

**Select Board Meeting
November 4, 2024 – 7:00 PM
Sanford Hall
155 Village Street**

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

Staff Present: Michael Boynton, Town Manager; Allison Potter, Assistant Town Manager; Deputy Fire Chief Michael Fasolino.

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

Public Comments: There were none.

Mr. Crowley reported he asked about the status of early and by mail voting and out of the 11,060 registered voters, 1,596 voted early and 2,372 voted by mail which is 39% of registered voters.

Approval of Minutes: October 21, 2024

The Board reviewed October 21, 2024, draft minutes.

Mr. Trindade moved that the Board approve the minutes for October 21, 2024. Mr. Alessandri seconded.

Discussion: Mr. Crowley asked on page 2, line 24 that “agreement” be added after “this” and on page 5, line 8 that the “\$” be removed in front of “3,000”. **VOTE: 5-0-0.**

Discussion: Medway Grid Letter to Select Board Regarding Project Sound Study & Sound Wall

The Board reviewed the October 31, 2024, affirmation to the Select Board from Andrew Kaplan of Pierce Atwood LLP on behalf of Medway Grid.

Mr. Trindade stated the Select Board has been listening to residents’ concern noting the biggest concern was the sound wall. He was asked to attend a meeting with Mr. Harris, Mr. Rodenhiser, and Representative Roy with their attorney. The purpose was to state they did not feel Medway Grid was being honest with the sound issues. It was requested for the Town to receive in writing that their sound mitigation plan meets the requirements as set by the Department of Public Utilities (DPU) and if not, the project will not move forward. The attorney stated they know and accept the responsibility for this sound mitigation plan. It was noted the Town will have its own consultant there during the testing and Representative Roy stated he would provide an earmark to fund the Town’s consultant. Mr. Boynton stated we do have \$2.2 million which will be allocated as part of the FY26 budget noting \$1 million will be directed towards Tri-County High School debt, \$600,000 towards the schools with \$600,000 not yet allocated. He stated if this project is halted, there will be financial consequences to the Town. Mr. Trindade noted he did not discuss his attendance at the meeting with anyone until the letter was received. Mr. Boynton stated there was an e-mail he received which asked him not to put the Town at risk for money. He stated we have not done that noting if the sound test is not passed based on the DPU the Town would intervene having them shut the project down. Mr. Trindade noted Medway Grid gets paid from International Organization for Standardization (ISO) New England which is at risk if this is not operational by next summer noting the additional risk to their investors. Mr. Alessandri asked if the timing of this test has been determined. Mr. Trindade stated they did not ask that, but many other topics were discussed relative to the sound wall. Mr. Crowley stated he would like to make a comment after any public comments.

Mr. Charles Myers of Curtis Lane stated he is not against battery energy storage and shared his assistance with this project to date. He asked how the Town plans to use this letter. He stated the test protocol in the DPU decision is a one-point test noting the sound study has multiple locations. The one-point location DPU would use would be the northeast corner of the site/the Restaurant 45 corner. He explained the impact of the relocation of the battery packs on that single point test. He suggested the Town go back and ask about the specific plans of the sound study as this letter does not protect those around the entire site. He stated there was a technical error in the letter that the packs were relocated due to the wetland's protection referencing specific testimony related to the change in layout of the packs. Mr. Boynton stated the final design was not in the DPU decision because they had to apply to the Conservation Commission, so we understood there was not a final design at the time of the DPU decision. He noted the Medway Enumerated Parties continues to write letters to DPU. Mr. Myers reiterated his hope that the Select Board go back to ask for specifics of the sound study.

Mr. Paul Yorkis of 7 Independence Lane passed out a document to the Select Board. He shared his history since moving to Medway. He stated the whole issue is whether the company will live up to its obligations in the Energy Facilities Siting Board (EFSB) hearing. He shared his most recent communication to DPU, specifically, his questions. He referenced page three of his handout and his specific questions noting he spoke with their attorney Andrew Kaplan. He noted Mr. Kaplan did not report the relocation of the transformers. Mr. Trindade asked if the issue is if they will meet the sound criteria. Mr. Yorkis stated his skepticism that they may be allowed to operate even if they do not meet the DPU requirements. Mr. Trindade questioned the notion that DPU would ignore their own rules and allow them to operate. There was further discussion on if they will be allowed to operate regardless of the outcome of the sound study. Mr. Yorkis stated his agreement with the state's goal to lower carbon emissions noting Attorney Kaplan still must answer some questions. There was further discussion about the impact of reopening the DPU decision. Mr. Yorkis stated their request is this be built with the minimal amount of impact on the residents.

Mr. Josh Cook of 5 Independence Lane asked the Town's legal recourse if the sound study does not pass. Mr. Boynton stated the Town is still an intervenor and would take action with our attorney through the DPU process. It was stated that the DPU has the authority to stop the project. The Town does not have the authority to stop the project today as this is an approved DPU project. Mr. Cook asked what recourse the Town has via the Host Community Agreement (HCA). Mr. Boynton stated we would have a legal process. Mr. Cook stated the Town only has compensatory damages under the HCA and the impact is money. They can breach the HCA and there is no recourse for the Town. Mr. Boynton stated the HCA does compel them to meet their obligations and we would have legal recourse.

Mr. Allen Pulito of 9 Kingson Lane noted all the owners in his complex were against this project. He stated the sound study initially referenced a sound absorbing wall and equipment being further away. Both have changed, first to a sound reflecting wall and second the closer location of the equipment. He explained how these two types of walls deal with sound. He asked why they changed from sound absorbing to sound reflecting since it works well with Exelon. He noted sound absorption costs more and asked why wait until it is built to see the need to change back to sound absorption versus sound reflection. He asked the Select Board to get a valid sound study and possibly go back to sound absorption. Mr. Boynton asked where this information came from. Mr. Pulito stated from Mr. Yorkis.

Mr. Adam Houser of 14 Little Tree Road stated he does not understand what the issue is to have them redo the sound study before this is actually built. Mr. Boynton agreed with Mr. Houser noting this question was asked. Mr. Boynton stated why risk investment strategies and investors of an over \$250 million project by ignoring the sound issue. Mr. Alessandri stated they will not do this project if they cannot meet the sound requirements.

Mr. Todd Lundin of 7 Little Tree Road asked as an individual citizen and father of three young children what recourse he has if this project comes to fruition as this sound study is not based on the actual final product. Mr. Boynton stated if you have people speeding up and down the street, we would enforce those rules. He stated we would hold them accountable to meet these requirements. He stated if more sensitive individuals have issues with sound they may need to take individual action. He shared a situation with Exelon and a specific individual who had issues with sound at night. The Board of Health and Health Director met and worked with them. Mr. Trindade shared the experience with the CommCan sound issue. He noted Medway has the strongest sound standards as a result of that experience.

Mr. Myers reported the sound absorbing assumption is in the sound study and looking at the drawings, initially it was a metal sound wall, and they removed metal and now just state sound wall. He noted the identified manufacturer does not make a sound absorbing wall. He stated DPU allows them to exceed sound regulations based on grid necessities. He stated this is found in the EFSB testimony. Mr. Boynton shared specific misinformation being put out to residents. He reported the first meeting was held pre-pandemic and identified which Town staff were present. When they returned, they were told a zoning change would be required. At that time, they did not have a local option and went through the EFSB. He explained the amount of investigation done relative to this project noting the consultant company we hired stated this could be done safely. The financial discussions did not happen until after that.

Mr. Crowley shared specific misinformation and comments on the Friends of Medway noting they are not true. He addressed each comment noting the actual facts. One of his specific responses was he had asked our attorney during a prior public Select Board meeting regarding the Town's position how much it would cost in legal fees to attempt to prevent this project. The response was \$100,000 to \$200,000. Mr. Crowley then asked our chance of success. The attorney's response was less than five percent.

Authorization to Expend Grant Funds: Emergency Management Performance Grant - \$3,500

The Board reviewed the (1) grant application, and (2) notice of grant award form.

Deputy Fire Chief Fasolino explained this is an annual grant and the specific equipment which will be purchased for first responder protection related to the potential need to respond to an active shooter situation. This allows the department to outfit eight staff.

Mr. Trindade moved that the Board authorize the expenditure of the Emergency Management Performance grant as discussed. Mr. Alessandri seconded. No discussion. VOTE: 4-0-0.

Discussion/Vote: Authorization of the Chair to Execute the Host Community Agreement (HCA) Waiver for CommCan, Inc.

The Board reviewed the HCA waiver.

Mr. Boynton stated this was just done for the two other facilities as we are not exercising HCAs based on the pending litigation.

Mr. Trindade moved that the Board authorize the Chair to execute the HCA waiver for CommCan, Inc. as discussed. Mr. Alessandri seconded. Discussion: Mr. Alessandri asked if the ruling gets reversed can we go back to the these HCAs. Mr. Boynton stated we have sent letters to all of the companies, but Town Counsel has not given us a specific answer. He stated CommCan has already completed their HCA obligations. **VOTE: 5-0-0.**

Action Items from Previous Meeting

The Board reviewed the action items dated October 7, 2024.

This agenda item was not addressed.

Town Manager's Report

There were no items for the Board to review.

Mr. Boynton encouraged all to vote tomorrow and noted he will be off Friday.

NEXT Select Board Meeting – November 12, 2024

Select Board's Reports

There were no items for the Board to review.

Ms. White asked all to vote tomorrow and come to Town Meeting as there are important issues to be addressed. Mr. Boynton stated he anticipates a lot of questions/discussion on the first three articles. He noted the anticipation of many residents leaving after those are addressed. It was noted there is the option to ask the Moderator for a second reconsideration of a warrant article within one hour. He stated Town Counsel will be providing direction on this.

Mr. Alessandri asked people to please be respectful for difference of opinions at voting and asked for people to please do their homework ahead of Town Meeting. Mr. Boynton reported good turnouts for the two tours at both the Fire and Police Stations. He said if anyone missed these, they could reach out to both Chiefs to coordinate.

Mr. Rossi stated the pumpkin walk had a huge turnout from including members from surrounding communities, it was well run and well organized.

Mr. Crowley asked if Article 1 on MBTA zoning is a simple majority vote and Article 2 on the Public Safety Town Hall facility is a 2/3rd vote. This was confirmed. He asked if we heard back from the Department of Transportation about the \$500,000 for high school culvert work and if this funding is at risk if Article 1 does not pass. Both answers to these questions were confirmed yes. He praised the Medway High School Football Team who are in the playoffs on Friday in Mattapoisett against Rochester Regional.

At 8:24PM, Mr. Trindade moved to adjourn. Mr. Alessandri seconded. No discussion. VOTE: 5-0-0.

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