

Place: Hybrid Meeting held at Chenery Hall, Medfield Town House and via Zoom

### **Call to Order**

At 7:00 pm, Selectman Michael Marcucci called the meeting to order.

**Present:** Selectmen - Michael Marcucci, Gustave Murby; Town Administrator, Kristine Trierweiler; Assistant Town Administrator, Nicholas Milano.

**Participating remotely:** Osler Peterson; Town Counsel, Mark Cerel. **Absent:** None.

**Guests:** Phil Gallagher, 1 Homestead Dr; Geraldine Borgonzi, 7 Homestead Dr; Danielle Feder, 24 High St; Chris Potts, 7 Curve St.; Eileen Murphy, 5 Metacomet;

**Guests participating remotely:** Jean Mineo; Kathleen Derian; Amy Colleran; Pare Corp., Allen Orsi; Pare Corp., Matt Dunn; Richard DeSorgher; Dept. Public Works, Maurice Goulet.

### **Announcements**

Disclosure of video recording.

We want to take a moment of silence in appreciation for our Troops serving around the globe in defense of our country.

### **Appointments**

1. Marion Bonoldi, Town Clerk, to request Board of Selectmen vote to approve new voting machines

**MOTION:** Mr. Murby motioned to approve the new voting machines as requested by the Town Clerk. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

2. Jean Mineo requests approval for Fairy House Event to be held at Medfield State Hospital in conjunction with Daffodil Days (April 2022)

**MOTION:** Mr. Murby motioned to approve a Fairy House Event to be held at Medfield State Hospital in conjunction with Daffodil Days (April 2022). Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

3. Amy Colleran, Facilities Director, to request approval to use the Emergency Repairs Fund for repairs to the Dale Street School roof

Facilities put out a call for bids to repair the school roof. In December, they received 5 bids ranging in price from \$64,900 to \$94,200. Ms. Colleran requested Selectmen approve the \$64,900 bid for Rochelle Construction to do a roof overlay.

**MOTION:** Mr. Murby motioned to approve an allocation of \$64,900 from the Emergency Repairs Fund for the Dale Street School roof. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

4. Allen Orsi, Pare Corp., to discuss Conceptual Design Report for the Danielson Pond Dam  
Mr. Orsi shared:

- Photographs and described embankment water flow to the dam arriving at the floodplain, the spillway, the embankment, structural height, water volume and storage.
- The small dam is currently classified as a significant hazard potential dam, not due to the current condition of the dam, but it's potential to be hazardous if the dam were to fail.
- Results of recent dam inspections in 2020, 2018, 2017, and 2014.
- In February 2021, the Dept. of Conservation and Recreation (DCR) issued the Town a Certificate of Non-Compliance or Dam Safety Order which required remedies.
  - The requirement was to bring the dam into compliance by July 2019. As long as the Town shows progress to advance the dam safety program and remedy the poor condition of the dam, the State will cooperate and not impose fines.
  - A second condition of the Dam Safety Order was to conduct a Phase II Investigation and Evaluation. Pare Engineering conducted this investigation and evaluation.
  - Pare Engineering 2021 Conceptual Design Report addressing options.
- Alternatives:
  1. Dam repair with nature-like spillway
  2. Dam repair with structural spillway
  3. Removal
- Probable costs for the 3 alternatives, in the vicinity of \$800,000.
- Improved Recreation Opportunities
- Where and how to secure funding
- Hazard Potential Review
- 2020 Emergency Action Plan

Mr. Orsi answered questions from the Selectmen. Mr. Marcucci asked why Pare Engineering recommended Alternate #1 over Alternate #2. Mr. Orsi said they are similar with the exception that Alternate #1 introduces the concept that the channel with natural features is traversable by wildlife, as opposed to Alternate #2 with the vertical wall will be a barrier to any ecological connectivity similar to the existing spillway.

He said the grant application they are preparing now is for design and permitting of the repairs for Alternate #1, Nature-like Spillway. He confirmed for the Selectmen that there is a 25% Town match which applies for both the design and construction grant.

Ms. Trierweiler confirmed this grant is only for the design piece. A second grant will be sought for the construction.

Mr. Marcucci calculated roughly that if the dam project cost is \$800,000, the Town would be responsible for \$200,000 for the dam project.

Mr. Orsi confirmed this is correct. He elaborated that the grant does allow for in-kind services, particularly as you get into construction. It won't be part of the current grant, but as you move forward through the design and permitting and go back to the program for construction next year, you're allowed the Town match. For example, if the Town DPW wants to take down the trees, do some clearing or get the site ready for access and staging, those efforts can be counted as part of the Town's match.

They discussed the timetable for construction. This would depend on the timeline for the grant application which asks to define whether any of the work can be performed before June 30. Mr. Orsi said the process has been taking 5 to 9 months for the program to award the grants.

Residents discussed with Mr. Orsi solutions for taking pressure off the dam which could save the Town \$800,000. Mr. Orsi said one option aligns with Alternate Option #2.

Residents shared the recreational use at the pond. Mr. Orsi suggested resident letters regarding recreational use of the pond would assist in receiving the grant award. He suggested residents send these letters to Nicholas Milano, Assistant Town Administrator, for inclusion with the grant application.

Resident John Thompson described the demise going on at the dam, and said he would not recommend an engineering solution to a former natural waterway as the right way to go.

Mr. Murby acknowledged Mr. Thompson's environmental considerations, but said the Selectmen also need to consider in their decision-making the historical and recreational considerations to the dam.

Mr. Marcucci asked abutters if they would not object to the parking area to encourage recreational use of the pond. Abutters in the audience confirmed that they would have no objection.

**MOTION:** Mr. Murby motioned to authorize the Town Administrator to work with Pare Corp/Engineering to develop a letter of support from the Board of Selectmen in support of the grant application and authorize the Board of Selectmen Chair to sign the letter.

Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**MOTION:** Mr. Murby motioned to approve the continuation of the grant application for the design and permitting of the Danielson Pond Dam and authorize the Town Administrator to sign the grant application. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**Discussion Items (Potential Votes)**

5. Discussion of Elementary School Project

Mr. Murby suggested a public hearing should be scheduled in February. Would like to have a discussion with the residents of what they want/need in a new school. The School Committee and School Department need to tell the Board of Selectmen how they would like to move forward. He did not know how to evaluate a plan to reapply to the MSBA without more details on a timeline. He would like an articulation from the public before the Town Meeting about the items that are important to them that a new Building Committee needs to take into account when it comes up with a design for the building.

Mr. Marcucci suggested we will hopefully have an uncontroversial bylaw on the appointment of a new School Building Committee this year. Assuming that passes, we will appoint a School Building Committee under the bylaw and appropriate money for a study. We have to scope out exactly what it's going to be for the School Building Committee to undertake and a review of the options. We should not preemptively take the MSBA off the table. The new School Building Committee would report back with a recommendation which we could vote on at a Special Town meeting in December 2022 or January 2023, which would allow us time to hear back from MSBA.

Mr. Peterson said the Schools need to be leading on this and tell the Selectmen what they want. He is open to learning what the public wants using any forum in which they will participate (hearing, forum, voting, surveys).

6. Update from the Town Administrator regarding American Rescue Plan Act federal funds and discussion of Norfolk County's determinations on eligible uses of the funds

Ms. Trierweiler shared the outcome of a meeting she attended with Norfolk County. The County does not have the same interpretation of the "Final Rule" as the 28 cities and towns they represent. The Final Rule allows cities and towns to use the "revenue loss" category up to \$10,000,000 in American Rescue Plan Act (ARPA) funding. We have \$3.8M; \$2.4M is coming through the County; \$1.3M was given to us directly.

She said when they attended the County meeting last week, we assumed we could all use the "revenue loss" category because we were all under the \$10M threshold. But, the County is interpreting it that they, the County, is the recipient of the funds. They are getting \$137M which they will divide between 20 cities and towns. They feel they are limited to only \$10 million in the revenue loss category for all the County's cities and towns. This ties our hands in our flexibility and use of the funds. Norfolk County that does not provide critical services to our Town. We don't think they considered this. We've had conversations with our delegation to try and get the Treasury to change that rule or have a discussion with the County so they have the same interpretation as most of their cities and towns. They would

like us to find other categories and not use the "lost revenue" category, but that would place limitations on Medfield to categories, like broadband expansion, and water and sewer projects.

She has asked the County to provide written guidance to all elected officials as to their interpretation. Kristine suggested that Selectmen Murby be appointed to the Norfolk County Advisory Board.

7. FY2023 Town Department Budget Review

Selectmen agreed to defer this item until the next meeting, February 1, 2022.

8. Annual Town Meeting Warrant Articles / Board of Selectmen Warrant Articles

*Added since the last meeting:*

Article for Dog Leash Law

Article for Open Space and Recreation Plan

Citizen's Petition to Require a Public Hearing for school projects

9. David Cashman, SEB Housing, requests Board of Selectmen approval of a 5% rental increase for current tenants & Property Specific Maximum Rents for vacant units at Medfield Meadows and Hillside Village

Selectmen agreed to defer this item until the next meeting, February 1, 2022, pending a response from the Massachusetts Department Housing Community Development (DHCD).

10. Financial Policy (Warrant Committee comments)

**MOTION:** Mr. Murby motioned to re-approve the Financial Policy to amend the \$25,000 limit for other items to be included in the capital budget down to \$15,000 and eliminate the requirement that an unforeseen emergency capital expense will have to be paid back in future operating budgets for the department requesting expense. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**Action Items**

11. Vote to ask the Town Moderator to appoint a Bylaw Committee to review proposed School Building Committee Bylaw

**MOTION:** Mr. Murby motioned to ask the Town Moderator to appoint a Bylaw Committee to review and draft a proposed School Building Committee Bylaw consistent with the Article that passed at last year's annual Town Meeting consisting of 7 members.

Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

12. Vote to appoint Selectman Murby to the Norfolk County Advisory Board

**MOTION:** Mr. Murby motioned to appoint Mr. Murby to the Norfolk County Advisory Board.  
Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

13. Vote to close the Annual Town Meeting Warrant

**MOTION:** Mr. Murby motioned to close the Annual Town Meeting Warrant.  
Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**Citizen Comment**

None.

**Consent Agenda**

None.

**Meeting Minutes**

November 2, 2021, December 21, 2021

**MOTION:** Mr. Murby motioned to approve the minutes of November 2, 2021 and  
December 21, 2021 as amended. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**Town Administrator Updates**

None.

**Next Meeting Dates**

January 31, 2022 (Invited to Town of Medfield Climate Action Plan Presentation)

February 1, 2022

February 8, 2022 (State Representative Denise Garlick's Annual Report to the Community)

February 15, 2022

**Selectmen Reports**

Mr. Peterson reported attending the Climate Action Plan meeting. They're getting ready for the January 31 forum. He met with the Norfolk County Sheriff who was conducting a listening tour. He said he can send a cruiser over anytime and take prisoners and care for them if we need assistance.

Mr. Marcucci reported Collective Bargaining meetings with Police and Fire scheduled twice this week.

**Executive Session at the conclusion of the regular meeting:**

Vote to enter Executive Session for the purpose of discussing the purchase, exchange, lease or value of real property

**MOTION:** Mr. Murby motioned to enter Executive Session for the purpose of discussing the purchase, exchange, lease or value of real property. Having a discussion in Open Session would be detrimental to our bargaining position and the Open Session will not reconvene at the conclusion of the Executive Session. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**Adjourn**

**MOTION:** Mr. Murby motioned to adjourn the meeting at 10:12 pm. Seconded by Mr. Peterson.

**Vote:** All in favor (Selectmen: Murby, aye; Marcucci, aye; Peterson, aye). None opposed.

**Roll Call Vote:** 3-0-0

**Informational**

- Letter re: approval of Medfield precincts by the Local Election Districts Review Commission  
Response to William Massaro re: Comments/Questions - Medfield Municipal Aggregation Plan

Meeting Packet Materials:

- Presentation – Danielson Pond Dam Repairs from Pare Corporation
- Proposed FY2023 Town Departmental Budgets
- Email from Jean Mineo re: Fairy Houses at MSH
- Email from Facilities Director Amy Collieran re: BOS Agenda – Dale Street School roof
- Danielson Pond Dam Information sheet
- Memo from Town Administrator Kristine Trierweiler to the Board of Selectmen, dated September 24, 2021
- Letter to the Massachusetts Congressional Delegation from Norfolk County Municipal Managers Association Letter, dated January 21, 2021
- Letter re: approval of Medfield precincts by the Local Election Districts Review commission
- Response to William Massaro re: Comments/Questions - Medfield Municipal Aggregation Plan

The packet with meeting materials for this meeting is available at this link:

<https://www.town.medfield.net/DocumentCenter/View/5654/BOS-Meeting-Packet-January-25-2022?bidId=>

Medfield Board of Selectmen  
Meeting Minutes, January 25, 2022

Respectfully submitted,

Dale Michaud  
Recording Clerk