

**Select Board Meeting
September 16, 2024 – 7:00 PM
Sanford Hall
155 Village Street**

Present: Frank Rossi, Chair; Dennis Crowley, Clerk; Glenn Trindade, Member; Maryjane White, Member.

Absent: Todd Alessandri, Vice-Chair.

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Deputy Fire Chief Michael Fasolino; Deputy Fire Chief Craig Vinton; Peter Pelletier, Department of Public Works (DPW) Director; Joanne Russo, Treasurer/Collector; Julie Harrington, Parks and Recreation Director.

Others Present: Community Preservation Committee (CPC) Candidate, John Foresto.

At 7:00 PM, Mr. Rossi called the meeting to order and led the Pledge of Allegiance.

Public Comments: There were none.

Approval of Minutes: September 3, 2024

The Board reviewed September 3, 2024, draft minutes.

Mr. Trindade moved that the Board approve the minutes for September 3, 2024. Ms. White seconded. Discussion: Mr. Rossi requested one change and Mr. Crowley requested many changes and clarifications. **Mr. Trindade moved to rescind the motion to approve the minutes. Ms. White seconded. VOTE: 4-0-0.**

Appointment Consideration: Community Preservation Committee (CPC) – John Foresto

There were no materials for the Board to review.

Mr. Rossi noted that there is an opening on the CPC and Mr. Foresto came forward to be a Citizen-at-Large. Mr. Foresto stated he has a lot of municipal experience and believes in the CPC mission. The Board thanked Mr. Foresto for the amount of time that he spends on various Town Committees, events, and Boards. Mr. Trindade explained that this position would be replacing Mr. Emero who did not apply for reappointment as he will be relocating out of Medway.

Mr. Trindade moved that the Board appoint John Foresto to the CPC as a Citizen-at-Large for a three-year term. Ms. White seconded. No discussion. VOTE: 4-0-0.

Discussion/Vote: Medway Energy Center Host Community Agreement (HCA)

The Board reviewed the (1) Medway Energy Center HCA, and (2) HCA financial data spreadsheet.

Mr. Boynton noted that this is not the first time we have dealt with an HCA for a Battery Energy Storage Facility (BESS). This one's location is at the end of Stone Street on the Bellingham line. This HCA looks very similar to the Medway Grid and Exelon HCAs. He explained the definition of an HCA. This project is with Hecate and CME which will be 700 megawatts, 300 megawatts within Medway. We have not yet negotiated a Payment in Lieu of Taxes (PILOT). The HCA provides greater clarity for the company should they need to present to the Department of Energy (DOE) and provides legal and technical protections for the Town. An HCA is not an approval or green light of a project nor a guarantee of approval by the Planning and Economic Development Board (PEDB) and the Department of Utilities (DPU) and does not impact the intervenor status of the project. We are optimistic that if this is developed it will be done

within the best interest of the Town. This is not a partnership agreement. Mr. Bernstein stated that again, we have not gone through any regulatory proceedings for this project. This should be viewed as a floor and not a ceiling, provides a number of benefits to the Town, and is a roadmap. Mr. Rossi asked where Bellingham stands with this process. Mr. Boynton is not aware at this time. Mr. Rossi asked if the Medway project must be in conjunction with Bellingham. Mr. Boynton stated no. He noted that the first phase of the project will be Medway, and the second phase will be in Bellingham. Mr. Trindade had no questions and noted that the company does not have to do this and are trying to show that they are being good neighbors. He noted that they will spend \$20,000 each year for the next twenty years to be split between the two food pantries and the Community Farm will get \$50,000 each year. Mr. Crowley stated that they will provide approximately \$4 million per year for specific items noting that does not include the \$56,800,000 which would be the minimum amount of tax income over the next twenty years. He asked if the smaller items would not be renegotiated. Mr. Bernstein confirmed noting that the only changes would result from a change in the size of the project. Mr. Crowley asked about the decommission bond of \$5 million on one page and \$15 million on another. Mr. Boynton stated the initial cost of the bond is \$5 million and as the project continues the Town can negotiate up to \$15 million at the tenth year. Mr. Crowley asked what would determine the ability to renegotiate. Mr. Boynton stated that there would be a discussion with the company as the years progress should it be determined that the cost for decommissioning would increase. Mr. Crowley asked what the incentive is to get them to look into this. Mr. Bernstein stated that it is an outside independent engineer that looks into this, and they will bear half of the cost. Mr. Boynton stated there has been discussion if we are courting these types of projects and that all that we care about is the money. He stated the reason Medway is attracting these types of facilities is because we have one of the largest transmission corridors and you cannot put in a BESS that does not have access to the GRID. He stated that you are not obligated to do an HCA, but you are negligent if you do not. The state plans to have more of these types of facilities to support the wind and solar power being generated. Mr. Rossi asked about the technical rescue truck. Deputy Chief Fasolino stated it will be a Norfolk County truck that Medway will store, and we will train staff on how to deal with any issues. It is a highly specialized vehicle, and it is outside of the realm of our training right now. It was noted that Deputy Chief Vinton is on the tech rescue team. Mr. Boynton stated that the Fire Chief and Deputy Chief have been very active in the training requirements for this. Mr. Boynton stated a fire is a fire and all fires have toxic hazards. Deputy Chief Fasolino stated that the difference is that there is a lot of time and water involved as these fires burn longer.

Mr. Trindade moved that the Board vote to execute the Medway Energy Center HCA as discussed. Ms. White seconded. No discussion. VOTE: 4-0-0.

Approval: Contract with Greenwood Emergency Vehicles LLC for Purchase of Fire Truck - Not to Exceed \$1,008,770

The Board reviewed the contract.

Deputy Chief Fasolino stated that we are looking to replace a pumper noting it will be almost the same truck as they like their product and have been happy with their work. It was noted that this will be stored at the DPW garage as it will not fit elsewhere. Mr. Boynton stated that the motion is different than the price in the contract as there is an expected motor change in the next eighteen months and that cost will be passed onto us. \$1 million was approved at Town Meeting and the added amount allows for this potential additional cost. They will also need ladders, hoses, etc. There was further discussion about potential future costs and the amount and the verbiage of the motion.

Mr. Trindade moved that the Board authorize the Chair to execute a contract with Greenwood Emergency Vehicles for the provision of an Emergency One firefighting pumper, in an amount not to exceed \$1,008,770 inclusive of possible change orders for motor or equipment upcharges. Ms. White seconded. Discussion: Mr. Boynton stated if this amount changes, then we will have to come before

the Board again. Mr. Crowley asked why we did not ask for the full amount now. Mr. Rossi stated that this is because this is just for the truck itself. **VOTE: 4-0-0.**

Approval: Borrowing for Capital Projects, Including the Oakland Street Pump House - \$1,490,000

The Board reviewed the (1) memo from Joanne Russo, and (2) Vote of the Select Board.

Ms. Russo stated that this borrowing happened on September eleventh which includes the following projects and noted the specific Town Meeting where they were approved: (1) Acquisition of 111 Milford Street; authorized amount \$30,000.00, Article 29, Annual Town Meeting May 13th, 2019, (2) High School Driveway, Culvert Design; authorized amount \$260,000.00, Article 9, Fall Town Meeting November 13th, 2023, and (3) Oakland Pump House Project; authorized amount \$1,200,000.00, Article 7, Fall Town Meeting November 14th, 2024. The total of these three projects is \$1,490,000 and we received a premium of \$6,000 which brought the total borrowing down. The water project is a 30-year borrowing, the others are 20- and 10-year borrowings. Mr. Crowley asked about the interest and premium impact on the borrowing. Ms. Russo stated that they gave us a 3.71 percent rate and the premium of \$6,000 brings the borrowing down \$15,000. Mr. Crowley asked if the exact amount was approved at Town Meeting. Ms. Russo confirmed.

Mr. Trindade moved the following: I, the Clerk of the Select Board of the Town of Medway, Massachusetts (the "Town"), certify that at a meeting of the board held September 16, 2024, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody: Voted: that the sale of the \$1,475,000 General Obligation Municipal Purpose Loan of 2024 Bonds of the Town dated September 24, 2024 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$1,541,734.43 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on September 15 of the years and in the principal amounts and bear interest at the respective rates: Further Voted: that the Bonds maturing on September 15, 2039, September 15, 2044, September 15, 2049 and September 15, 2054 (each, a "Term Bond") shall be subject to mandatory redemption or mature Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 4, 2024, and a final Official Statement dated September 11, 2024 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time. Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws. Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. I further certify that the votes were taken at a meeting open to the public, that no vote was taken by

secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended. Ms. White seconded. No discussion. VOTE: 4-0-0.

Discussion/Vote: Complete Streets Tier 3 Plan for Holliston and Village Street Intersection

The Board reviewed the proposed plans 1 through 4 for reconfiguration of the Holliston and Village Street intersection.

Mr. Boynton stated that this is an update on the presentation that Mr. Pelletier gave one month ago at a cost of \$560,000 and will coincide with the other work being done on Village Street from Cottage Street to Holliston Street. He stated there have been many discussions with the Board for many years about the speed at this intersection noting that remarkably there are not a lot of accidents there. He stated that Alternate 3 and Alternate 4 are being recommended. Mr. Boynton explained the specifics of both alternatives. He stated that Lieutenant Watson has been working on this noting there are bump out and crosswalks to limit the speed. Mr. Myers thanked the Board for considering the parking that he requested and asked for no parking in the line of sight if taking a right off of Holliston Street. Mr. Crowley asked if \$500,000 for Alternative 3 funds this totally. Mr. Pelletier stated that it may come in less than that. It was noted that this is another grant that would not be available to the Town if the MBTA zoning is not approved by the residents at Town Meeting.

Mr. Trindade moved that the Board approve plan number 3 as discussed. Ms. White seconded. No discussion. VOTE: 4-0-0.

Discussion: Approval of Licenses for 123 Holliston Street

The Board reviewed the memo from Julie Harrington.

Mr. Rossi stated his agreement with the letter submitted by Ms. Harrington. He noted that as of January 1st the Town is taking over care and custody of 123 Holliston Street and he felt that it would not be prudent for the existing subleases to remain as it would interfere with the Parks programming. Ms. White asked for the three leases. Mr. Rossi stated Cousins Lobster, Native Kitchen, and Coyle's Auction. Mr. Crowley stated that the VFW will be sending letters to all three subleases. Mr. Boynton stated the Town will be sending letters to all three as well plus the VFW. Mr. Crowley stated that the VFW would like to use the trophy room once per month and that he is negotiating a license with Cousins Lobster. Mr. Boynton stated that he had conversations with both Mark Kelley and Kevin Bellows of the VFW. He noted that we assume liability relative to this and to access the trophy room you must go through the member's lounge. He stated that it is planned for storage and that we will work with them to have a meeting in any other building. He stated that no firearms will be stored in the building, and if they have a few file cabinets that they need stored for the seven-year document retention requirement we would accommodate that. He noted that if they want to meet there, they could meet upstairs, as we do not want any public access to the basement. Mr. Crowley requested that the Board look at the basement prior to making a decision. Mr. Rossi stated that the Board had a tour, and the basement is not safe. There was discussion on where the bathrooms are located. Mr. Crowley asked for a tour of the basement to be set up in the next month. There was discussion about Cousins Lobster's usage including parking three of their trucks, utility plugins, and usage of the kitchen with their own equipment present. Mr. Boynton noted that Cousins Lobster is the least intrusive and would be willing to provide them a license for one year which we would then reevaluate. Mr. Boynton will work with Mr. Crowley on the Cousins Lobster license along with a license and fee. It was noted that the Cousins Lobster staff will

need to be CORI checked. It was noted that Coyles Auction and Native Kitchen will not be offered licenses as their uses are incompatible with the Parks and Recreation programming. Mr. Boynton stated that if there is any issue, the license with Cousins Lobster can be terminated.

Discussion/Vote: Authorization of the Chair to Execute the HCA Waiver for Good Feels, Inc.

The Board reviewed the HCA Waiver for Good Feels, Inc.

Mr. Boynton stated the Cannabis Control Commission (CCC) neutered the HCA for non-retail stating that you must itemize Town costs and can only charge for those which are minimal. He reviewed the three HCAs with CommCan, Neo Alternatives LLC, and Good Feels, Inc. It was noted that each year you must have either an HCA that aligns with the new CCC rules or an HCA Waiver. It was deemed not cost effective from a legal perspective to redo our existing HCAs. We communicated to Neo Alternatives and Good Feels that we will move forward with the HCA waiver but based on the Haverhill decision we want to still have the terms of the prior HCAs in effect.

Mr. Trindade moved that the Board authorize the Chair to execute the HCA waiver for Good Feels, Inc. as discussed. Ms. White seconded. Discussion. Ms. White asked if waiver is for one year. Mr. Boynton confirmed. **VOTE: 4-0-0.**

Mr. Boynton explained the amount of funds lost due to this new CCC ruling. There was further discussion about the funding provided to the Town by CommCan noting that their HCA was prior to the new CCC ruling.

Vote: Fiscal Year (FY) 26 Budget Calendar

The Board reviewed the proposed FY26 budget calendar.

Mr. Trindade moved that the Board approve the Fiscal Year 26 budget calendar as discussed. Ms. White seconded. No discussion. VOTE: 4-0-0.

Vote: Close November 12, 2024, Fall Town Meeting Warrant and Refer the Zoning Articles to the Planning and Economic Development Board

The Board reviewed the draft November 12, 2024, Fall Town Meeting Warrant.

There was discussion about the specific number of articles and those that were actually required. Mr. Trindade stated that the zoning articles should wait until Spring Town Meeting. Mr. Boynton stated that the State of the Town could be streamlined and noted the zoning that must be done relative to the Meehan project. He stated that he will review the articles with Ms. Saint Andre.

Mr. Trindade moved that the Board close the November 12, 2024, Fall Town Meeting Warrant and refer the zoning articles to the Planning and Economic Development Board. Ms. White seconded. No discussion. VOTE: 4-0-0.

Action Items from Previous Meeting

The Board reviewed the action items dated August 12, 2024.

Unaccounted for water loss status report & CRPCD Volume Report: This was changed to Oct 7th and Mr. Pelletier will determine the next time to report this data.

Medway Plaza Redevelopment: Mr. Crowley asked for a read on when the paving will begin. Mr. Pelletier stated that he will provide the planned dates which he just received today.

Select Board's Reports

There were no items for the Board to review.

Mr. Crowley stated that in the last meeting the Board put off discussion about the MBTA zoning until after the discussion with the Meehan project representative. Based on that discussion, the PEDB's plans should be left as is. He noted that it will take twenty-seven months to get the new firetruck and asked if inflation is built in. Ms. Potter confirmed.

Mr. Rossi stated that S&P reaffirmed Medway's AAA rating referencing, steady reserves due to consistent net operating surpluses, good financial policies and practices, including five-year financial and capital plans, a reserve policy calling for maintaining stabilization reserves between five and ten percent, and robust cyber protection practices. He requested that this document be posted to the Town website.

Town Manager's Report

There were no items for the Board to review.

Solid Waste Program – Next Agenda: Mr. Boynton stated that we still have some items to iron out with program changes and this will be on the next agenda. There is a meeting planned for this Wednesday at 3pm.

Facilities Project - Open Houses and Outreach Efforts: Mr. Boynton reported the scheduling of two open houses at each of the Fire and Police buildings with easels identifying the needs. Both Police and Fire will give two dedicated tours. The videos are pending Mr. Harris's input and Mr. Crowley and his own regarding the financial piece.

Town Manager Out of Office: Mr. Boynton stated he will be out of the office as follows:

- September 20-25 – ICMA Pittsburgh – Chief Kingsbury Acting Town Manager
- October 3 & 4 – Vacation Days (Tentative)

NEXT Select Board Meeting – October 7, 2024

At 8:49PM, Mr. Trindade moved to adjourn. Ms. White seconded. No discussion. VOTE: 4-0-0.

Respectfully submitted,
Liz Langley
Executive Assistant
Town Manager's Office