

**Board of Selectmen  
Minutes  
February 19, 2019  
7:00 PM**

**Present:** Michael Marcucci, Osler Peterson, Gus Murby, Kristine Trierweiler, Mark Cerel, Evelyn Clarke

**Minutes**

Mr. Michael Marcucci stated the meeting is being video recorded and asked for a moment of appreciation for our Troops serving in the Middle East and around the world.

**Appointments**

**Presentation Mayrock Development; proposing Chapter 40B project under the Local Initiative Program for 56-non aged restricted rental units located at Peter Kristof Way.**

Mr. Marcucci said the BOS received a memorandum from Mr. Jim Brand on behalf of the Affordable Housing Trust endorsing the Mayrock Development project. The memo stated that the Affordable Housing Trust had three public meetings: October, December and February. Mr. Marcucci said the targeted date for a comprehensive permit is May 2020 and the project would give 2 years of safe harbor from 2020 to 2022. Mr. Marcucci said this would be the last substantial project that Affordable Housing Trust would be looking to do under the Housing Production Plan.

Mr. Vin O'Brien, attorney for Mayrock Development, introduced Mr. Bill Lane and Mr. Edward Coolbrith, Mayrock Development. Mr. O'Brien also introduced Mr. Dan Merrikin, Legacy Design and Mr. Dean Harrison, 40B Consultant. Mr. O'Brien said they have had three meetings with the Affordable Housing Trust and a preliminary meeting with some of the abutters. Mr. O'Brien also said Mayrock Development has been working extensively with the American Legion. There has been a Traffic Study, Fiscal Impact Study and a Marketing Study. Mr. O'Brien noted that Ms. Sarah Raposa, Town Planner, has been extremely helpful throughout the process.

Mr. O'Brien said the project is a rental project that will give the town two years of safe harbor. Mr. O'Brien said the design is aesthetically pleasing and the 1,500 sq. ft. function room will be available to the tenants and the American Legion members for use. The building will also give the Legion a storage area.

Mr. O'Brien said the building will be of high quality construction and will have on-site management four/five days per week. The building will have an elevator and although it is not age restricted, the developers are hoping the project will be appealing to the Medfield Seniors. There will be one bedroom, two bedroom and three bedroom units.

Mr. Pete Peterson said the first thing that jumps out at him when reviewing the design is the four-story building. Mr. Peterson asked how the height compares to other buildings in town. Mr.

Chris Churry, CJC Design, said the top ridge is currently measured at 52 feet. Mr. Churry said it is a three-story building and the attic space makes up the fourth story. Mr. Churry said the roof line angles to break up the mass of the building. Mr. Peterson said he likes the design but doesn't believe the town has another 4-story building.

Mr. O'Brien showed a plot plan outlining where the building will be on the site. Mr. O'Brien noted that although 40B developers have a lot of latitude regarding setbacks, Mayrock has stayed to the local setback requirements and this made the building a bit tight. Mr. O'Brien said the vegetative barrier will remain around the entire property. Mr. Peterson noted that the "old landfill" also will block the building height. Mr. O'Brien said during ZBA process with the town, Mayrock would be open to any ideas that are better for the town and the development.

Mr. Murby asked if there are elements other than the elevator that make this project "senior friendly." Mr. O'Brien said the price point is reasonable, the location is close to downtown and the interior design is open concept. Mr. Marcucci said he believes the on-site management would appeal to seniors. Mr. Murby asked if there will be any handicap units. Mr. Dean Harrison, 40B Consultant, said the state requires 5% minimum in a 40B project. Mr. Lane feels the function or "community room" would also appeal to seniors.

Mr. Marcucci said he has been a part of the Affordable Housing Trust meetings and has asked many questions during those meetings. Mr. Marcucci said he appreciates all of the information that Mayrock has provided to the town. Mr. Marcucci asked if anyone from the Legion would like to speak. Mr. Dave Connor, Commander of Post 110-American Legion said the Legion was founded in 1919 and the Medfield Post was founded in 1919. Mr. Connor said the Legion has been working with the town for 100 years and believes this project is a "win-win" for everyone. Mr. Al Manganello, Manager of the American Legion in Medfield, said he has worked for the Legion for 43 years and is a lifelong Medfield resident. Mr. Manganello reviewed the long list of events the Legion is involved in for Medfield. Mr. Manganello said, currently, there are only 20 active members and the youngest member is 65 years old. Mr. Manganello said the Legion was heading for bankruptcy and the building is in "tear-down" status. Mr. Manganello said the Legion has chosen Mayrock for help.

Mr. Murby and Mr. Peterson expressed their appreciation for the Legion. Mr. Jim McKenzie, attorney for the American Legion, said this has been a difficult process due to the state of the building, small membership and the Legion's finances. Mr. McKenzie said Mayrock was the only organization that was willing to work with the Legion and allow them to maintain solvency during the process.

At approximately 7:35 pm, Mr. Murby made a motion to approve the Mayrock Development proposal for a Chapter 40B project under the Local Initiative Program for 56-non aged restricted rental units located at Peter Kristof Way subject to the Memorandum of Understanding. Seconded by Mr. Peterson. The Vote: 3-0.

### **Darci Schofield, MAPC – Present Natural Hazard Mitigation Plan**

Ms. Darci Schofield, MAPC, presented the slide presentation to the BOS. Ms. Schofield is working with the town to update the Natural Hazard Mitigation Plan. A Mitigation Plan is

required and needs to be updated in order to qualify for FEMA funding. Medfield's first mitigation plan was in 2011 and is due to be updated. Ms. Schofield said the mitigation plan is being updated in combination with the Municipal Vulnerability Preparedness Program with EEA (Executive Office of Environmental Affairs). Ms. Schofield said both plans would be valid until 2024.

Mr. Murby asked Ms. Schofield what the top hazards in Medfield are. Ms. Schofield said flooding and damage due to fallen trees. Ms. Trierweiler said the public meeting at the high school was inspiring to be a part of and Ms. Trierweiler was very impressed with the turnout and participation of townspeople.

### **Andrea Costello- Discuss Medfield Plastic Reduction Initiative and Annual Town Meeting Article**

Ms. Andrea Costello, 84 Bridge Street, is working with the Plastic Reduction Initiative to bring an article to Annual Town Meeting to ban plastic bags at checkout locations. Ms. Costello referenced flyers distributed to the BOS. Ms. Costello said the flyers have been given to 63 businesses in town. Ms. Costello said approximately 22 of the 63 businesses use plastic bags. Ms. Costello said the 22 businesses are in favor of plastic bag reduction. The businesses understand that the ban is coming; it is just a question of when it will happen.

Ms. Costello said 93 towns in the Massachusetts have a plastic bag ban and/or ordinance. The bylaw is written for ATM. The Medfield Plastic Reduction Initiative has a website and there are approximately 20 local businesses in support of the initiative. Mr. Murby asked if the State is moving forward with a plastic ban. Ms. Costello said she is not sure what the State will do but believes the reduction plan needs to start immediately. Ms. Costello said Medfield uses 4 million plastic bags per year and if we can start the reduction now that will help. Ms. Costello noted that the State's initiative might not pass. Mr. Murby was hoping to know what the State plans on passing before adopting locally. Mr. Cerel said the State has failed to act and 93 towns are tired of waiting.

Ms. Costello asked if a public hearing is required for the article. Ms. Trierweiler said no. Ms. Costello said the Transfer Station Recycling Committee is sponsoring this article and asked if the BOS would like to co-sponsor. The Board of Selectmen said they would co-sponsor the article. Kristine will make the changes to the ATM Warrant

### **Medfield Historical Commission-Discussion of warrant Article/Demolition Delay Bylaw**

Mr. Dan Bible, Co-Chairman of the Historical Commission distributed information to the BOS. Mr. Bible said he is presenting information regarding a change in the bylaw for historic demolition. Mr. Bible said the bylaw has been in effect since 1993 and about 80% of the submitted requests have been able to move forward with demolition. Mr. Bible said that he met with Mr. Gary Pelletier, Building Commissioner, to discuss the State Building Code. Mr. Bible said the State Building Code does not have a definition for demolition or partial-demolition. Mr. Bible said that Medfield's bylaw says "demolition and partial demolition is defined by the State Building Code." Mr. Bible said that the State Building Code eliminated the definitions in the recent past so now the Medfield bylaws refer to something that no longer exists. Mr. Bible said that as a result the Historic Commission only receives applications from the Building

Commissioner for total demolitions of properties. The Historic Commission believes this is problematic.

Mr. Bible said that he and Co-Chairman, Mr. David Temple, met with Mr. Mark Cerel, Town Attorney, and Ms. Kristine Trierweiler, Town Administrator, to propose changes to the language of the bylaw which they believe would eliminate this non-existent state building code reference and give more clarity to builders and homeowners. Mr. Bible referenced the handout distributed to the BOS. The proposed language to replace section 150.13 of the Town of Medfield bylaw would be, *“The demolition permit would be any permit issued by the Building Commissioner for any work which includes demolition and/or reconstruction in whole or in part of a building or structure.”* Mr. Bible said language defining what demolition is and what it is not, would also be added stating, *“Demolition is the act of pulling down or removing any or all significant portions of a regulated building or structure as defined in section 150.14 of the Town of Medfield bylaw.”* The next section says, *“Demolition shall not include modifications to the interior of a building or structure having no effect on the exterior. Demolition shall not include work that could be considered repair including replacement of exterior siding, windows, doors, chimney, awning, gutters, downspouts, light fixtures, and etc.”*

Mr. Bible said the Historical Commission believes this will help in two ways; (1) it removes the language in the town bylaws which refers to the state building code that doesn't exist and (2) the change clarifies the process both for applicants, builders and homeowners. Mr. Bible said the new language is more in line with current standards.

Mr. Murby said he got “hung up” on the word “reconstruction”. Mr. Murby said he is unsure of the definition of “reconstruction” from a legal sense. Mr. Murby said the word “reconstruction” seems very broad. Mr. Cerel said the word “reconstruction” replaced the word “renovation”. Mr. Cerel feels “reconstruction” is a better word. Mr. Cerel said there needs to be common sense applied when dealing with bylaws and the ultimate definition would come from the Building Commissioner. Mr. Murby said he also got “hung up” on the word “etc.” Mr. Cerel said the Building Commissioner would make the determination on the projects proposed.

Mr. Murby said that since Mr. Temple is present at the meeting he would like to discuss Historical Society water bill. Mr. Murby said at the last meeting the BOS voted to take responsibility of the water bill but didn't vote to appropriate any money. Mr. Marcucci said this is not on the agenda so if a vote is needed it will have to be added to an agenda of a future meeting. Ms. Trierweiler said a vote is not needed; the water bill will be paid. Mr. Murby asked that the Historical Society water bill comes to the Town Hall rather than Mr. Temple from now on.

**Citizen Comment-** no comments made

### **Action Items**

#### **Vote to appoint Richard Hooker and George Darrell to the Conservation Commission**

Mr. Murby said he can vouch for Mr. Hooker and would happy to have him serve in any capacity for the town. At approximately 7:32 pm, Mr. Murby made a motion to appoint Richard Hooker and George Darrell to the Conservation Commission. Seconded by Mr. Peterson. The Vote: 3-0.

### **Vote to appoint Cynthia Greene and Matthew Triest to the Town Wide Master Planning Committee**

Mr. Murby said he understood that Mr. Matthew Triest was interested in the Downtown Committee. Mr. Murby asked if this appointment means that Mr. Triest is not interested in the Downtown Committee or furthermore, if this appointment means that a Downtown Committee will not be formed.

Ms. Evelyn Clarke said that Mr. Triest expressed interest to Ms. Raposa about the Town Wide Master Planning Committee and since the Downtown Committee is not formed yet, he decided to move forward with the Town Wide Master Planning Committee. Mr. Marcucci said the Downtown Committee would not be formed for a least 4 months and the issue has always been in the past that neither the Economic Development Committee nor the Downtown Committee have ever had a charter or a mission. Mr. Marcucci feels the mission and/or charter needs to be created before a committee is formed.

At approximately 7:38 pm, Mr. Murby made a motion to appoint Cynthia Greene and Matthew Triest to the Town Wide Master Planning Committee. Seconded by Mr. Peterson. The Vote: 3-0. Ms. Trierweiler said the Town Wide Master Planning Committee is now full.

### **On-going FY2020 Budget Review and Discussion**

Town Finance Discussion – Mr. Murby said he is has updated the framework and there are still a few issues that need to be nailed down. Mr. Murby said that in order for the override to be avoided, there is still a big gap to close. Ms. Trierweiler distributed the town finance paperwork to the BOS.

Mr. Murby said the Stabilization Fund is currently carrying \$1,000,000 and the BOS could make it \$1,025,000.

Mr. Murby said there is a \$1.2 million gap to close to avoid the override. Mr. Murby said there is \$525,000 on the town side and \$685,000 on the school side. Mr. Murby explained that the spreadsheet is set up to preserves the split 71% on the school side and 29% on the town side. If a change is made on one side of the spreadsheet; the change will actually happen on both sides.

Mr. Marcucci would be in favor of increasing the Stabilization Fund in light of the long-term obligation. Mr. Peterson agrees with Mr. Marcucci. Mr. Murby said he agrees with Mr. Marcucci's philosophy but past decisions and policies have made the budget short. Mr. Marcucci said the budget has structural issues (the cost of service that the town is expected to received and that the town has always provided are going up higher than the natural increasing revenues that the town has) and until it is corrected; which will take time, the budget is going to be difficult. Mr. Marcucci said that if the town wants to maintain the same services; taxes will need to be raised or the town needs to find a way to deliver the same services at a lower cost which, ultimately means delivering the same services with fewer employees. Mr. Marcucci said

he understands Mr. Murby's point but feels the town needs to stay the course to keep correcting the structural issues.

Mr. Murby said the free cash was used in the past for a lot of different purposes when the free cash was going up. Mr. Murby said he agrees that the town needs to bite the bullet and have discipline but does that mean the town wants to do all of it this year. Mr. Murby said the numbers on the spreadsheet will get better over the next month but right now the spreadsheet states a \$1,200,000 gap. Mr. Murby said he believes the taxpayers are not going to be willing to pass another override this year. Mr. Murby is raising the question to think about how harsh or how soft the BOS want to be in correcting the problem. Mr. Murby feels that the "pain" should be eased for the taxpayers over more than one year. Mr. Peterson said he feels the numbers will improve over the next few months and the BOS should look at the budget then.

Ms. Trierweiler said the Department Heads are working on budget cuts and believes raising the fees are also necessary (Transfer Station, alcohol license, solicitation fees and cemetery fees). Mr. Murby said the state funds are going down and that is where the problems are coming from. Mr. Marcucci said he might be reluctant to raise the alcohol license only because those businesses bring so much revenue to the town. Mr. Marcucci said he will discuss it but he is reluctant at this point.

Ms. Trierweiler said that her budgets are at a \$1,172,000 shortfall and that is not including the cost of living increase. Mr. Murby said that he needs to meet with Ms. Trierweiler to discuss further. Ms. Trierweiler said the BOS need to meet with the Personnel Board to discuss the cost of living increase that will be recommended. Ms. Trierweiler said the BOS schedule needs to be discussed and the possibility of adding a meeting in March.

Ms. Trierweiler noted the Police Chief Study Committee meeting was cancelled due to the snow storm. The Committee will be meeting on February 27, 2019 to vote on the candidates they are sending forward to the BOS. Ms. Trierweiler suggests the BOS meet on 3/5, 3/12 and 3/19. The BOS agree.

### **License and Permits – Consent Agenda**

Medfield High School Theater Society requests permission to post signs March 3 to March 17 advertising their spring show the musical Big Fish

Medfield Winter Carnival Team request permission to post signs February 25 to march 9 promoting the Annual event at the Memorial School March 9 10:00 am- 3:00 pm

Medfield Plastic Reduction Initiative Committee request permission to post signs advertising March 24 and April 1 forums on the Plastic Reduction Bylaw. Signs in place March 19 to April 1.

High School Girls Varsity Basketball Team request permission to hold a fundraising car wash behind Town Hall Saturday September 21, 2019, 9:00 am to 1:00 pm.

At approximately 9:03 pm, Mr. Murby made a motion to approve all the items on the Consent Agenda. Seconded by Mr. Peterson. The Vote: 3-0.

### **Pending**

Town Administrator Goals - Ms. Trierweiler said this will be discussed on at the March 5, 2019 meeting.

### **Town Administrator Update**

Ms. Trierweiler said the LED street light fixtures have been ordered and are scheduled to be delivered on March 13, 2019.

### **Selectmen Report**

Mr. Peterson said the Medfield Foundation has named the volunteers they are honoring this year. The volunteers are Maeve Devlin, Pat Casey, Steve and Marie Nolan.

Mr. Peterson said the Medfield Suicide Prevention and Coalition are working on how to spend the \$30,000 from Denise Garlick.

Mr. Murby said he met with Michael Pastore to discuss the financial framework for the budget. Mr. Murby said that Mr. Pastore agreed to informational sessions prior to Annual Town Meeting. Mr. Marcucci said he would be happy to run an information session too. Mr. Murby said two meetings are scheduled at this time. Mr. Murby said he received a letter from the Registry of Deeds asking for a Medfield flag.

Mr. Marcucci said he would like to put on a future agenda, in light of the Mayrock project, to send a letter to the legislators about West Street intersection. Mr. Marcucci said that the West Street intersection is already on the list of “dangerous intersections” but adding another 40B project should be more of a boost. Mr. Marcucci said the Rosebay project is not moving through the LIP process so Rosebay has not come to the Affordable Housing Trust. Mr. Marcucci said the BOS will have to decide if safe harbor will be invoked. Mr. Marcucci said that Rosebay has been working with some members of the Planning Board on the design.

Ms. Trierweiler noted the Warrant Committee is presenting to the School Committee on Monday night.

### **Informational**

Notice received from Norfolk County Agricultural High School of Trustees regarding new in-county tuition rate, \$1,946.00

From MassDOT response regarding the Peak House Tercentenary Marker

At approximately 9:17 pm, Mr. Murby made a motion to adjourn. Seconded by Mr. Peterson. The Vote: 3-0.

Respectfully Submitted,  
Marion Bonoldi