

Place: Hybrid Meeting held at Chenery Hall, Medfield Town House and via Zoom
The Board of Selectmen will attend in person and members of the public may attend in person.
In addition, members of the public who wish may participate via Zoom.

Present: Selectmen - Gustave Murby; Osler Peterson; Eileen Murphy. **Absent:** None. **Staff Present:** Town Counsel, Mark Cerel; Town Administrator, Kristine Trierweiler; Assistant Town Administrator, Nicholas Milano, Maurice Goulet. **Guests:** Paul Foley, Verizon Wireless; Rich Ryder, 9 Pilgrim Lane; Mike Pitoniak, 338 South Street. **Participating Remotely:** Stan Usovicz, Verizon; Sean Conway, Verizon; Luis Teves, Verizon; Abdul Jama, MD7; Devin Ellinwood, Power Home Remodeling.

Call to Order

At 7:00 pm, Chair Murby called the meeting to order.

Announcements

Disclosure of video recording.

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

Appointments

1. Public Hearing: Verizon Petition for Pole Attachment of Small Cell Communications Equipment 345 South Street, Pole #115

At 7:07 pm, Mr. Murby opened the public hearing.

Paula Foley, Network Real Estate Consultant with Verizon Wireless addressed the Selectmen. Verizon is proposing to install small cell communications equipment on Utility Pole #115 on the public right of way on South Street to provide additional service capacity and coverage; the signal is not as optimal in this area as is needed for good wireless coverage. Verizon proposes to attach a small antenna on the side of the pole at a height of 19 feet. Lower down on the pole will be a radio unit and an electric meter. In this way, Verizon can avoid creating a large cell tower to increase capacity and coverage. The utility pole is jointly owned by Verizon and Eversource. She invited questions from Selectmen.

Ms. Murphy asked if this is Verizon's first installation of a small cell equipment in Medfield. Ms. Foley acknowledged that it is the first installation for Verizon. She was not sure if other carriers may have already done so.

Ms. Murphy asked whether the equipment is high enough so no one could cause harm to someone.

Ms. Foley said the equipment is vertically (electric meter) 9 feet above ground level to (antenna) approximately 20 feet off the ground. Ms. Foley stated that the equipment is high enough to avoid interference with people passing by. Ms. Murphy asked whether the equipment would stand out.

Ms. Foley said the neutral gray equipment should blend in with the pole.

Mr. Peterson asked whether Verizon has spoken with homeowners in that vicinity.

Verizon has not spoken with homeowners but mailed out hearing notices for the Selectmen's meeting.

Mr. Peterson asked whether Verizon included the plans that are before Selectmen tonight.

Ms. Foley said no, they did not mail out the plans, but indicated in the Hearing Notice the plans would be available for viewing at the public hearing tonight and in Town Hall.

Selectmen discussed with Verizon not leaving double poles but transferring the service from the old pole to the new pole leaving one pole.

Stan Usovicz of Verizon indicated there are 16 double poles in Medfield which contain Town streetlights and Town fire alarms which are preventing elimination of double poles. He will send a list of the double pole locations to the Board of Selectmen. He explained the order in which service providers would need to remove service from the poles and it involves several different entities, including Eversource, Town equipment, and Verizon.

Ms. Murphy noticed the Verizon plans read the "Town of Holyoke". Counsel Cerel suggested Verizon submit a revised set of plans that read Town of Medfield.

Mr. Murby asked whether small cell equipment will replace large cell towers and will other cell providers want to add their equipment to the poles.

Ms. Foley explained that small cell equipment will not replace large cell towers or rooftop antennas. They are for discrete areas where coverage needs a boost.

Other cell providers could ask to add small cell equipment to the poles depending on service quality.

Rich Ryder of 9 Pilgrim Lane asked Verizon what is the pole work timeframe and what is the range.

Ms. Foley said Verizon plans to complete the work in 2022 with coverage up to one half mile.

Luis Teves explained in detail what factors may limit the coverage area.

Mr. Ryder asked for a coverage map. His location is 200 yards up the road with trees in-between.

Mike Pitoniak of 338 South Street addressed Ms Foley. The notice he received lists Pole #115 at 345 South Street. Pole #115 is near 335 South Street.

Ms. Foley said the pole is between 337 and 331 South Street. The Verizon notice and application indicate the utility pole is *near* the property at 345 South Street. That address was used because it is the closest intersection. She confirmed the antenna is a 4G service.

At 7:30 pm, Mr. Murby closed the public hearing.

Counsel Cerel provided further clarity to Mr. Murby on the issue he raised during the public hearing. Since Verizon owns or controls the existing poles, their equipment can be added to poles. It becomes complicated when another provider who does not own the pole wants to add equipment. The FCC did a good job of taking away local control. He is working with Town staff on a draft set of regulations for the Town.

MOTION: Mr. Peterson moved to approve the Verizon Petition for Pole Attachment of Small Cell Communications Equipment at or near 345 South Street, at Pole #115 as set forth in the hearing information. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

2. Director of Public Works Maurice Goulet to request the Board of Selectmen:
 - a. Vote to accept bid awards for Southeastern Regional Services Group: FY23 Water and Sewer Treatment Chemicals, FY23 Paper Contract, FY23 DPW Supplies, and authorize Director of Public Works Maurice Goulet to execute the contracts

Mr. Goulet explained this is a 26-town consortium to secure the lowest prices.

MOTION: Mr. Peterson moved to accept bid awards for Southeastern Regional Services Group: FY23 Water and Sewer Treatment Chemicals, FY23 Paper Contract, FY23 DPW Supplies, and authorize Director of Public Works, Maurice Goulet, to execute the contracts. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

- b. Vote to accept a grant from the Commonwealth of Massachusetts in the amount of \$38,000 for a Complete Streets Prioritization Plan and authorize the Town Administrator to execute the state contract documents

Mr. Goulet explained the Town is at Tier 2. We've done the Complete Streets policy that was approved with a score of 87. Now they are giving us \$38,000 to create a prioritization plan. After that is complete, the projects that come from this plan would be approved and we would be able to secure funding right away.

Ms. Murphy asked whether Mr. Goulet expects a particular project to come out of this. She asked about putting sidewalks on roads like like Philip and Nebo .

Mr. Goulet said we'd have to see whether it is feasible to do that or is it safe to do so; do we have enough right of way? We've done a sidewalk, curve ramp transition plan that shows all the deficiencies we have which will help inform the prioritization plan. The transition plan identified ADA compliance deficiencies, gaps in sidewalk connectivity in Town, and where we should be concentrating on getting mobility for our residents. The number one concern is safety and a potential project does not necessarily mean bike lanes. The Prioritization Plan brings all the most important projects and prioritizes them according to the needs determined by the Town.

Selectmen asked Mr. Goulet for a copy of the transition plan.

MOTION: Mr. Peterson moved to accept a grant from the Commonwealth of Massachusetts in the amount of \$38,000 for a Complete Streets Prioritization Plan and authorize the Town Administrator to execute the state contract documents. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

- c. Vote to approve a contract with BETA Group, Inc. for a Complete Streets Prioritization Plan

Mr. Goulet explained that BETA Group has done our sidewalk, curve ramp, ADA compliance transition plan. The \$38,000 from the State is out of a standard fee for these plans that every community gets once as the policy gets passed. BETA Group will work with us if this project is approved to get this Prioritization Plan done by the end of the year. We'll have a public information meeting. We will submit it to the State for approval. Then we would be eligible for up to \$400,000 for each project if we are accepted. Because we are new to the program, we should be able to get the \$400,000 grant funding for a project in our first application.

Mr. Goulet confirmed BETA was selected because they are transportation engineers and have a reputation of caring for these types of projects.

MOTION: Mr. Peterson moved to approve a contract with BETA Group, Inc. for a Complete Streets Prioritization Plan. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

3. Public Hearing for the following Solicitor License Applications:

- a. Power Home Remodeling: Devin Ellinwood, Sam Krajewski, Joe Moscariello

At 7:47 pm, Mr. Murby declared the public hearing open.

Devin Ellinwood presented the application to solicit residents by knocking on doors and leaving estimates to replace old windows, siding, and roofing. They would like to conduct this activity July through September 30, Monday through Friday, 12:00 - 6:00 pm, and Saturday, 11:00 am - 3:00 pm.

At 7:52 pm, Mr. Murby closed the public hearing.

MOTION: Mr. Peterson moved to grant a solicitor license to Devin Ellinwood, Sam Krajewski, and Joe Moscariello of Power Home Remodeling from July 1 - September 30, 2022, Monday - Friday, 12:00 -6:00 pm, and Saturday, 11:00 am - 3:00 pm. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

Discussion Items (Potential Votes)

4. Discussion and evaluation of Town Administrator's FY2022 goals

Ms. Trierweiler cited a document that was circulated to Selectmen with the goals that were agreed to in July 2021. Most of the goals have been completed with the exception of a few goals which are still in process due to unanticipated, large projects that were added. She thanked her staff as well as many other Town departments that helped to accomplish these goals.

Mr. Murby stated that Ms. Trierweiler's performance is evaluated annually and is based on accomplishment of the pre-established goals. She is eligible for a maximum \$10,000 bonus based on the extent to which she has accomplished the goals.

Mr. Murby invited Selectmen to send him their personal evaluation of Ms. Trierweiler's performance which Mr. Murby will compile into one document for review.

Counsel Cerel said the compilation needs to be completed by a neutral party or the Selectman's compilation would be viewed as a deliberation.

The Board will ask Attorney Jamie Kenny to compile the three evaluations which will become the public document which will be used at a public meeting for the Selectmen to provide feedback to Ms. Trierweiler. Attorney Kenny's compilation will be at a cost to the Town.

Ms. Trierweiler will circulate to Selectmen her self-evaluation in editable Microsoft Word as well as the memo from Attorney Kenny.

5. Discussion of Town Administrator's FY2023 goals

Ms. Trierweiler circulated the FY23 goals she had prepared for discussion. Because the Board of Selectmen have not set the FY23 goals, she will wait to complete the Town Administrator FY23 goals so they align with goals the BOS would like to achieve.

By July 26, Selectmen are to complete their personal assessment of Ms. Trierweiler's performance against the FY21 goals. Selectmen hope to have Attorney Kenny's compilation of the three evaluations to discuss at the August 2 meeting of the Board of Selectmen. Formal, final assessment

of Ms. Trierweiler's performance will be discussed at the August 30 meeting of the Board of Selectmen.

Counsel Cerel said the attorney's compilation should be made part of the August 2 meeting packet.

Selectmen are also to prepare for discussion on August 2, any changes to the current Town goals on the Town web site, and what we think the FY23 goals should be for the Board of Selectmen.

Action Items

6. Discussion and vote to establish a Leash Bylaw Review Committee, seek members, and discuss committee charter

Ms. Trierweiler asked Selectmen for direction in terms of the charter. Would a charter include a leash by-law for the entire Town or just the State Hospital grounds? What would Selectmen like the committee to accomplish?

Selectmen discussed whether the charter would include the entire Town or just the State Hospital grounds. Ms. Murphy suggested the by-law include the entire Town. Mr. Murby suggested the by-law include only the State Hospital. Both agreed the by-law should address certain recurring problems often seen at three problem areas: the Wheelock School, open space at the State Hospital, and the Rail Trail.

Mr. Murby suggested not calling the law a "leash law" but a "dog control by-law" that specifies the rules and circumstances under which the dog should be controlled and give their recommendation to the Board of Selectmen.

Mr. Peterson suggested letting the newly formed committee work on the rules and whether they would apply to the entire Town or specific locations.

Counsel Cerel suggested there are two circumstances pertaining to dog owner needs. One circumstance is where the dog would be walked and leashed. The other circumstance is where the dog would be free to run off-leash. Take what is going on right now in the two defined areas and determine whether you want to formalize a process to allow that to continue and under what terms and conditions.

Bill Massaro of 36 Evergreen Way suggested there will be two sets of rules - one set of rules prepared by Trinity pertaining to the private property at the State Hospital, and the other set of rules pertaining to the open space that has been retained by the Town at the State Hospital. Mr. Murby added rules for the Wheelock School.

Mr. Peterson believes it is a mistake to limit the by-laws to specific areas in Town.

Ms. Murphy asked what will make a difference when the new committee establishes rules when the present rules have been unenforceable.

Counsel Cerel said the only thing that creates an exception to the non-enforceability is that dogs are independently regulated by statute which allows you to deal with nuisance dogs. Potentially, a dog running around is not just violating a local town by-law but has potential consequences for being designated a nuisance dog. Vicious intent of the dog is not required. There are defined statutes.

If a dog causes injury or damage, there is liability to the dog owner. Evidence of violation of a by-law is evidence of liability.

The Selectmen discussed why the present by-laws with fines are unenforceable. Counsel Cerel said it is because there is not a specific leash law. The by-law says that the dog needs to be under voice control of the owner. This language needs to be addressed.

Selectmen discussed asking the committee to address professional dog walkers on Town land and whether the number of dogs per walker would be limited.

Counsel Cerel noted that different land is under care, custody and control of different Town boards and commissions such Parks and Recreation, the cemetery, possibly the schools, do already prohibit dogs on their property.

They discussed soliciting members to be on the committee so that the distribution of persons also represents people who do not have dogs or are uncomfortable around dogs rather than a committee heavy with persons who have a particular view. Members of the committee need to be collaborative and consider other views.

An advertisement will be created to solicit volunteer members to the Dog Control By-Law Review Committee for a period of two weeks. The Board of Selectmen hope to have a list of volunteers for their August 2 meeting.

7. Vote to post the Town's Community Aggregation Plan, reopen the public review period from July 12 to August 22, 2022, and schedule a public hearing to review changes to the plan for August 2, 2022

Megan Sullivan gave a summary of changes to the updated document. The changes are good. Most changes have to do with language around communication with participants in the program which will benefit our community. The Department of Public Utilities required these changes for other communities, so Medfield is making these changes proactively before the plan is submitted for DPU review and approval.

There was an adjustment to one of the four different tiers of programs we wanted. The 50% Option is now called the Mid-Point Option. Patrick Roche of Good Energy will explain on August 2 at the public hearing. We wanted to make the documents available to the community before the Selectmen vote on August 30. There is a handout in the documents that is a summary of the changes.

MOTION: Mr. Peterson moved to post the amended Town's Community Aggregation Plan, reopen the public review period from July 12 to August 22, 2022, and schedule a public hearing to review changes to the plan for August 2, 2022. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

8. Vote to execute the Deed and Grant of Easements for land off Ice House Road ("Hinkley South" project) to Medfield Holdings LLC

MOTION: Ms. Murphy moved to execute the Deed and Grant of Easements for land off Ice House Road ("Hinkley South" project) to Medfield Holdings LLC to be held by the Town Attorney until such time as both parties are prepared to close. Seconded by Mr. Murby.

Vote: All in favor (Selectmen: Murby, aye; Murphy, aye). None opposed. Mr. Peterson recused himself as an abutter. **Vote:** 2-0-1

9. Vote to authorize the Town Administrator to execute a license agreement and right of entry with Trinity Financial for access to Medfield State Hospital buildings for continued building assessment work, including structural reviews and hazardous materials assessment

MOTION: Mr. Peterson moved to authorize the Town Administrator to execute a license agreement and right of entry with Trinity Financial for access to Medfield State Hospital buildings for continued building assessment work, including structural reviews and hazardous materials assessment.

Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

10. Chief Michelle Guerette requests the Board appoint retired Police Officer Christine DiNatale as Special Police Officer

This item was tabled.

11. Vote to sign an engagement letter with Mead Taleran Costa for legal services related to the Medfield State Hospital

MOTION: Mr. Peterson moved to sign an engagement letter with Mead Taleran Costa for legal services related to the Medfield State Hospital. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

12. Vote to sign Engagement Letter with William Solomon for Cable Licensing Renewal

MOTION: Mr. Peterson moved to sign an Engagement Letter with William Solomon for Cable Licensing Renewal. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

13. Vote to authorize Town Administrator to sign a license agreement for use of Medfield State Hospital August 28th and August 29th for State Police/Military Training Exercise

Ms Murphy asked if this was going to shut down the state hospital from the public on those days – TA replied No

MOTION: Mr. Peterson moved to authorize Town Administrator to sign a license agreement for use of Medfield State Hospital August 28th and August 29th for State Police/Military Training Exercise.

Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

Citizen Comment

There were no citizen comments.

Consent Agenda

14. Zullo Gallery is requesting a one-day beer & wine permit for three dates: July 21, August 11 and 18 for the ZULLO THURSDAYS ON THE DECK.

15. Dwight-Derby House requests a beer/wine permit for Sunday, September 18, 2022 from noon until 6:00 PM for the Medfield High School Class of 1972 Reunion

MOTION: Mr. Peterson moved to authorize the Consent Agenda. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

Meeting Minutes

April 26, 2022
March 1, 2022
December 15, 2020
June 9, 2020

MOTION: Mr. Peterson moved to approve the meeting minutes of March 1, 2022 with major revisions, the minutes of December 15, 2020 with minor edits, and the minutes of June 9, 2020.

Seconded by Mr. Murby.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye). None opposed. Ms. Murphy abstained as she was not present at these meetings. **Vote:** 2-0-1

MOTION: Mr. Peterson moved to approve the meeting minutes of April 26, 2022.

Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Peterson, aye; Murphy, aye). None opposed. **Vote:** 3-0-0

Town Administrator Updates

Ms. Trierweiler notified Selectmen the Bond Council announced the IRS audit for the Town has been closed and there will be no change in tax exempt status for the Town. She thanked the financial team who worked very hard to complete the audit with the IRS.

Mr. Milano said the road street delays for the project on North Street will start July 13.

Next Meeting Dates

August 2, 2022
August 30, 2022

Selectmen Reports

Ms. Murphy's activities included:

<ul style="list-style-type: none">• Took time off to visit family	<ul style="list-style-type: none">• Made request for the BOS to add to a future agenda a discussion of whether the board should increase to a 5-member board
---	--

Mr. Peterson's activities included:

<ul style="list-style-type: none">• Email about watering ban that people weren't complying with	<ul style="list-style-type: none">• Peak House - He mentioned one of the fun things to do is a gravestone rubbing
<ul style="list-style-type: none">• Held office hours first Friday. Patricia Bryne visited with a list of traffic violations around Town some of which cause safety issues. He sent most suggestions along to the Chief of Police.	

Mr. Murby's activities included:

<ul style="list-style-type: none"> ● State Hospital Development Committee decided to remain in existence and hold quarterly meetings 	<ul style="list-style-type: none"> ● Attended CAM Great Scot performance which was well attended. One precaution is that the lyrics may not always be appropriate for families with young children walking around.
<ul style="list-style-type: none"> ● Future Dog Control Bylaw Review Committee - He reviewed the Open Space Charter. The BOS should be sensitive to not overextending our authority as some of the committees did in the past. He mentioned a few editorial suggestions for future review by the BOS. 	

Adjourn

MOTION: At 8:26 pm, Mr. Peterson motioned to adjourn. Seconded by Ms. Murphy.

Vote: All in favor (Selectmen: Murby, aye; Murphy, aye; Peterson, aye). None opposed. **Vote:** 3-0-0

Respectfully submitted,

Dale Michaud
Recording Secretary

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

<https://www.town.medfield.net/DocumentCenter/View/6304/BOS-Meeting-Packet-July-12-2022>

Documents and Exhibits

- Verizon Petition for Pole Attachment of Small Cell Communications Equipment, Pole #115, 345 South Street
- SERSG Southeastern Regional Services Group, Water & Sewer Treatment Chemical Award 7/1/22 - 6/30/23
- SERSG, Paper Contract Award 7/1/22 - 6/30/23
- SERSG, DPW Supplies Award 7/1/22 - 6/30/23
- MASS DOT Standard Contract Form with the Town of Medfield end date 12/31/22
- DPW-2022-05 Agreement for Profession Engineering Services for Complete Streets Prioritization between Town of Medfield and BETA Group Inc.
- MASS DOT Complete Streets Prioritization Plan, Scope of Services
- Medfield Community Electricity Update
- Commonwealth of Massachusetts, Department of Energy Resources, Medfield Municipal Load Aggregation Plan
- Quitclaim Deed & Grant of Easements, between Town of Medfield and Medfield Holdings, LLC for Hinckley South
- Land Disposition Agreement between Town of Medfield and Medfield Holdings
- Client Fee Agreement between Town of Medfield and Mead, Talerman & Costa LLC
- Legal Services Agreement between Town of Medfield and Attorney William Solomon for Verizon License Cable Renewal Process
- Zullo Gallery Center for the Arts, Request for beer & wine permit