

MINUTES OF THE BOARD OF SELECTMEN MEETING

February 1, 2016

Meeting held at Town Hall, 7:00 p.m.

MEMBERS PRESENT: Chairman Robert Merry, Vice Chairman Joseph Perry, David Petersen, Cliff Pierce (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) - Clerk Robert Snow - ABSENT

PUBLIC ATTENDEES: James Mulligan – Police Chief; Margueite Crosby; Thomas Crosby; Julie McClung; Charles McClung; Eleanor Mackin; Jeanne McClung; John Muldoon – North Shore Local News; Stephen Barry; Henry Rolfe - Independent Press; Matthew Ziev – Rowley Police; Deana Ziev; Lawrence White – Finance Committee/Open Space Committee; Craig Dwyer – Brightergy; Bill Mirabole – Brightergy; Matt Marino – Brightergy; Tom Beatrice – Attorney for Brightergy; Sean McFadden – Principal Assessor; Donald Thurston – Board of Assessors; Diane D’Angeli – Board of Assessors

CALL MEETING TO ORDER

Chairman Robert Merry called meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE

Lieutenant Steven May led the Pledge of Allegiance.

7:00 p.m. APPOINTMENT Police Chief James Mulligan and Police Lt. Steve May to present citations for Detective Matthew Ziev, Officer John Raffi and Dispatcher Jeanne McClung and Citizen Commendations for Thomas J. Crosby and Marguerite E. Crosby for assistance in locating missing toddler from Hamilton, MA

Police Chief Mulligan said this is his one month anniversary serving as the Interim Police Commissioner for Rowley and he said the Rowley Police Department is outstanding. He said he is very impressed with the staff and dispatchers. He said he is blessed to be lucky enough to get this position.

Mulligan said tonight they are honoring special people who went above and beyond.

Lieutenant May read the Citizen Commendation for Marguerite Crosby. May then read the citations for Jeanne McClung, John Raffi and Matthew Ziev. Chief Mulligan read the letter from Tim and Joanie Albers, parents of the toddler.

Mulligan said his heart is filled with joy and respect. He said he is very proud of Rowley's excellent Police Department. He said to the Crosby's that this child is alive because of you.

Petersen said he is a retired State Police Officer, and he thanked the Crosby's for taking the extra time and the first responders for their work. He said he ran the Dispatch for Boston, so he knows how hard they work and appreciates that the Chief recognized McClung. Petersen thanked all the individuals involved.

CITIZEN QUERY 7:10 p.m. – 7:15 p.m.

There were no Citizen Queries.

7:15 p.m. JOINT MEETING BOARD OF ASSESSORS

- Attorney Thomas Beatrice to discuss Brightery solar panel projects and Payment In Lieu of Taxes Agreement

Chairman Merry called the Joint Meeting with the Board of Assessors to order with a roll call vote. Robert Merry- aye; Joseph Perry - aye, David Petersen - aye, Cliff Pierce - aye; Diane D'Angeli - aye; Donald Thurston - aye. Robert Snow - ABSENT William DiMento - ABSENT

Joint meeting opened 7:16 p.m.

Chairman Merry read the following:

Board of Selectmen Chairman Bob Merry will call the Joint meeting with the Board of Selectmen and Board of Assessors to order by a roll call vote.

Chairman Merry will call Attorney Tom Beatrice forward to make a presentation on Brightergy's proposed solar energy projects in Rowley. Attorney Beatrice represents Brightergy, LLC.

The Boards will listen to the presentation and ask questions.

Attorney Beatrice introduced himself and the representatives present from Brightergy, LLC: Craig Dwyer, Bill Mirabole and Matt Marino. Beatrice said he is here to map out his client's plan for solar development in Rowley. He said the Town By-laws require his client to appear before the Planning Board for a site plan review, and the Conservation Commission since stormwater regulations apply due to the size of the project. He said they are requesting a PILOT agreement with the Town while they are proceeding with the permitting. He said he has spoken with Principal Assessor Sean McFadden, Conservation Agent Brent Baeslack and Town Planner Kirk Baker about the project. He

said his client is committed to the Town and is doing civil engineering work on the proposed sites.

Beatrice said that Brightergy is headquartered in Kansas City, has approximately 700 clients and 1,200 projects in the United States. He said there are approximately 20 projects in the planning stages in Massachusetts, including UMASS, Holliston, Medway and Taunton. He said his client is committed to clean energy and would love to do business with the Town of Rowley. He said they have met with Rowley Municipal Light Plant Manager Dan Folding and have come to terms with the essential elements of a purchase power agreement. He said the next step is the PILOT agreement, and seeking permitting at the same time. He said they would like to start this project right away since in 2016 the tax credit legislation runs out. He said they would like to break ground in late spring / early summer.

Beatrice said his clients need to negotiate a successful PILOT agreement with the Board of Assessors and then present it to the Board of Selectmen for feedback, who will hopefully approve it, and the final step is Town Meeting approval. Beatrice gave the Board copies of the two site plans. He said both sites are under agreement with the landowners for a lease. He said the first location is 187 Central Street, which is 6.7 acres of buildable land, and his client would be using a bit less. He said this site is currently a corn field; there are no significant Conservation Commission or Planning Board issues. He said this location is pretty much not visible from Central Street, but it is visible from Central Way.

Beatrice said the second location is 510 Newburyport Turnpike, adjacent to and behind Agawam Fence. He said there are 33 acres, and his client will use 3 acres. He said this location is wooded and there are Conservation Commission issues that need to be addressed. He said this location is not visible from the street.

Beatrice said he hopes to get positive feedback and present a PILOT to the Selectmen for approval, and then seek approval at Town Meeting. Petersen asked if this is a different request than the one made in the past at Country Gardens. Beatrice said that was another company, who seemed to have financial issues, and has no connection to his client. Pierce asked what the money amount is for the PILOT agreement, and he read an article from the Harvard Law School from 2013 on this topic and the appendix at the end shows a wide variance from \$5,000 per megawatt to \$25,000 per megawatt. Beatrice said they don't know the price yet, it needs to be negotiated with the Board of Assessors. Beatrice said these projects were more economically viable two years ago when there were Massachusetts State tax incentives which have now changed to be less economically viable. Pierce asked what the output will be for the Rowley locations. Bill Mirabole said .5 kilowatts. Mirabole said their firm is based in Charlestown and more relevant data would be from 2015. He said the first program has expired and the new incentives being offered are not as rich, and these expire in June / July of 2016. He said another bill is being proposed and their sense is that it will be notched down further because there is now a Federal tax credit, and Massachusetts currently offers the third largest incentive in the country. Thurston asked if they currently have a PILOT

in Massachusetts. Mirabole said they are in the same stage of the process as they are in with Rowley at UMASS and fifteen other municipalities. He said the process takes 12 to 18 months, so they do not have a Massachusetts PILOT yet.

Petersen asked what the process is. Beatrice said a lot of information is needed before they can bounce numbers, McFadden is researching this, and hopefully we can get there soon. Petersen asked if they are seeking the Board's approval of the concept. Beatrice said their intent was to provide as much information as they could, to let the Board know what they are doing, and what is coming. He said they would like to request to be put on a future meeting agenda when they have more concrete information about the PILOT agreement. McFadden said he needs to speak with Dan Folding and needs more information. McFadden said he has collected agreements from other communities, but Rowley is a smaller scale project.

Mirabole said they have agreed in principal to a 20 year power purchase agreement and the RMLP Board approved this. He said he anticipates this will be signed in 30 - 40 days and today they wanted to provide the Board a clear road map of the project. Petersen asked if anyone has spoken to the Central Way residents about this. Beatrice said there is a buffer between the site and Central Way, he thinks this will be a seasonal issue, there have been no discussions yet, but they plan to. Pierce asked if trees will be preserved at that location. Beatrice said yes. Petersen asked if the Route One location will require a clear cutting of trees. Matt Marino said they will have to clear the area required for the project and as allowed under the permit. Petersen said he is generally in favor of this concept. Beatrice said this is renewable, clean energy with minimally invasive site preparation and maintenance. He said the savings from the purchase power agreement will be passed on to the taxpayers. Pierce asked if all power generated will go to Rowley. Beatrice said yes, and it will be used to supplement Rowley's power source during peak times. Mirabole said peak times are in the summer and have a higher cost, and solar production is greatest at this same time. Matt Marino said Rowley is a unique municipality because it has its own power company, so this project will benefit light rates and taxes. Merry asked if they are working with other municipalities who have their own power companies. Mirabole said yes, Taunton, Middleboro and Wellesley.

Perry said his concern is that budget season will be here and there is a tight time line to get the Town Meeting warrant ready. Beatrice said they will work as expeditiously as possible, and Eagan has been very helpful.

Matt Marino said the landowners retain ownership of the land, and there is a 25 year lease. Petersen asked if Brightergy would be paying property taxes as well. McFadden said the landowner pays tax on the land, but not the equipment, but the land classification may change to buildable.

Eagan said Brightergy should meet directly with the Board of Assessors, the Town's attorney can review the draft PILOT, then the Selectmen can meet with them again. Pierce said the Planning Board will need to hold a public hearing on this.

Chairman Merry called for a motion to adjourn the Joint Meeting with the Board of Assessors. Joseph Perry so moved, Dave Petersen second, all in favor - roll call vote - Robert Merry- aye; Joseph Perry - aye, David Petersen - aye, Cliff Pierce - aye; Diane D'Angeli - aye; Donald Thurston - aye. Robert Snow - ABSENT William DiMento - ABSENT

Joint meeting adjourned 7:50 p.m.

GENERAL BUSINESS

1. Request from Town Clerk Susan Hazen to appoint Wilma McDonald as an Election Official/Warden for February 2, 2016 Recall Election

Chairman Merry read the letter.

Dave Petersen made a motion to appoint Wilma McDonald as an Election Official/Warden for the February 2, 2016 Recall Election, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

2. Request from Fire Department and Water Department to clear obstructed hydrants

Chairman Merry read the announcement. Merry said only people who are capable to clear the snow should do it, and if you are not capable, to contact the Water or Fire Departments.

OLD BUSINESS

1. Pine Grove School Project update

Chairman Merry read the following:

Triton Assistant Superintendent Brian Forget informed us last week that the Massachusetts School Building Authority voted unanimously to support the Pine Grove School renovation project.

Vice Chairman Joe Perry will read the attached email message from Mr. Forget into the record.

Perry said there were 91 applications, and Rowley was 1 of 15 communities approved. He said the reimbursement from the State will be at least 50%.

Perry read the email from Brian Forget into the record. He said his intention is to contact the Pine Grove School PTA to encourage their support of this project since it will require Town Meeting approval. Petersen said he thinks it will be worthwhile to get the PTA involved and coordinate efforts with them given the Public Safety Building project that will be brought forward at the same time.

2. Sign Tata & Howard Contract for Prospect Hill road construction

Chairman Merry read the following:

During the January 11, 2016 Selectmen's meeting, the Board voted in favor of using Tata and Howard for engineering services during the bidding phase of this project. Tata and Howard will assist with bidders' questions and interpretations on the specifications, stormwater permit, the Notice of Intent and engineering plans. The cost of these services is \$4,400. The Board needs to vote to sign the contract for these services. There are two originals that need to be signed.

Joe Perry made a motion to sign the Tata & Howard Contract for Prospect Hill road construction, Dave Petersen second, all in favor - aye (4-0). Bob Snow – ABSENT

3. Discuss adjustments to FY 17 Non-union Compensation Schedule

Chairman Merry said, "Last week the Board approved the FY 17 Compensation Schedule. Debbie will update the Board on this item."

Eagan said as she has been working on the FY17 budget, it has come to her attention that some employees are maxing out on the Compensation Schedule. She said in 2013, HRS Consulting did the Personnel Study, and the original proposal included ten steps, which was cut in half with the idea that this would be reviewed again. She said she is asking the Board to give non-union employees who are exceeding the fifth step a FY17 increase commensurate with the step increases. She said she would also like the Board to direct the Personnel Board to review the Compensation Schedule. Chairman Merry said he agrees that this needs to be looked at. Petersen said the idea behind cutting the schedule down to five years from the proposed ten years was to work out any bugs and correct any problems. He said he believes this system is working well and it needs to be extended. Merry said money was very tight at the time that the Compensation Schedule was developed, and now we can move it forward and it is working well. Pierce said the increase to Step 6 is only fourteen cents. Petersen said the spread between steps is 1.25%, so it depends on what grade you are looking at, but the increases are not large.

Dave Petersen made a motion to give non-union employees who are exceeding the fifth step a FY17 increase commensurate with the step increases, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Dave Petersen made a motion to ask the Personnel Board to review and adjust the Compensation Schedule for the future, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

NEW BUSINESS

1. Stable License application from William Cuddy for 320 Central Street

Chairman Merry read the memo from Amy Lydon about this Stable License.

Dave Petersen made a motion to approve the Stable License application for William Cuddy for 15 horses, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

2. Open May 2, 2016 Annual Town Meeting Warrant

Chairman Merry said, “The Board of Selectmen needs to vote to open the Annual Town Meeting Warrant and to close it at 4:00 p.m. on Monday, February 29, 2016.”

Joseph Perry made a motion to open the Annual Town Meeting Warrant and to close it at 4:00 p.m. on Monday, February 29, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

3. Discuss junk vehicles and unregistered vehicles at 746 Haverhill Street

Chairman Merry read the memo from Amy Lydon about 746 Haverhill Street. Merry said he has driven by the location several times. Pierce said he thinks there are significant zoning issues. He said in the email correspondence with Building Inspector Ken Ward, it states that the previous business was a paving business, and is now a junk removal business. He said the business type changed to another non-conforming business, which is allowed under the By-law, but this needs ZBA approval, and this isn't within the Building Inspector's authority. Pierce said under the By-law a non-conforming use cannot be changed to an establishment for the use sale, rental or storage, service or repair of motor vehicles. He said that seems to cover this situation. He said he believes this property may also be a municipal water supply protection district, which doesn't allow junk storage. He said there are significant issues and at a minimum this should be sent to the ZBA for determination as to whether the change is permitted or if more detrimental. Merry said he agrees with Pierce. Eagan said the ZBA review should take place before the Selectmen issue any type of permit to this business. Petersen said when this business started it was not too bad, but has become a junkyard with all sorts of stuff that is now an eyesore. He said the ZBA can put restrictions or stipulations on the business that the Building Inspector can enforce. Merry said he is also concerned about hazardous materials and we should ask the Fire Chief to look at this as well.

Dave Petersen made a motion to forward this to the ZBA and ask them to look into the current operation, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Eagan said the ZBA was not invited in tonight to discuss this.

MINUTES

- February 2, 2015

Dave Petersen made a motion to approve the minutes from February 2, 2015, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

- May 18, 2015 Executive Session

Joseph Perry made a motion to approve the minutes from May 18, 2015 Executive Session, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

- October 19, 2015 Executive Session

Cliff Pierce made a motion to approve the minutes from October 19, 2015 Executive Session, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

- December 2, 2015

Cliff Pierce made a motion to approve the minutes from December 2, 2015, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

- December 2, 2015 Executive Session

Joseph Perry made a motion to approve the minutes from December 2, 2015 Executive Session, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

- December 7, 2015 1:00 p.m.

Cliff Pierce made a motion to approve the minutes from December 7, 2015 1:00 p.m., Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT Joseph Perry - ABSTAINED

- December 7, 2015 1:00 p.m. Executive Session

Cliff Pierce made a motion to approve the minutes from December 7, 2015 1:00 p.m. Executive Session, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT Joseph Perry - ABSTAINED

- February 2, 2015

Dave Petersen made a motion to approve the minutes from January 25, 2015, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

- November 23, 2015 Executive Session

Joseph Perry made a motion to approve the minutes from November 23, 2015 Executive Session, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

The Executive Session minutes from the December 7, 2015 evening meeting were not voted on.

ANNOUNCEMENTS

- Recall Election - February 2, 2016 from noon to 8:00 p.m. at St. Mary's Hall
- Presidential Primary Election – March 1, 2016
- Last day to register to vote for the March 1, 2016 Presidential Primary Election is February 10, 2016. Contact the Town Clerk's Office at 948-2081 for more information on voter registration
- Coffee with a Cop - February 6, 2016 from 10:00 a.m. to 1:00 p.m., Library
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – two seats
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals** – one seat
 - e. **Zoning Board of Appeals Associate** - two seats
 - f. **Historical Commission-Historic District Commission** – two seats
 - g. **Parks and Recreation Committee** – two seats; and
 - h. **Open Space Committee** is seeking one memberFor more information on these positions, please contact the Selectmen's Office at 948-2372.
- Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Joseph Perry so moved, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

Open meeting adjourned at 8:20 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 7:00 p.m. Appointment: Police Chief James Mulligan and Police Lt. Steve May to present citations for Detective Matthew Ziev, Officer John Raffi and Dispatcher Jeanne McClung and Citizen Commendations for Thomas J. Crosby and Marguerite E. Crosby for assistance in locating missing toddler from Hamilton, MA

2. Citations for Detective Matthew Ziev, Officer John Raffi and Dispatcher Jeanne McClung
3. Citizen Commendations for Thomas J. Crosby and Marguerite E. Crosby
4. Email letter from Tim and Joanie Albers, parents of the toddler
5. Meeting memo regarding 7:15 p.m. JOINT MEETING BOARD OF ASSESSORS - Attorney Thomas Beatrice to discuss Brightergy solar panel projects and Payment In Lieu of Taxes Agreement
6. Letter from Thomas E. Beatrice, Esq. re Brightergy, LLC
7. Solar site assessment maps provided by Thomas E. Beatrice
8. Request from Town Clerk Susan Hazen to appoint Wilma McDonald as an Election Official/Warden for February 2, 2016 Recall Election
9. Massachusetts General Law Chapter 54, Section 11
10. Request from Fire Department and Water Department to clear obstructed hydrants
11. Meeting memo regarding Old Business #1: Pine Grove School Project update
12. Email from Brian Forget re: Pine Grove Project Approved!
13. Meeting memo regarding Old Business #2: Sign Tata & Howard Contract for Prospect Hill road construction
14. Signed Tata & Howard Contract for Prospect Hill road construction
15. Meeting memo regarding Old Business #3: Discuss adjustments to FY 17 Non-union Compensation Schedule
16. FY 17 Non-union Compensation Schedule
17. Memo from Amy Lydon to Board of Selectmen RE: William Cuddy Stable License Application
18. Stable License application package from William Cuddy
19. Meeting memo regarding New Business #2: Open May 2, 2016 Annual Town Meeting Warrant
20. Memo from Amy Lydon to Board of Selectmen RE: 746 Haverhill Street, including attachments
21. Draft minutes for February 2, 2015; December 2, 2015; December 7, 2015 1:00 p.m.; and January 25, 2016