal, provided that such expenditures are approved by the town manager and the finance or advisory committee in a town having a town manager, by the selectmen and the finance or advisory committee in any other town, by the city manager and the city council in a city having a city manager or by the mayor and city council in any other city; provided, however, that the appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

Every city or town shall annually, not later than September fifteenth, report to the division of local services of the department of revenue the total amounts appropriated and expended, including any funding or reimbursements received from the commonwealth, for snow and ice removal in the fiscal year ending on the preceding June thirtieth.

AGENDA ITEM #10

Consideration of Appointments to Redevelopment Authority

No associated back up materials.

AGENDA

ITEM #11

Review and Approval - Annual and Special Town Meeting Warrants

Associated back up materials attached:

- Proposed 2014 Special Town Meeting Warrant
- Proposed 2014 Annual Town Meeting Warrant

**TOWN OF MEDWAY
WARRANT FOR MAY 12, 2014
SPECIAL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, May 12, 2014** at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Appropriation: Snow and Ice Deficit)
To see if the Town will vote to appropriate the sum of \$X from Fiscal Year 2013 Certified Free Cash for the purpose of funding the Snow & Ice Fiscal Year 2014 appropriation deficit; or act in any manner relating thereto.

DEPARTMENT OF PUBLIC SERVICES

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 2: (Appropriation: OPEB Trust Account)
To see if the Town will transfer the sum of the unexpended balance of the Fiscal Year 2014 Health Insurance expense account to the Other Post-Employment Benefits (OPEB) trust account in the amount of \$X, or act in any manner relating thereto.

FINANCE DIRECTOR/TREASURER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3:
To see if the Town will transfer the sum of the unexpended balance of the Fiscal Year 2014 Planning Board Consulting Services account to a special Street Acceptance account in the amount of \$X, or act in any manner relating thereto.

PLANNING ADMINISTRATOR

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Budget Transfer to Thayer Homestead Revolving Account)

To see if the Town will vote to authorize a revolving account for Thayer Homestead funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws, and to transfer the sum of \$20,000 from the Fiscal Year 2014 Thayer budget surplus to said revolving account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Budget Transfer: Legal Services)

To see if the Town will vote to transfer the amount of \$X from the Fiscal Year 2014 Legal Expense Account to fund legal services associated with appellate tax court cases, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Budget Transfer: Redevelopment Authority)

To see if the Town will vote to transfer the amount of \$X from the Fiscal Year 2014 Legal Expense Account to fund expenses associated with the Redevelopment Authority established by vote of the May 13, 2013 Annual Town Meeting, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Prior Year Bills)

To see if the Town will vote to transfer from the Town Administrator's In-State Travel Account the sum of \$210 for the purpose of paying unpaid bills of prior years of the Town, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least FOURTEEN (14) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 1st day of April 2014.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

Glenn Trindade, Chairman

Dennis Crowley, Vice Chairman

Richard D'Innocenzo, Clerk

John Foresto, Member

Maryjane White, Member

ATTEST: _____
Paul Trufant, Constable

Article #	Description	Page#
1	ESCO Stabilization Reserve Transfer: FY15 Operating Budget	
2	Appropriation: FY15 Operating Budget	
3	Appropriation: FY15 Water Enterprise Fund	
4	Sewer Stabilization Transfer to Sewer Enterprise Fund	
5	Appropriation: FY15 Sewer Enterprise Fund	
6	Appropriation: FY15 Solid Waste Enterprise Fund	
7	Appropriation: FY15 Ambulance Enterprise Fund	
8	Free Cash Appropriation: Capital Items	
9	Free Cash Appropriation: Capital Improvement Stabilization Fund	
10	Capital Project: Construct Athletic Fields – CPC Funds	
11	Capital Project: Construct Athletic Fields/Turf – General Funds	
12	Purchase Police Dept. Fingerprinting & Photo Booking Systems	
13	Borrowing: Capital Projects - Water Enterprise	
14	Capital Item: Sewer Enterprise Retained Earnings	
15	Repurpose Unissued Balance Art. 19 of Dec. 2, 1996 Town Mtg.	
16	Appropriation for MS Parking Lot: Unexpended Balances of Monetary Articles	
17	Appropriation for Town Hall Renovation: Unexpended Balances	
18	Appropriation for Fire Apparatus: Unexpended Balances	
19	Appropriation for Choate Park Improvements: Unexpended Balances	
20	Appropriation: Council on Aging - GATRA Revolving Account	
21	Revolving Accounts: Annual Authorization	
22	Appropriation: Community Preservation Committee	
23	Rescind Unissued Balance Art. 14 of 2009 Annual Town Mtg.	
24	Rescind Unissued Balance Art. 11 of 2007 Fall Town Mtg.	
25	Eminent Domain: Rt 109 Reconstruction Project	
26	Amend Wetlands Bylaw (Fees)	
27	Amend Dog Bylaw (License Duration)	
28	Amend Zoning Bylaw: Commercial District I	
29	Amend Zoning Bylaw: Permits in Section III	
30	Amend Zoning Bylaw: Registered Marijuana Dispensary	
31	Amend Zoning Bylaw: Bylaw Enforcement	
32	Amend Zoning Bylaw: Definitions	
33	Amend Zoning Bylaw: Purpose	
34	Amend Zoning Bylaw: Signs	
35	Amend Zoning Bylaw: Site Plan Review	

TOWN OF MEDWAY
WARRANT FOR MAY 12, 2014
ANNUAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, May 12, 2014 at 7:30 PM**, then and there to act on the following articles:

ARTICLE 1: (ESCO Stabilization Reserve Transfer: FY15 Operating Budget)
To see if the Town will vote to transfer the sum of \$X from the ESCO Stabilization Fund to the Fiscal Year 2014 Debt Service expense account for the purpose of funding ESCO related debt service, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Appropriation: FY15 Operating Budget)
To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2015, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Appropriation: FY15 Water Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$X for the maintenance of the Water Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$
Expenses	\$
Short Term Debt – Interest	\$
Long Term Debt – Principal	\$
Long Term Debt – Interest	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
-----------------------------	-----------

Total	\$
--------------	-----------

And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$
	\$

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Sewer Stabilization Transfer to Sewer Enterprise Fund)
 To see if the Town will vote to transfer the sum of \$X from the Sewer Betterment Stabilization Fund to the Fiscal Year 2015 Sewer Enterprise Fund for the purpose of funding debt service related to sewer operations, or to act in any manner relating thereto.

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Appropriation: FY15 Sewer Enterprise Fund)
 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$X for the maintenance of the Sewer Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
--	--------

Salaries	\$
Expenses	\$
Short Term Debt - Interest	\$
Long Term Debt -- Principal	\$
Long Term Debt -- Interest	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
-----------------------------	-----------

Total	\$
--------------	-----------

And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$
Total	\$

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Appropriation: FY15 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$X to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or to act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$
Expenses	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
-----------------------------	-----------

Total	\$
--------------	----

And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$
Total	\$

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Appropriation: FY15 Ambulance Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$X to operate the Ambulance Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$
Expenses	\$
Long Term Debt – Interest	\$
Long Term Debt – Principal	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
-----------------------------	----

Total	\$
--------------	----

And further that the above listed appropriations be funded as follows:

General Fund Appropriation	\$
Ambulance Retained Earnings	\$
Insurance and Fees for Service	\$
Total	\$

FIRE DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 8: (Free Cash Appropriation: Capital Items)

To see if the Town will vote to appropriate the sum of \$1,171,000 for Fiscal Year 2015 from Certified Free Cash for the purpose of funding the following capital items, including associated engineering, personnel, maintenance and legal service costs; said appropriations to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or act in any manner relating thereto:

Project	Department	Cost
VARIOUS ROAD/SIDEWALK IMPROVEMENTS	DPS	\$ 750,000
JAWS OF LIFE	FIRE	50,000
UPGRADE POLICE SERVER SOFTWARE	POLICE	13,500
TECHNOLOGY EQUIPMENT	IS	110,000
REFURBISH BRUSH 2	FIRE	18,000
LIBRARY DEHUMIDIFIER	LIBRARY	12,400
REDESIGN McGOVERN LOBBY	SCHOOLS	10,000
REPLACE TOWN SEDANS	TOWN	34,000
REPAVE COURTYARD & TRAFFIC LOOP AT MEMORIAL	SCHOOLS	12,000
REPLACE FIRE ALARM PANEL	LIBRARY	6,100
SUPERVISOR PICK-UP	DPS	38,000
TOWN WIDE ENERGY IMPROVEMENTS	TOWN	50,000
REPLACE LAWN TRACTOR	PARKS	15,000
REPAIR SHAW STREET BRIDGE	DPS	40,000
REFURBISH CHOATE TENNIS COURT	PARKS	12,000
Free Cash Total		<u>\$1,171,000</u>

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 9: (Free Cash Appropriation: Capital Improvement Stabilization Fund)

To see if the Town will vote to appropriate the sum of \$X from Fiscal Year 2013 Certified Free Cash to the Capital Improvement Stabilization Fund or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 10: (Capital Project: Construct Athletic Fields – CPC Funds)

To see if the Town will vote to appropriate from Community Preservation Funds the sum of \$X for the purpose of funding the construction of athletic fields at Medway High School and on town land adjacent to Medway High School, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 11: (Capital Project: Construct Athletic Fields/Turf – General Funds)

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money for the purpose of funding the purchase of synthetic turf for athletic fields at Medway High School and on town land adjacent to Medway High School, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 12: (Purchase Police Dept. Fingerprint and Photo Booking Systems)

To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$21,515 for the purpose of purchasing a crossmatch electronic fingerprint/palm print capture unit, a photo booking system and the respective associated software; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund or act in any manner relating thereto.

POLICE DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 13: (Borrowing: Capital Projects - Water Enterprise)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$X for Fiscal Year 2015 from for the purpose of funding the following item, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

PURCHASE GATE VALVE VACUUM BOX	WATER	15,411
--------------------------------	-------	--------

\$X

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 14: (Capital Item: Sewer Enterprise Retained Earnings)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$200,000 for Fiscal Year 2015 from the Sewer Enterprise Fund for the purpose of funding the following items, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

SEWER COLLECTION SYSTEM IMPROVEMENTS	SEWER	\$200,000
--------------------------------------	-------	-----------

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: (Repurpose Unissued Balance Art. 19 of Dec. 2, 1996 Town Mtg.)

To see if the Town will vote to repurpose \$40,000 of unissued balance of the \$50,000 authorized by vote of the Town under Article 19 of the December 2, 1996 Town Meeting to pay costs for a Sewer Master Plan, which amount is no longer needed to pay costs of completing the project for which it was approved, to fund sewer collection improvements or to take any other action relative thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 16: (Appropriation for Parking Lots: Unexpended Balances of Monetary Articles)
(placeholder article for repurposing of MS reno funds – build parking lots at MS)

SCHOOL BUILDING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 17: (Appropriation for Town Hall Renovation: Unexpended Balance of Monetary Article)

To see if the Town will vote to appropriate \$12,174, the unexpended balance of an appropriation authorized by vote of the Town under Article #8 of the February 24, 2009 Special Town Meeting, for the purpose of funding the renovation of a portion of the first floor of Town Hall; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 18: (Appropriation for Fire Apparatus: Unexpended Balance of Monetary Article)
To see if the Town will vote to appropriate \$31,974.04, the unexpended balance of an appropriation authorized by vote of the Town under Article #8 of the May 13, 2013 Special Town Meeting, for the purpose of funding a self-contained breathing apparatus compressor; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 19: (Appropriation for Choate Park Improvements: Unexpended Balances of Monetary Articles)
To see if the Town will vote to appropriate \$X, the unexpended balances of appropriations authorized by vote of the Town under Article 18 (Choate Park Dam) of the Warrant at the 1999 Annual Town Meeting and Article 23 (Choate Dam Restoration) of the 2004 Annual Town Meeting, for the purpose of funding Choate Park Improvements; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 20: (Appropriation: GATRA Revolving Fund)
To see if the Town will vote to raise and appropriate a sum of money to support the Council on Aging GATRA revolving account, or to take any other action relative thereto.

COUNCIL ON AGING

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 21: (Revolving Accounts: Annual Authorization)

To see if the Town will vote to authorize the following revolving funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2015 as follows:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND	SPENDING LIMIT
Parks and Recreation	Permit Fees	Board of Parks Commissioners	Self supporting recreation and parks services	\$100,000
Council on Aging	Donations/fees paid by riders and GATRA reimbursement	Council on Aging	Pay for dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$96,000
Library Printer/Copier/Fax	Public printer use and copier and fax machine revenues	Board of Library Trustees	Printer, copier and fax machine expenses.	\$1,000
Library Meeting Room	Meeting room use fees	Board of Library Trustees	Meeting room maintenance, repairs and upgrades	\$1,000
Thayer Homestead	Facility use fees		Partial self-support of property	\$50,000
Regional Coalition Tobacco Control Program	Town's retail tobacco permit fee	Regional coalition	Support regional coalition tobacco control program	

BOARD OF SELECTMEN
(For the Various Departments Indicated)

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 22: (Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2015 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the transfer to the general fund for the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2015, or act in any manner relating thereto.

Appropriation

	Amount
Salaries	\$
Expenses	
Historical Commission	
Community Housing	
Long Term Debt – Interest	
Long Term Debt – Principal	
Direct Costs Total	\$

Reserves

	<u>10% of Estimated Fund Revenues</u>
Open Space	\$
Community Housing	\$
Historical Preservation	\$

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 23: (Rescind unissued balance Art. 14 of 2009 Annual Town Mtg.)

To see if the Town will vote to rescind \$60,000 unissued balance of the \$1,300,000 authorized by vote of the Town under Article 14 of the June 15, 2009 Town Meeting to pay costs for water meter installation or New Water Meters project, which amount is no longer needed to pay costs of completing the project for which it was approved, or to take any other action relative thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 24: (Rescind Unissued Balance Art. 11 of 2007 Fall Town Mtg.)

To see if the Town will vote to rescind \$1,550,000 unissued balance of the \$3,844,884 authorized by vote of the Town under Article 10 of the November 19, 2007 and under Article 11 of the November 10, 2008 Town Meetings to pay costs for new well installation projects, which amount is no longer needed to pay costs of completing the project for which it was approved, or to take any other action relative thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 25: (Eminent Domain: Rt 109 Reconstruction Project)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or take by eminent domain pursuant to General Laws, Chapter 40, §14, and Chapter 79, and any other lawful authority, the fee or other interest in real property necessary for the RT 109 Reconstruction Project located in the area bounded by and adjacent to Main Street from Holliston Street to Highland Street; on such terms and conditions as the Board of Selectmen shall determine to be appropriate, and further to authorize the Board of Selectmen and town officers to take all actions to carry out the purposes of this article; and further to raise and appropriate, borrow or transfer from available funds a sum of money for said purpose and related expenses; or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 26: (Amend Wetlands Bylaw: Fees)

To see if the Town will vote to amend the general bylaws Article the Town of Medway General Wetlands Protection Bylaw Section 21.5 be deleted in its entirety and replaced with the following language to allow for a change in application fees to be adopted under the Rules and Regulations of the Town of Medway Conservation Commission promulgated under the authority of Article XXI.

Section 21.5 Fees

(a) Application Fees

The Commission shall establish fees for applications and requests that an applicant shall pay a filing fee to the Town of Medway as specified in the rules and regulations of the Conservation Commission in accordance with Section 21.10 of this Bylaw. This fee is in addition to that required by the MA Wetlands Protection Act, M.G.L. Chapter 131, Section 40. The Commission may waive or reduce the filing fee and costs and expenses for an application or request filed by a government agency or otherwise as the Commission may determine by its regulations.

Or take any other action relative thereto.

CONSERVATION COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 27: (Amend Dog Bylaw)

To see if the Town will vote to amend Section 12.16 (4) of the General By-laws to read as follows (new wording is underlined and wording that is being deleted is stricken through):

Section 12.16

(4) The license period for dog licenses shall begin January 1 of each year until December 31 of the following same year.

Or take any action relative thereto.

ANIMAL CONTROL OFFICER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 28: (Amend Zoning Bylaw: Commercial District I)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting Sub-Section G. Commercial District I in SECTION V. USE REGULATIONS and replacing it as follows:

G. COMMERCIAL DISTRICT I

1. Purpose: The C1 district represents the primary retail and office center of Medway. The purpose of this Sub-Section is to promote the development and redevelopment of the district in a manner that is sustainable, economically viable and functional and in a manner that represents the qualities of a traditional New England town center by encouraging mixed uses, a pedestrian-friendly environment and the design traditions of the community. It is intended to reflect the goals and objectives of the Medway Master Plan and to provide greater integration of land uses.

1. 2. Buildings, structures and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:

- a) Municipal use.
- b) Retail Sales
- c) Offices for business or professional use.
- d) Salesroom for motor vehicles, trailers, boats, farm implements or machinery with repair services and storage permitted but not including auto body, welding or soldering shops.
- e) Undertaking establishment or funeral home.
- f) Restaurant or other establishment providing food and beverage within a building. **Seasonal outdoor dining may be permitted by the Building Inspector upon a determination that the location of the seating does not represent a safety hazard.**
- g) Bank or other financial institution.

h) Personal care services such as but not limited to barber shops, beauty parlors, and nail salons.

i) Services such as but not limited to health care, amusement, membership organizations and other miscellaneous business and social/human services.

j) Repair shops for small electronic equipment, appliances and tools.

k) Schools

l) Any of the following uses if authorized by special permit. ~~from the Zoning Board of Appeals:~~

1) Restaurant or other establishment providing food and beverages and live entertainment within a building.

- 2) Motel or hotel
- 3) Commercial indoor amusement or recreation place or place of assembly
- 4) Vehicle Fuel Station
- 5) Automotive car wash
- 6) Shopping center
- 7) Drive-thru facility
- 8) Kennel
- 9) Vehicle Repair

k) ~~Any of the following uses if authorized by a special permit from the Planning and Economic Development Board:~~

~~110) Assisted living residence facility as defined by M.G.L, chapter 19D.~~

~~211) Local Convenience Retail with Associated Vehicle Fuel Station~~

12) Mixed uses including a combination of any of the by right and special permit uses and/or multi-family dwelling units

3. Coordination of special permit and site plan - In order to facilitate a streamlined permitting process, when the scope of the development project necessitates major or minor site plan review pursuant to SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval of the Medway Zoning Bylaw, the special permit granting authority shall be the Planning and Economic Development Board so that the special permit and site plan reviews can be consolidated and conducted concurrently. Otherwise, the special permit granting authority shall be the Zoning Board of Appeals.

~~2-4. By-right uses Permitted and allowable uses shall comply with the following dimensional regulations:~~

- a) Minimum lot size: 20,000 sq. ft.
- b) Maximum lot coverage, including accessory buildings: 30%
- c) Minimum continuous frontage: 100 ft.
- d) Minimum front-yard setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles but shall be suitably landscaped, and the next 20 ft.

shall be utilized for through traffic to adjoining lots unless an alternative location is approved by the Planning and Economic Development Board during the site plan review process.

e) Minimum side-yard and rear-yard setback: 25 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.

f) Maximum building height: 40 ft. ~~A height greater than 40 ft. up to a maximum of 60' may be allowed by special permit from the Planning and Economic Development Board~~

5. Special Permit Regulations – The following provisions shall apply to Special Permit Uses and are also available to applicants for “By Right” uses who wish to seek a Special Permit to achieve flexible site design.

a) Dimensional Requirements

1) Minimum lot size: 10,000 sq. ft.

2) Maximum lot coverage, including accessory buildings: 40% or 50%

3) Minimum continuous frontage: 50 ft.

4) Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.

5) Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 ft. of which the first 10 ft. nearest each lot line shall not be used for the parking or storage of vehicles but shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the C1 district.

6) Maximum building height: 60 ft. The front façade of one-story buildings shall be at least 20 feet in height, which may be achieved with a parapet or false façade, in order to screen mechanical equipment located on roofs.

b) Residential Uses

1) Except for assisted living residence facilities, dwelling units shall only be allowed on the upper floor(s) of a single building project or shall not constitute more than 67% of the gross floor area of the buildings of a multi-building project

2) Dwelling units shall be allowed on the ground floor of buildings only where:

a. the building is set behind another building which has commercial uses on the ground floor; or

b. the residential portion of the ground floor building is set behind the business uses within the same building

3) No more than 10% of the total number of a development's residential dwelling units shall have 3 or more bedrooms.

c) A minimum of 15% of the site shall function as landscaped and/or public space. The landscaped and/or public space shall be architecturally integral to the site and/or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

d) Review Criteria - The special permit granting authority may grant a special permit for the specified special permit uses or for flexible site design of by-right uses after considering all of the following factors:

1) Whether the proposed site design is more sustainable, economically viable and functional and whether the site design represents the qualities of a traditional New England town center than a design that conforms to the by-right dimensional requirements of this Sub-section.

2) Whether the design of buildings is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.

3) Whether the site design provides mixed uses, a pedestrian-friendly environment and the design traditions of the community.

4) Whether the site design reflects and advances the goals and objectives of the Medway Master Plan and provides greater integration of land uses.

5) Whether adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided.

6) Whether the uses and site design promote less sprawl and a more efficient form of development.

7) Whether the development facilitates the construction and maintenance of streets, sidewalks, utilities, and public services, in a more economical and efficient manner.

8) Whether the site design will have a detrimental impact on abutting properties and/or residential neighborhoods.

9) Whether the impact of the development on abutting properties and residential neighborhoods has been adequately mitigated.

10) Whether the development protects and enhances community character

11) Whether the development incorporates features that minimize energy consumption and reduces environmental impacts.

6. Design Requirements

a) All facades of a building that are visible from a public way or an internal pedestrian or vehicular way shall be designed in accordance with the current *Medway Design Review Guidelines* and the Design Principles and Standards included in the *Site Plan Rules and Regulations*.

b) All sites shall include pedestrian linkage(s) to connect to abutting commercial properties and, where appropriate, to abutting residential neighborhoods. The pedestrian connections shall be well-defined and of a design and quality that will encourage significant use.

c) Vehicular connections to abutting sites shall be provided where practical as determined by the Planning and Economic Development Board as part of the review process.

d) Buildings and developments shall be made pedestrian friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and patios or courtyards. All structures, parking, pathways and other pedestrian amenities shall be designed to maximum ease of pedestrian access.

7) Sustainability – New buildings constructed in the Commercial I district after the passage of this bylaw are encouraged to promote sustainability by being environmentally responsible and resource-efficient throughout a building’s life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. This may be accomplished by incorporating sustainable materials in the construction (e. g. reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimum pollutants (e.g., recued product emissions); and/or feature landscaping that reduces water usage (e.g., by using native plants that survive without extra watering). The criteria in the current Leadership in Energy and Environmental Design (LEED), and EPA’s Green Building program offer examples of measures that will help accomplish this goal.

And to amend the Sub-Section H. Parking Regulations of SECTION V. USE REGULATIONS by adding the following to the Parking Requirements Schedule in Paragraph 4.

Multi-Family Dwelling in Commercial I – 1.5 spaces per dwelling unit.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 29: (Amend Zoning Bylaw: Permits in Section III)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw as follows: By adding item 3. in Sub-Section B. Permits in SECTION III Administration as follows:

3. No land clearing, clear cutting of trees, or excavation shall be conducted on a property in anticipation of developing said property which requires action and/or approval of the Building Department, Planning and Economic Development Board, Conservation Commission, or Zoning Board of Appeals prior to said action or approval other than that necessary for engineering or testing for a plan or permit application to be submitted to the aforementioned permitting entities.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 30: (Amend Zoning Bylaw: Registered Marijuana Dispensary)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS by deleting Sub-Section BB. Temporary Moratorium on Medical Marijuana Treatment Centers and replacing it as follows:

BB. REGISTERED MARIJUANA DISPENSARY

1. Purposes

- a) To address possible adverse public health and safety consequences and impacts on the quality of life of the Town of Medway related to the passage of Question 3 on the November 6, 2012 State Referendum.
- b) To provide for the limited establishment of a Registered Marijuana Dispensary (RMD) in an appropriate place and under strict conditions in accordance with Chapter 369 of the Acts of 2012, and 105 CMR 725.000.
- c) To minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools, playgrounds and other land uses potentially incompatible with such a facility.
- d) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMD's.
- e) To limit the overall number of RMD's in the community to what is essential to serve the public necessity.

2. Applicability

- a) The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a RMD under this Sub-Section.
- b) No RMD shall be established except in compliance with the provisions of this Sub-Section.
- c) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- d) If any provision of this Sub-Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Sub-Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Sub-Section are severable.

3. Definitions

Marijuana – The same substance defined as “marijuana” under 105 CMR 725.004.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients as defined in 105 CMR 725.004.

Registered Marijuana Dispensary (RMD)– Shall mean a not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health under 105 CMR 725.000 that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their registered personal caregiver as determined by 105 CMR 725.000.

4. **Eligible Locations for Registered Marijuana Dispensaries** – Registered Marijuana Dispensaries, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by special permit from the Planning and Economic Development Board in the following zoning districts, provided the facility meets the requirements of this Sub-Section:

- a) Industrial I
- b) Industrial II
- c) Industrial III
- d) Business/Industrial
- e) Commercial I

5. **General Requirements and Conditions for all Registered Marijuana Dispensaries**

a) All non-exempt RMD's shall be contained within a permanent building or structure. No RMD shall be located inside a building containing residential units or inside a movable or mobile structure such as a van, trailer, cargo container or truck.

b) Size standards:

- 1) A standalone dispensary shall not exceed 3,500 sq. ft. for product display, client dispensary, and patient consultation area.
- 2) A standalone cultivation facility shall not exceed 25,000 sq. ft.
- 3) A facility to manufacture/process marijuana infused products shall not exceed 5,000 sq. ft.
- 4) Any combination of the above three facilities shall not exceed 30,000 sq. ft.
- 5) The RMD shall be of adequate interior space to accommodate all activities inside the building so as not to have outside patient queuing on sidewalks, in parking areas, or in other areas outside the RMD.

c) A RMD shall not be located in a building that contains any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

d) The hours of operation of RMD's shall be set by the Special Permit Granting Authority, but in no event shall any RMD be open and/or operating between the hours of 8:00 PM and 8:00 AM.

e) No RMD shall be located on a lot within 500 linear feet of any lot with the following:

- 1) residence
- 2) public school
- 3) private educational entity that provides instruction to children and youth in an ongoing organized basis
- 4) licensed registered childcare facility
- 5) library
- 6) religious facility
- 7) playground, public park, or ball field
- 8) recreation center
- 9) Registered Marijuana Dispensary
- 10) halfway house or similar facility
- 11) drug or alcohol rehabilitation facility.

The distance requirement may be reduced by the SPGA if the applicant demonstrates that the RMD would otherwise be effectively prohibited from locating within the municipality and that adequate security measures will be employed to prevent the diversion of medical marijuana to minors who are not qualifying patients.

Distances shall be calculated by direct measurement in a straight line without regard for intervening structures from the nearest property line of the land used as noted above to the nearest portion of the building in which the RMD is located.

f) No smoking, burning or consumption of any product containing marijuana or marijuana-infused products shall be permitted on the premises of a RMD.

- g) A RMD may not have a drive-thru service.
- h) Signage
 - 1) Signage for the RMD shall include the following language: "Registration card issued by the MA Department of Public Health required."
 - The required text shall be a minimum of two inches in height.
 - 2) No permitted RMD shall use any advertising material or graphics that are is misleading, deceptive, or false, or that is designed to appeal to minors.
 - 3) A RMD shall not display on the exterior of the facility any advertisement for medical marijuana or any brand name.
 - 4) Off-site signage or advertising in any form, including billboards shall not be allowed.
- i) The RMD shall provide the Medway Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom the Town can provide notice if there are operating problems associated with the establishment.
- j) Prohibition Against Nuisances – No RMD shall create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- k) Openness of Premises
 - 1) Any and all cultivation, distribution, possession, storage, display, sales or other distribution of medical marijuana shall occur only within the restricted interior area of the RMD.
 - 2) The RMD shall be designed and constructed such that no area or portion where marijuana is processed or stored is visible from the exterior of the building.
 - 3) The front of the building which shall include the public entrance to the RMD shall be fully visible from the public street or building frontage.
 - 4) Marijuana, marijuana infused products, and products that facilitate the use of medical marijuana shall not be displayed or clearly visible to a person from the exterior of the RMD.
- l) No marijuana or marijuana based products shall be sold, grown or cultivated, interior or exterior to a residential dwelling unit except if a Hardship Cultivation Registration is granted by the Mass Department of Public Health according to 105 CMF 725.035.
- 6. **Special Permit Requirements**
 - a) A RMD shall only be allowed by special permit from the Medway Planning and Economic Development Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.
 - b) A RMD is subject to site plan review and approval by the Planning and Economic Development Board pursuant to SECTION V. C. of the Medway Zoning Bylaw which shall be coordinated with the special permit application process.
 - c) A special permit for a RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:
 - 1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;
 - 2) processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, tinctures, oils, aerosols, ointments, and other marijuana infused products;
 - 3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;
 - 4) retail sale of products that facilitate the use of marijuana for medical purposes and of patient educational materials.
 - d) A special permit application for a RMD shall include the following:
 - 1) the name and address of each owner of the facility;
 - 2) copies of all required licenses and permits issued for the RMD to the

- applicant by the Commonwealth of Massachusetts and any of its agencies;
- 3) evidence of the Applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;
 - 4) a statement under oath disclosing all of the Applicant's owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - 5) a certified list of all parties in interest entitled to receive notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
 - 6) a detailed site plan that includes the following information:
 - a. a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the facility including but not limited to sales, storage, cultivation, processing, food preparation, etc.
 - b. proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc., to ensure the safety of qualifying patients, their caregivers, and facility employees and to protect the premises from theft.
 - 7) a copy of the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMD's in compliance with 105 CMR 725.105(B)(2).
 - 8) a copy of the policies/procedures for patient or personal caregiver home-delivery.
 7. **Special Permit Procedure**
 - a) The special permit application and public hearing procedure for a RMD shall be that as provided in G.L. c. 40A.
 8. **Mandatory Findings** - The Special Permit Granting Authority shall not issue a special permit for a RMD unless it finds that:
 - a) the RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
 - b) the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - c) the applicant has satisfied all of the conditions and requirements of this Sub-Section and SECTION III. Sub-Section J. Special Permit Criteria.
 9. **Conditions** - In issuing its decision, the Special Permit Granting Authority shall impose conditions, limitations and safeguards that are reasonably appropriate to:
 - a) improve site design, traffic flow, and public safety;
 - b) protect water quality, air quality and significant environmental resources;
 - c) preserve the character of the surrounding area.
 These conditions, limitations and safeguards may address but are not limited to:
 - d) hours of operation
 - e) landscaping and site amenities
 10. **Annual Reporting** - Each RMD permitted under this Bylaw shall as a condition of its special permit file an annual report with the Special Permit Granting Authority, the Building Inspector, the Health Agent, and the Police Chief no later than January 31st of each year, providing a copy of all current applicable state licenses for the RMD and/or its owners and demonstrate continued compliance with the conditions of the special permit.
 11. **Duration of Special Permit**
 - a) A special permit shall lapse if not exercised within two years from the grant thereof if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

b) A special permit granted under this Sub-Section shall remain exclusively with the applicant which shall be the owner or lessee of the premises described in the application. The special permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

12. *Abandonment or Discontinuance of Use* - A RMD shall be required to remove all material, plants, equipment and other paraphernalia:

- a) prior to surrendering its state issued licenses or permits; or
- b) within six months of ceasing operations; whichever comes first.

13. Receipt of a special use permit from the Medway Planning and Economic Development Board for a RMD does not preclude an applicant from having to secure other required local permits from other Town boards/departments including but not limited to the Board of Health, Conservation Commission or the Department of Public Services.
Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 31: (Amend Zoning Bylaw: Bylaw Enforcement)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw as follows:

By deleting Sub-Section C. Bylaw Enforcement in SECTION III ADMINISTRATION and replacing it as follows:

C. BYLAW ENFORCEMENT

1. Violations of this bylaw are punishable by a fine not to exceed \$300 per day for each offense.

2. Violations of this bylaw may be enforced via the noncriminal disposition provisions set forth in Article XX of the Medway General Bylaws in which case the penalty for any such violation shall be \$50.

3. Each day, or portion of a day, that any violation continues shall constitute a separate offense.

4. This bylaw shall be enforced by the Inspector of Buildings/Zoning Enforcement Officer. AND by deleting in their entireties Paragraph 12 in Sub-Section C. Site Plan Review and Approval and items k), m), and n) in Paragraph 9. in Sub-Section R. Sign Regulations all in SECTION V. USE REGULATIONS and relabeling the subsequent paragraphs accordingly.

Or to act in any manner relating thereto.

ARTICLE 32: (Amend Zoning Bylaw: Definitions)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by adding the following definitions in alphabetical order to SECTION. II Definitions

Building Height – The vertical distance from the average finished grade of the adjacent ground to the top of the highest roof beams of a flat roof, the deck of a mansard roof, or the mean level of the highest gable or slope of a hip roof.

Gross Floor Area – The sum of the gross horizontal area of all floors of a building or structure as measured from the exterior face of exterior walls, but excluding any floor determined to be not occupiable.

School – Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or experience. Includes public and private schools; business, trade and vocational schools; and schools/studios for dance, fitness, gymnastics, yoga, martial arts, music, art, and other similar recreational or personal enrichment activities.
Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 33: (Amend Zoning Bylaw: Purpose)

To see if the Town of Medway will vote to amend SECTION I. AUTHORITY AND PURPOSE of the Medway Zoning Bylaw by inserting the highlighted/underlined text and deleting the ~~crossed-out words~~ in Sub-Section B. Purpose as follows:

B. PURPOSE - The objectives of this Bylaw include, but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution to the environment; to facilitate conservation of energy resources and promote sustainability; to develop the natural, scenic and aesthetic qualities of the community in a manner that reflects traditional New England architectural styles; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, ~~if any~~, adopted by the Planning and Economic Development Board and the comprehensive plan, ~~if any~~, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill these objectives under the provision of General Laws, Chapter 40 A.

Said Regulations may include, but are not limited to restricting, prohibiting, permitting or regulating the use, erection, establishment, movement, enlargement, alteration, height, area, and location of buildings and structures and the use of premises in the Town of Medway.

Or to act any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 34: (Amend Zoning Bylaw: Signs)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by adding a new item 28) to SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 5. Signs Exempt from Regulation, sub-paragraph a) Exempt Signs in All Zoning Districts as follows:

28) Temporary, ground installed yard/lawn signs promoting community oriented/special events sponsored by local government, civic, or non-profit organizations, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, sporting events, parades, festivals, tournaments, fundraisers, sport sign-ups, and other similar activities, not to exceed a total of six sq. ft. of sign surface area (both sides) per sign. Signs may be positioned on Town property with permission of the Board of Selectmen or its designee and on private property with the permission of the property owner. Signs may be installed up to two weeks before the event/activity and shall be removed within three days after its conclusion.

And to add a new item u) to SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 6. Prohibited Signs as follows:

u) Any sign affixed to a utility pole, light pole, sign post or the like which promotes a business, sale or special event.

And to delete item p) in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 7. Sign Standards – All Zoning Districts and replace it as follows:

p) One temporary business sign is allowed per business. The temporary sign shall not exceed the size allowed for the permanent sign in the applicable zoning district and shall be located on the premises only where a permanent sign is allowed in the applicable zoning district.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 35: (Amend Zoning Bylaw: Site Plan Review)

To see if the Town will vote to amend the Medway Zoning Bylaw by deleting in its entirety Sub-Section C. Site Plan Review and Approval in SECTION V. USE REGULATIONS and replacing it as follows:

C. SITE PLAN REVIEW and APPROVAL

1. ***Purpose*** – The purpose of site plan review and approval is to:

a) Protect the health, safety, convenience and general welfare of the inhabitants of the Town of Medway;

b) Promote functional and aesthetic design, construction and improvement of all development projects;

c) Minimize harmful effects on surrounding areas;

d) Regulate uses through the imposition of reasonable conditions concerning location of buildings, open space, landscaping, parking, lighting, storage areas, access and egress, drainage, sewage, water supply, waste disposal, safety and site amenities; and

e) Promote and encourage desired community characteristics as expressed in the Medway Master Plan

by providing for a comprehensive process to review and approve the development plans for uses and structures which may have impacts on traffic, parking, drainage, environmental quality, community character, and community economics.

It is intended that the site plan review and approval process will ensure compliance with all aspects of the Medway Zoning Bylaw.

2. Definitions

Alteration of Existing Parking Area - Includes installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting or similar facilities, and includes resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Board - The Planning and Economic Development Board of the Town of Medway

Office - The Planning and Economic Development office of the Town of Medway

Design Guidelines - A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

Major Site Plan Project - Any multi-family building with three or more dwelling units, commercial, industrial, institutional, or municipal project which involves:

- a) New construction or improvements to land; or
- b) Alteration, reconstruction, renovation work that will result in a change in the outside appearance of an existing building or premises, visible from a public or private street or way; or
- c) A substantial change in use of a building or buildings or premises as determined by the Zoning Enforcement Officer

and which includes one or more of the following:

- d) Construction of 2,500 5,000 or more square feet of gross floor area; or
- e) A change in use in an existing building requiring the creation of fifteen (15) or more additional parking spaces;
- f) Construction of a new building or addition requiring the creation of fifteen (15) or more additional parking spaces; or
- g) Construction, expansion, redesign or alteration of an existing parking area involving the creation of fifteen (15) or more additional parking spaces; or
- h) Large scale ground mounted solar photovoltaic installation with a rated name plate capacity of 250 kW (DC) or more.
- i) An increase in impervious surface of more than 25% of the existing impervious coverage

j) Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria ~~d-g~~ ~~d-i~~ also apply, and only to the extent allowed by MGL, chapter 40A, s. 3.

Minor Site Plan Project – Any construction, alteration, reconstruction or renovation project, improvements to land, or a change of use, not included within the definition of a *Major Site Plan Project*, which requires a building permit and which involves one or more of the following:

a) A change in the outside appearance of an existing building or premises, visible from a public or private street or way; or

b) Construction of 2,000 – 4,999 square feet of gross floor area; or

c) Façade renovation/reconstruction/replacement; or

~~b) d)~~ A change in use in an existing building requiring the creation of five (5) or more but less than fifteen (15) additional parking spaces; or

~~e) e)~~ Construction of a new building or addition requiring the creation of five (5) or more but less than fifteen (15) additional parking spaces; or

~~d) f)~~ Construction, expansion, redesign or alteration of an existing parking area involving the creation of five (5) or more but less than fifteen (15) additional parking spaces; or

~~g)~~ An increase in impervious surface of more than 10% but less than 25% of the existing impervious coverage; or

~~h)~~ A change in curb cuts/vehicular access to the site from a public way; or

~~i)~~ Alteration of landscaping in buffer areas; or

~~j)~~ Installation of sidewalks and other pedestrian access improvements; or

~~k)~~ Installation or changes to awnings; or

~~l)~~ Installation of roofing which is a distinctive and integral architectural element of the structure's design; or

~~m)~~ Construction of or conversion/alteration/enlargement of an existing building for use as three or more residential dwelling units; or

~~e) n)~~ A site, which through continuous or proposed use may be detrimental to municipal infrastructure or to public safety, as determined by the Inspector of Buildings/Zoning Enforcement Officer after consultation with the Police Department Public Safety Officer and/or the Department of Public Services.

~~f) o)~~ Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria a – e also apply, and only to the extent allowed by MGL, chapter 40A, section 3.

3. **Overview** – The site plan review and approval process requires a filing of the site plan application, review by town departments/boards/outside consultants, public review, issuance of a *Decision*, and plan endorsement.

4. **Exemptions**

a) In all zoning districts, site plan review and approval is required for any *Major or Minor Site Plan Project* as defined herein except that the requirement for Site Plan Review and Approval by the Planning and Economic Development Board shall not apply to:

1) Single-family homes, including additions or enlargements and structures accessory thereto

2) Two-family homes, including additions or enlargements,

3) Proposed residential subdivisions, which are permitted in the Agricultural and Residential Districts I and II as a matter of right;

4) Projects that have received an Adult Retirement Community Planned Unit Development (ARCPUD) Special Permit, an Adaptive Use Overlay District (AUOD) Special Permit, an Open Space Residential Development (OSRD) Special Permit or other special permit from the Planning and Economic Development Board, in which case, site plan review and approval shall be incorporated into those special permit review and approval procedures.

5) Projects in which the only change in the outside appearance of an existing building or premises visible from a public or private street or way, pertains to:

a. Building renovation work required to provide handicap accessibility to the structure to comply with the Americans with Disabilities Act (ADA) or the regulations of the Massachusetts Architectural Access Board. (AAB); and/or

b. ~~Installation of awnings; and or Relocating less than 30% of the total approved parking spaces or moving of Handicapped Parking pursuant to 521 CMR as most recently amended; and/or~~

c. Window and/or door replacement; and/or

d. ~~Installation of exterior siding; and/or~~

e. Installation of roofing which is not a distinctive and integral architectural element of the structure's design; and/or

f. ~~Changes to infrastructure and utility provisions; and/or~~

g. ~~Increasing and/or replacing landscaping with the exception of landscaping approved for buffer areas.~~

6) Other projects, which as a result of extremely unusual circumstances or location, or which are so insignificant that the rigor of even Administrative Site Plan Review would be excessively burdensome to the applicant, or the construction of which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth in paragraph 1 herein, as may determined by the Building Commissioner.

5. **General Requirements**

a) ~~Major Site Plan Projects shall be subject to Complete Site Plan Review. Minor Site Plan Projects shall be subject to Limited Site Plan Review~~

b) ~~a)~~ The Inspector of Buildings shall not issue a building permit for any project subject to this Sub-Section unless an application for site plan approval has been prepared for the proposed development in accordance with the requirements of the *Site Plan Rules and Regulations*, and unless the Board has approved or conditionally approved and endorsed a site plan and provided such to the Inspector of Buildings, or has allowed 90 ~~120~~ calendar days (*in the instance of a major site plan project*) or sixty (60) calendar days (*in the instance of a minor site plan project*) ~~or 30 calendar days (in the instance of administrative review)~~ to elapse from the official site plan submission date unless the applicant has requested an extension in writing.

e) ~~b)~~ Site plan approval shall lapse after ~~1~~ 2 years of the ~~grant thereof~~ ~~endorsement of an approved site plan~~ if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within ~~2~~ 3 years of the date of plan endorsement. Upon receipt of a written request by the applicant filed prior to the date of expiration, the Board may grant an extension for good case.

d) ~~c)~~ Approval of a site plan under this sub-section shall not substitute for the requirement of obtaining a special permit or other forms of relief as required by the Zoning By-Law, except as specifically exempted in 4. a) 4. of this sub-section.

e) ~~d)~~ Sidewalks shall be provided along the entire frontage of the subject property along existing Town ways, including the frontage of any lots held in common ownership with the parcel(s) within five (5) years prior to the submission of the application for site plan review and approval. In those instances where sidewalk construction is not feasible or practical as determined by the Planning and Economic Development Board, the Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Works or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning and Economic Development Board at the recommendation of the Town's Consulting Engineer.
(Added June 14, 2010)

6. *Rules and Regulations*

a) The Board shall adopt and may periodically amend *Site Plan Rules and Regulations* to administer Site Plan Review and Approval. The Board ~~and Town staff~~ shall be guided by these *Regulations* in conducting its review, making ~~its~~ *Decisions*, and monitoring the implementation of all approved site plan projects.

b) In exercising its jurisdiction regarding the adoption and amendment of *Site Plan Rules and Regulations*, the Board shall conform to the requirements for the advertisement of public hearing legal notices required by M.G.L., chapter 40A, section 11.

c) The *Site Plan Rules and Regulations* shall include but not be limited to the following provisions:

- 1) Required documents for site plan submission;
- 2) Contents of a site plan application;
- 3) Standards for preparation of site plan documents;
- 4) Application submittal procedures;
- 5) Application filing, plan review and construction inspection/observation fees;

- 6) Plan review process;
- 7) Use of outside consultants;
- 8) Design guidelines;
- 9) Site development standards;
- 10) ~~Review and approval criteria;~~
- 11) Development impact standards;
- 12) Project conditions, limitations, safeguards and mitigation measures;
- 13) Waivers from *Site Plan Rules and Regulations*
- 14) Plan compliance mechanisms;
- 15) ~~Performance security measures~~
- 16) Process for plan modifications.

d) The *Site Plan Rules and Regulations* shall provide for differentiated application requirements and review procedures for Major and Minor Site Plan Projects ~~and for administrative review.~~

7. *Application Procedure - All Site Plans*

a) Before submitting a formal site plan application, prospective applicants for a Major Site Plan Project shall and prospective applicants for a Minor Site Plan Project may contact the Board to schedule an informal, pre-application meeting to review conceptual plans and discuss permitting procedures.

b) Any applicant desiring approval of a Major or Minor site plan under this Sub-Section shall submit one (1) copy of the site plan documents with an application directly to the Town Clerk. Additional copies of the application, site plan documents, all supporting information, and the required application and review fees shall be submitted to the Board in accordance with the *Site Plan Rules and Regulations*.

c) The official site plan submission date is the date the site plan application is filed with the Town Clerk and the Board, unless the applicant is notified by the Planning and Economic Development office within twenty-one (21) days of submission that the application is incomplete. In such a case, the application will not be deemed to have been submitted.

d) A project shall be considered to be a *Major Site Plan Project* as defined herein unless determined by the Inspector of Buildings to be a *Minor Site Plan Project*. To claim *Minor Site Plan Project* status, an applicant shall secure a written determination of the Inspector of Buildings and submit such with the ~~site plan~~ application to the Board.

e) Site plan applications shall be prepared in accordance with the provisions and requirements of the *Site Plan Rules and Regulations*

8. *Major Site Plan Project —~~Complete Site Plan Review~~*

a) *Town Staff & Board Review* - The Board shall, within fourteen (14) days of the official site plan submission date, transmit one (1) copy of the site plan to each of the following agencies: Board of Health; Board of Selectmen, Conservation Commission; Design Review Committee, Department of Public Services, Fire Department, Inspector of Buildings/Zoning Enforcement Officer; Police Department; ~~Water/Sewer Board~~, and such other agencies, boards, committees, or departments as the Board determines may be helpful to the review of the respective application. These agencies may, at their discretion, evaluate the site plan and submit an advisory

report to the Board. The Board shall not close the public hearing or issue its *Decision* until it has received reports from the aforementioned agencies or until such agencies have been allowed thirty (30) days to submit a written report. All such reports shall be entered into the public record during the public hearing.

b) *Development Review Coordination* – Within thirty (30) days of receipt of the application, the Board may schedule a meeting with the applicant and representatives of the various town boards/departments/committees. The purpose of such meeting is for the applicant to brief town boards/departments/committees on the project and to help the applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

c) *Public Hearing* - Within sixty-five (65) calendar days of the official site plan submission date, the Board shall ~~hold~~ ~~begin~~ a public hearing on the proposed site plan. The public hearing shall be held in conformance with the requirements for public hearings and notice as specified in M.G.L, chapter 40A, section 11, and as further described in the *Site Plan Rules and Regulations*. All costs of the public notice requirements shall be at the expense of the applicant.

d) *Decision*

1) Following the Board's review and after the close of the public hearing, the Board shall prepare and file its written *Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board's *Decision* shall be filed within thirty (30) calendar days after the close of the public hearing and within ~~ninety (90)~~ ~~one hundred and twenty (120)~~ calendar days from the official site plan submission date. The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the applicant requests such an extension and the Board agrees thereto. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within such thirty (30) day period shall be deemed constructive approval of the application.

2) The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the ~~full~~ membership of the Board shall be sufficient for the Board's *Decision*.

3) In reviewing the application and making its *Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; all reports of town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.

4) *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in the *Site Plan Rules and Regulations*. In making its *Decision*, the Board shall consider the project's impacts and the proposed methods of mitigating such impacts.

5) *Approval* – Depending on the nature of the particular site plan project, the Planning and Economic Development Board's approval *Decision* may include: waivers from the *Site Plan Rules and Regulations*; conditions, limitations and safeguards; requirements for construction observation/inspection, bonding or other performance guarantees, plan compliance measures and

the submittal of as-built plans; and reasonable mitigation measures which the Board believes are in the Town's best interests.

a.

Waivers – The Planning and Economic Development Board may authorize waivers from the *Site Plan Rules and Regulations* if it determines that that the *Regulations* are excessively burdensome to the applicant and that a waiver would permit a superior design or that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth herein, and that a waiver is in the best interests of the Town.

b. *Conditions, Limitations and Safeguards* - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

- (1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
- (2) Controls on the location and type of access to the site;
- (3) Controls on the number, type and time that service and delivery vehicles access the site;
- (4) Provision for open space or preservation of views
- (5) Limitations on the hours of operation;
- (6) Conditions to minimize off-site impacts and environmental quality during construction.
- (7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- (8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.

c. *Mitigation Measures* – The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

(1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/ controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).

(2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

November 10, 2008)

6) *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may also disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

e) *Plan Endorsement*

1) In cases where the Board has approved or conditionally approved the proposed site plan, the applicant, within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's *Decision*, before endorsement.

2) The applicant shall provide an original ~~and six (6) copies~~ of the revised site plan for endorsement by the Board.

3) The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty (20) day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's decision.

4) The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

f) *Appeal* - Any person aggrieved by the Board's *Site Plan Decision* for a Major Site Plan Project may appeal such *Decision* to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings as provided for in MGL, chapter 40A, section 17.

9. *Minor Site Plan Project —~~Limited Site Plan Review~~*

a) *Town Staff & Board Review* - The Board ~~shall, may,~~ within fourteen (14) days of the official site plan submission date, transmit one (1) copy of the site plan application and documents to each of the following agencies: Design Review Committee, Department of Public Services, Fire Department, Inspector of Buildings/Zoning Enforcement Officer; Police Department; and such other agencies, boards, committees, or departments as the ~~Planning and Economic Development~~ Board determines may be helpful to the review of the respective application. These agencies may, at their discretion, evaluate the site plan and submit an advisory report to the Board. The Board shall not issue its *Decision* until it has received reports from the aforementioned agencies or until such agencies have been allowed fifteen (15) days to submit a written report. All such reports shall be entered into the public record during the Board's meeting to consider the *Minor Site Plan* application.

b) *Development Review Coordination* – The Board may schedule a meeting with the applicant and representatives of the various town boards/departments/committees. The purpose of such meeting is for the applicant to brief town boards/departments/ committees on the project and to help the applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

c) *Public Discussion Meeting* - Within thirty (30) calendar days of the official site plan submission date, the Board shall begin to consider the application as an agenda item at a duly posted open meeting. Public notice to abutters and parties of interest shall be provided as described in the *Site Plan Rules and Regulations*.

d) *Decision*

1) Following the Board's review, the Board shall prepare and file its *Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board's *Decision* shall be filed within sixty (60) calendar days from the official site plan submission date. The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the applicant requests such an extension and the Board agrees thereto. Failure of the Board to take its final action by filing its decision within such sixty (60) day period shall be deemed constructive approval of said application.

2) The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the full membership of the Board shall be sufficient for the Board's *Decision*.

3) In reviewing the application and making its *Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; all reports of town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.

4) *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in the *Site Plan Rules and Regulations*. In making its *Decision*, the Board shall consider the project's impacts and the proposed methods of mitigating such impacts.

5) *Approval* – A *Decision* to approve may include but is not limited to the following provisions: waivers; conditions; limitations and safeguards including required plan revisions, design modifications, access controls, off-site improvements, construction observation/inspection, bonding or other performance guarantees, as-built plan submittals, site plan compliance mechanisms, and reasonable mitigation measures which the Planning and Economic Development Board believes are in the Town's best interests.

6) *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated

aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

e) *Plan Endorsement*

1) In cases where the Board has approved or conditionally approved the proposed site plan, the applicant, within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit final site plans reflecting all required changes, if any, to the Board to review for compliance with the Board's *Decision*, before endorsement.

2) The applicant shall provide an original and six (6) copies of the revised site plans for endorsement by the Board.

3) The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and until a twenty (20) day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's decision.

4) The Board shall retain a copy of the endorsed plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

f) *Appeal* - Any person aggrieved by the Board's Site Plan *Decision* for a *Minor Site Plan Project* may appeal such *Decision* to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings, as provided for in MGL, Chapter 40A, Section 17.

10. *Modification of Approved Site Plans* - Any construction work that deviates from an approved site plan shall be a violation of the Zoning By-Law unless the applicant requests and secures approval of a plan modification pursuant to the options ~~any one of the three methods~~ specified below and such approval is provided in writing by the Board ~~or the Planning and Economic Development Coordinator and the Inspector of Buildings~~ before the changes are commenced.

a) ~~*On-Site Construction Changes for Minor and Major Site Plan Projects shall be subject to Administrative Review. The Planning and Economic Development Board Coordinator and the Inspector of Buildings may authorize applicants to make very limited on-site changes to an approved site plan based on unforeseen conditions, situations or emergencies necessitated by field conditions. Prior to undertaking any such on-site alteration, the applicant shall submit a letter to the Inspector of Buildings and the Board- Planning and Economic Development Coordinator describing the proposed changes and what conditions, situations or emergencies necessitate such changes. The Board Inspector of Buildings and the Planning and Economic Development Coordinator shall review such letter at its next meeting and determine whether the proposed changes are acceptable based on the unforeseen conditions, situations or emergencies and whether other options to address the unforeseen conditions are feasible. The Board shall provide A written determination whether the change is authorized and submit it to the applicant and the Inspector of Buildings shall be provided to the applicant. Any approved on-site*~~

construction changes authorized by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

b) Previously Approved Minor Site Plan Projects

1) Proposed modifications to a previously approved site plan for a development that meets the criteria specified herein for a *Minor Site Plan Project* shall be reviewed and acted upon by the Board at a public meeting but without a formal public hearing. The Board shall issue its Decision and file such with the Town Clerk and the Inspector of Buildings, subject to Administrative Review. The applicant shall follow the same application and review process as provided herein for a *Minor Site Plan Project* and as described in the *Site Plan Rules and Regulations*, including the payment of fees. Any approved modifications approved by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

2) If a proposed modification to a previously approved *Minor Site Plan Project* is such that the change would result in the development meeting the criteria specified herein for a *Major Site Plan Project*, the modification shall be handled in accordance with the provisions for reviewing and approving a *Substantial Modification to Major Site Plan Project* as specified in item e d) below.

d) Previously Approved Major Site Plan Projects –

1) The Inspector of Buildings shall make a written determination if P proposed modifications to a previously approved site plan for a development which meet the criteria specified herein for a *Major Site Plan Project* ~~shall be acted upon by the Planning and Economic Development Board.~~ are Substantial or Non-Substantial. The applicant/developer or its representative shall submit a letter to the Inspector of Buildings and the Planning and Economic Development Board describing all proposed changes and the reasons for the modifications. ~~The Inspector of Buildings shall provide a written determination to the applicant/ developer and the Planning and Economic Development Board whether the proposed changes are Substantial or Non-Substantial.~~ *Substantial Modifications* require a formal public hearing before the Board. *Non-Substantial Modifications* ~~shall be reviewed and acted upon by the Planning and Economic Development Board at a public meeting but without a formal public hearing.~~ are subject to Administrative Review.

Substantial Modification – The Inspector of Buildings shall determine whether the scope of proposed changes is *Substantial*. To make that determination, the Inspector of Buildings will consider a variety of project elements including but not limited to:

- an increase in the height of the building
- an increase in the size of the building footprint in excess of ten percent (10%)
- the location of the building on the site
- the location and quantity of access and exits/curb cuts
- the layout and quantity of parking
- the location, dimensions and composition of buffer areas or screening devices
- the composition and quantity of landscaped areas and materials
- the location and design of site amenities
- overall appearance of the building including materials, fenestration, and distinctive architectural elements
- type or intensity of use, or

- if the proposed changes pertain to specific conditions of approval in the original *Site Plan Decision*,

The Inspector of Buildings may determine that the number of proposed *Non-Substantial Modifications* is such that the overall scope of changes constitutes a *Substantial Modification*.

For a *Substantial Modification*, the applicant shall follow the same application and review process as provided herein for a *Major Site Plan Project* and as described in the *Site Plan Rules and Regulations*, including the payment of fees.

The Board shall issue its *Decision* and file such with the Town Clerk and the Inspector of Buildings. Any modifications approved by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

11. *Administrative Review*

a) *Applicability - Administrative Review is to be used for Site Plan Modifications:*

- 1) on-site construction changes
- 2) review of proposed modifications to previously approved Minor Site Plans
- 3) review of Non-Substantial modifications to previously approved Major

Site Plans.

b) *Review Process*

1) The Planning and Economic Development Coordinator and the Inspector of Buildings shall review the application for site plan modification.

2) Depending on the scope of the proposed changes, the Planning and Economic Development Coordinator may, within eight (8) days of the site plan modification application date, transmit one (1) copy of the site plan modification application and documents to each of the following agencies: Design Review Committee, Department of Public Services, Fire Department, Police Department; and such other agencies, boards, committees, or departments as may be determined to be helpful. These agencies may, at their discretion, evaluate the proposed site plan modification and submit an advisory report to the PED Coordinator. A *Decision* shall not be issued until such agencies have been allowed eight (8) days to submit a written report.

c) *Decision*

1) Following the review, the Planning and Economic Development Coordinator and the Inspector of Buildings shall prepare and file a *Site Plan Modification Decision* with the Town Clerk. The *Decision* shall be filed within 30 calendar days from the date which the Site Plan Modification application was filed. Failure of the Planning and Economic Development Coordinator and the Inspector of Buildings to take final action by filing its decision within the 30 day period shall be deemed constructive approval of said application. The deadline by which the *Decision* must be filed may be extended upon mutual agreement when the applicant requests such an extension.

2) The Planning and Economic Development Coordinator and the Inspector of Buildings may approve, approve with the conditions, or disapprove the application for site plan modification.

3) In reviewing the application and making its *Decision*, the Planning and Economic Development Coordinator and the Inspector of Buildings shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; any reports of town departments/boards and outside consultants; and any additional information available, submitted or acquired by the Planning and Economic Development Coordinator and the Inspector of Buildings on their own initiative or research.

5) *Approval* – A *Decision* to approve may include but is not limited to the following provisions: waivers; conditions; limitations and safeguards including required plan revisions, design modifications, access controls, off-site improvements, construction observation/inspection, bonding or other performance guarantees, as-built plan submittals, site plan compliance mechanisms, and reasonable mitigation measures which the Planning and Economic Development Coordinator and the Inspector of Buildings believes are in the Town's best interests.

6) *Disapproval* - The Planning and Economic Development Coordinator and the Inspector of Buildings may disapprove a Site Plan modification application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. A site plan modification may be disapproved where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The *Decision* to disapprove a site plan shall state the reasons for such disapproval.

7) *Appeal* – Appeal of a Site Plan Modification subject to Administrative Review may be made to the Planning and Economic Development Board within twenty (20) days the decision is filed with the Town Clerk.

d) *Plan Endorsement*

1) In cases where the site plan modification has been approved or conditionally approved, the applicant, within thirty (30) days after the *Decision* is filed with the Town Clerk, shall revise and submit final modified site plan reflecting all required changes, if any, to the Planning and Economic Development office for review for compliance with the *Decision*, before endorsement.

2) The applicant shall provide an original of the modified site plan for endorsement by the Inspector of Buildings and the Planning and Economic Development Coordinator.

3) The office shall retain a copy of the endorsed modified site plan and shall distribute copies to the Town Clerk, the Assessor's office, and other Town departments as may be appropriate depending on the nature of the plan modification.

12. **Criteria for Site Plan Approval** - A Site Plan shall be approved only upon determination of the following.

- 1) The buildings, uses and site amenities are properly and legally located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods;
- 2) The construction and renovation of buildings and installation of site amenities are thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*;
- 3) Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site;
- 4) Significant historic and natural features on a development *site* (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest) are preserved with as minimal site disturbance as possible.
- 5) Off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view;
- 6) Reasonable use is made of building location, grading, landscaping and other site amenities to reduce the visible intrusion of outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site
- 7) Pedestrian ways, access driveways, loading areas and parking facilities are properly designed and operated for public convenience, universal accessibility and public safety of customers, employees and the general public;
- 8) Convenient and safe access for fire-fighting and emergency rescue vehicles is provided to each structure and within the development site in relation to adjacent streets;
- 9) Satisfactory methods for drainage of surface water to and from the development site are provided;
- 10) Public ways and private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site;
- 11) The effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance are identified and evaluated;
- 12) Site design modifications to lessen negative and harmful impacts are incorporated.

- 13) Reasonable conditions, limits, safeguards and mitigation measures are established.
- 14) The proposed limit of work is reasonable and protects sensitive environmental and or cultural resources located on site or an adjacent parcels.
- 15) The development will not cause substantial or irrevocable damage to the environment, which could be avoided or mitigated through an alternative plan.
- 16) Internal circulation, queuing, entrances and egress are such that traffic safety is protected, access via secondary streets servicing residential neighborhoods is minimized, and traffic backing out onto the public way is minimized.
- 17) All other requirements of the Medway Zoning Bylaw are satisfied including but not limited to lighting and parking provisions.

13. ***Plan Compliance***

a) An applicant shall construct improvements in compliance with the approved and endorsed site plan. No occupancy permit shall be granted by the Inspector of Buildings for any project subject to site plan review and approval until:

1) The Board has given its written determination in the instance of a Major Site Plan Project that the project, as constructed, conforms to the approved site plan and any conditions, including construction of any required on and off-site improvements have been completed or suitable security/ performance guarantee is provided to the Town of Medway, to the Board's satisfaction, to cover the costs of the remaining work and ensure site plan compliance, and

2) the Inspector of Buildings verifies that all construction has been completed in accordance with the approved site plan and that all conditions of the approved site plan are met.

b) Developers of *Major Site Plan Projects* shall prepare an as-built plan stamped by a Professional Land Surveyor registered in the Commonwealth of Massachusetts, which shows actual as-built locations and conditions and any plan modifications authorized by the Board. The requirements for as-built plans shall be included in the *Site Plan Rules and Regulations*.

c) Other measures to secure plan compliance, including construction inspection and performance security may be included in the *Site Plan Rules and Regulations*.

14. ***Severability*** - The invalidity of one or more provisions or clauses of this Sub-Section C. shall not invalidate or impair the Sub-Section as a whole or any other part hereof.

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least SEVEN (7) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 1st day of April 2014.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

Glenn Trindade, Chairman

Dennis Crowley, Vice Chairman

Richard D'Innocenzo, Clerk

John Foresto, Member

Maryjane White, Member

ATTEST: _____
Paul Trufant, Constable

AGENDA ITEM #12

Action Items from Previous Meetings

Associated back up materials attached:

- Action Item List

DATE		ACTION ITEMS BOS	WHO	COMPLETED
1	7/6/2010	Street acceptance progress	S. Affleck-Childs	Ongoing
2	9/20/2010	Route 109 Project	T. Holder/S. Kennedy	Ongoing
3	2/4/2013	Brentwood Project	DPS	Ongoing
4	4/1/2013	Speak with owner of Oakland St property re: possible park extension	G. Trindade	In process
5	11/25/2013	Commence Thayer Governance Structure Committee meetings	BOS	In process
6	2/3/2014	Cable license renewal process (commences 36 mos. ahead of license exp.)	BOS	begin no later than 9/16/14

AGENDA ITEM #13

Approval of Warrants

Warrants to be provided at meeting.

AGENDA ITEM #14

Town Administrator's Report

AGENDA

ITEM #15

Selectmen's Reports