

MINUTES OF THE BOARD OF SELECTMEN MEETING

February 12, 2018

Meeting held at Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

MEMBERS PRESENT: Chairman Joseph Perry, Vice Chairman Robert Snow, Clerk Cliff Pierce, Robert Merry, David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Natalie Lovett)

PUBLIC ATTENDEES: Brent Baeslack – Conservation Agent; Bonni Berkewitz – 623 Wethersfield Street; Barbra Berkewitz; Bernie Cullen – 283 Wethersfield Street; Ron Garron – 456 Wethersfield Street; Seth Lampert – 448 Wethersfield Street; Phil Towne – 22 Bennet Hill Road; Bryan DiPersia; Michael Sabatini – 239 Main Street; Kristen Herrick – 77 Dodge Road; Frank Herrick – 636 Wethersfield Street; Karen Herrick – 636 Wethersfield Street; Lyle Graham – 600 Wethersfield Street; Sandra Kassiotis – 579 Wethersfield Street; Barrett Bacall – 640 Wethersfield Street; Tamela Graves – 624 Wethersfield Street; Daniel White – 634 Wethersfield Street; Richard Burns – 620 Wethersfield Street; MaryAnn Burns – 620 Wethersfield Street; Matt Grenier – 476 Wethersfield

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:00 p.m. Perry announced that the meeting is being video and audio recorded and televised live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

OLD BUSINESS

1. Update on the Pine Grove School Project

Chairman Perry read the following:

The bidding is underway for the sub-trades. A walk through for the sub-trades was held last week. The bid deadline is February 27, 2018.

The Building Committee Working Group reviewed furniture samples. The Working Group will set up a display for the Pine Grove School teachers and staff to look at.

The Demolition and Abatement Contract was approved by the Building Committee. The Building Committee voted to recommend the Board of Selectmen approve the contract to SMS Services, Inc. in the amount of \$1,061,300. If the Board of Selectmen is in agreement, they must vote to approve the contract and to authorize Chairman Perry to sign it.

The next Building Committee meeting is scheduled for February 22, 2018.

Dave Petersen made a motion to approve the contract and to authorize Chairman Perry to sign it, Bob Snow second, all in favor – aye (5-0)

2. Update on Fire Station and Police Station Addition Project

Chairman Perry read the following:

Construction fencing is being installed this week. The tree stumps are slated to be removed this week. We're working with National Grid on getting the gas main re-located. Flood lights have been installed.

Dave Petersen said the project is moving along.

7:05 – 7:10 p.m. PUBLIC COMMENT

Kristen Herrick, 77 Dodge Road, said she was there representing Herrick Farm. She said she would like the Board of Selectmen to allow the Barn at Bradstreet Farm to operate functions. She said The Barn's operations also helps other local farms because a percent of the farm-to-table produce comes from their farm and surrounding farms. She said agritourism is a lifeline for farms. Herrick said the Town's actions has local farms concerned.

Phil Towne, 22 Bennet Hill Road, said he would like to see the Selectmen meet in a larger room that would allow for more people to participate in the meetings. He said he has been to several meetings where there were no chairs left. He suggested that the Board of Selectmen hold their meetings upstairs in the Town Hall Auditorium. Towne also said he would like to see Rowley embrace solar farming but not at the detriment of wooded areas. He said he would prefer to see solar on commercial rooftops, schools, etc.

OLD BUSINESS

3. Discuss FY 19 Triton Budget development and projected Town assessment

Chairman Perry read the following:

Chairman Perry attended last week's Triton School Committee public hearing on the FY 19 budget. He will update the Board on this matter and discuss his thoughts on this agenda item.

Perry said the School Committee presented three budget scenarios for FY19. Scenario #3 was created in response to a letter that the Selectmen sent to the School Committee stating the Town could commit half of its proposition 2 ½ funds to the FY19 school

budget; approximately \$200,000. He said that at the end of the meeting last week, the School Committee members were polled and 8 out of 9 agreed that they prefer Scenario #1. Perry said he was disappointed to hear that the School Committee is considering Scenario #1. He said there will be another meeting held Wednesday and the School Committee will make their final vote on the budget on March 15.

Cliff Pierce said the Scenario #1 budget is a 10.26% increase to Rowley. Perry said that will consume all of the Town's Proposition 2 ½ and taxes from new growth, which is approximately \$400,000.

Bernie Cullen, 283 Wethersfield Street, said he was also at last week's School Committee meeting and he endorses Joe Perry's summary of the meeting as accurate. He said the budget is a difficult problem and will not be solved in one year. He said the teacher union contract increases for following year will be similar to this year, so an override would only take care of this coming year's operation excess.

Perry said they were in agreement with the School Committee that the budget problem stems from a lack of state funding. He said 15 years ago the Town received \$8,600,000 from the state. He said now 15 years later, the Town is receiving \$8,300,000 in state aid, a decrease of \$300,000. He said state funding has not kept up the pace. Cullen said he disagrees. He said that over that same time enrollment has dropped yet the number of teachers has only been reduced by 5. Cullen said there are other factors contributing to the budget issue that are within the control of the School Committee.

Bob Snow said that Scenario #1 would require approximately \$700,000 decrease in Town services. He said the Town services are run on approximately \$2,000,000 already. He said that would be devastating to this Town. Perry said it would definitely mean layoffs. Snow said he does not know how the Town would function.

7:15 p.m. APPOINTMENT Conservation Agent Brent Baeslack to discuss Stormwater Compliance Requirements

Chairman Perry read the following:

Conservation Agent Brent Baeslack will be providing the Board with an update on the Town's compliance with the National Pollution Discharge Elimination System (NPDES) MS4 Permit.

One of the Permit's requirements is to maintain an updated inventory of storm drains. The storm drains need to be monitored under NPDES. The Merrimack Valley Planning Commission has offered the Town a proposal on creating and operating a Mobile Stormwater Application. The Selectmen would need to approve the proposal and sign the contract with MVPC in the amount of \$2,000. Brent will then work with the Town's IT Department to purchase iPads for himself and the Highway Department. These funds are covered under the FY 18 Stormwater Budget.

Brent Baeslack said he functions as the coordinator for town-wide compliance with what was previously known as the Phase 2 of the Clean Water Act through the NPDES or MS4 permit program for sewer and stormwater. He said because the Town does not have municipal sewer, we only need to worry about stormwater. He said as a part of effort to comply with EPA permit conditions and demonstrate with compliance with the Clean Water Act, the federal government has made a goal for all waters to be clean, swimmable, and drinkable. He said the Town has already met certain permit requirements. He said the next step is to utilize technology to help us do the inspections and then eventually to monitor and sample the stormwater discharge. He said first an inventory will need to be completed which will include an assessment of the conditions of the Town's infrastructure, some of which needs attention. He said this will help them to know where to allocate resources. He said he is asking the Selectmen to authorize the purchase of the technology along with authorizing the MVPC contract. He said the MyMap program is already used in Rowley by the Water and Light Departments. Baeslack said when we upgrade road ways, the Town should also look at the stormwater systems. He said the technology will allow them to take a more systematic approach when assessing roadway improvements. He said the technology also may be expandable, the Board of Health may also be able to use the program.

Perry asked how many storm drains there are throughout the Town. Baeslack said when the inventory was initially completed it was on very specific areas, and a large portion of Rowley was not inventoried. Baeslack said this inventory will be Town-wide.

Cliff Pierce asked what will be monitored and assessed. Baeslack responded that they will test for E. Coli, and contamination from non-functioning septic systems. He said that dry weather sampling will also show if there are any leaking pipes.

Dave Petersen said there needs to be a discussion surrounding the fact that most roads in Rowley do not even have storm drains. He said only about 20% have them. Baeslack said they should look at areas where the lack of drainage may cause issues, such as those seen during the Mother's Day flood several years ago. He said the NPDES program focuses on existing infrastructure.

Dave Petersen made a motion to approve the \$10,000 and contract with MVPC, Cliff Pierce second.

Bonni Berkowitz, 623 Wethersfield Street, asked who owns the data that is collected. She said the Town should see if any of the data could be sold to contractors or bidders. Baeslack said that Board of Assessors oversees the maintenance of the MyMap program. He said the program is focused on very specific data. Petersen said the primary purpose is to comply with federal and state law. Perry read Section 8 of the contract with MVPC. Bob Snow said it would not be in the Town's best interest to release information about crucial infrastructure.

All in favor – aye (4-0) Bob Snow abstained as a member of the Merrimack Valley Planning Commission.

Chairman Perry repeated to the new meeting attendees that the meeting is being audio and video recorded and played live on Rowley Community Media.

7:30 p.m. APPOINTMENT* Tamela Graves and Richard Burns to discuss proposed solar farm at 623 Wethersfield Street

Chairman Perry read the following:

Ms. Graves and Mr. Burns have requested to meet with the Board of Selectmen to discuss a solar farm at 623 Wethersfield Street, which is currently under review by the Planning Board.

Chairman Perry said he would like to allow as many people to speak as possible, however he asked that speakers not repeat points made by a prior speaker.

Bob Merry said he will recuse himself from any votes as a member of the Light Commission.

Bob Snow said he is also on the Light Commission. He said that if the discussion focuses on zoning he is OK but if it focuses on electricity he will need to abstain.

Cliff Pierce said he is on the Planning Board and will not discuss specifics of the Planning Board application.

Tamela Graves, 624 Wethersfield Street, said she moved to Rowley because it is an old hometown community with lots of surrounding nature. She said the solar facility will be located across from her home. Graves said that she and her neighbors have received estimates from realtors that their property values are going to decrease by 40% once the solar facility is installed. Graves said she is here to speak on behalf of herself, her neighbors, and the abutters. She said she is asking for the help of the Board of Selectmen to save their homes and neighborhood. She said they do not feel like they are receiving respect from the applicant. She said that the subject property is currently wooded. She said removing all of the trees on that lot will have an affect on the health of the surrounding trees. Graves said she has learned that pine trees grow in families, if trees from that family are removed, the surrounding trees suffer. She said that pine trees also absorb a lot of water from the ground. She said that if the property is cleared for the solar facility, the additional runoff will cause flooding issues for her and her neighbors. Graves said that the property is zoned outlying, however it is a residential area. She said there are other open spaces in Town that would be better suited for a solar farm.

Richard Burns, 620 Wethersfield Street, thanked the Selectmen for letting him and his neighbors speak to them about their concerns regarding the solar installation. He said the solar farm is a business. He said the state laws include categories for small,

medium, and large solar panel installations. He said this installation will be the equivalent of 4-5 large solar power systems, operating at about 2-2.5 MW. He said by law, the Town of Rowley will buy back any unused power at market price. He said this installation will disrupt the fragile eco system by bulldozing and clearing up to 4 acres of land all in an attempt to avoid wetlands yet still fit in as much solar power as possible. He said the solar farm will cause great harm to the environment and will devalue their property values. He said it will take away from the beauty of the land area for another one's profit. He asked how such a large solar farm can be installed in a residential area. He asked the Selectmen to consider MGL Chapter 40A Section 3 which states that "No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitates the collection of solar energy, except where necessary to protect the public health, safety or welfare." He said they are concerned that the surrounding trees will begin to fail.

Louise DiMella, Leslie Road, said she is here to support the neighbors even though it doesn't affect her directly. She said she also moved to Rowley for its natural beauty. She asked the Selectmen to consider the future of the Town and what sort of history and reputation do you want the Town to have. She said the Town isn't going to make much money off of the solar farm. She said she wants to see the character and spirit of the Town preserved for future generations. She said that she also hopes the owner of the property reconsiders the installation.

Lyle Graham, 650 Wethersfield Street, said what if the business isn't profitable and the owners want to sell or shut it down. He said the equipment will corrode and degrade over time. He said there are examples of panels along 495 that have collapsed even though the panels are only 9 years old. He said the Town needs to protect itself and the neighbors, possibly through a bond. He also said that there should not be goats roaming the property, as they may chew through the wires and hoses.

Matt Grenier, 476 Wethersfield Street, said he while he is not an abutter he is concerned with the solar farm installation. He said that Massachusetts Department of Energy and Resource Management issued an order in 2014 discouraging solar farms, that are not roof-based, when installing them would require deforestation. He also said the he feels he interprets welfare as including socio-economic welfare and whereas the abutters may be facing a 40% decrease in their property values he feels that will certainly affect their welfare. He said that the Rowley by-law that addresses the large solar farms does not include a definition of what a large solar farm is and needs to be reviewed.

Cliff Pierce said that there is a definition of the term large solar farm in the definitions section of the zoning by-law. He said the Planning Board's site plan review criteria applies to the solar panels and that it allows them to take into consideration the detrimental impact to the neighbors. He said the Planning Board needs to enforce the provision.

Joe Perry said that he invited the residents to speak before the Selectmen, because he felt it was important for them to have a forum to express their concerns about the solar farm. He said the Town operates on a series of bylaws. He said the solar farm currently has an application before the Planning Board and the Conservation Commission. He said changes to the by-law need to go through specific steps before they are brought before the Board of Selectmen for review. He said the Board of Selectmen does not have any review authority for this project under the bylaw.

Dave Petersen said he does not know what year the bylaw was implemented but it may predate large solar farm projects. Pierce said when the bylaw was promulgated the Planning Board knew that the owner of Country Gardens on Central Street was considering installing a solar farm. He said the Planning Board's goal was to get something on the books so that solar farms would require site plan review. He said that prior to the bylaw they would have been allowed by right.

Petersen said that the Board of Selectmen should recommend that the Planning Board study the zoning ordinance and how it affects the Town as a whole. He said that changing the regulations takes time though, so it would not affect the project before them now. He said the Planning Board will need to make a determination on this project based on the current bylaw.

Bob Snow said that 12 years ago he ran for a seat on the Planning Board because he was upset about a project that had been approved in his neighborhood. He said he learned that almost 80% of the residents of Rowley are located in an outlying district. Petersen said that they encourage people to get involved and run for office.

Petersen made a motion to have the Town Administrator draft a letter to the Planning Board asking that they review the solar farm bylaw, Bob Snow second, all in favor – aye (3-0) Bob Snow – Abstained, Cliff Pierce – Abstained

Meeting attendees for this item left the meeting.

Bonni Berkowitz, 623 Wethersfield Street, said that she had raised her hand but she was not called on to speak. She said she is the project proponent and would like to respond to the comments made regarding the project. She said the project is designated as a community solar project. She said they sell 100% of the energy produced back to the Town. She said the benefit to residents is that they will see lower electric bills.

Bob Snow recused himself and stepped out of the room at 8:23p.m.

Berkowitz said that residents will have a fixed cost of electricity created by the solar farm for 10 years, possibly up to 60 years. She said there will also be tax revenue to the Town. She said she has information from her forester that discusses the effect of cutting trees. She said the letter was sent to the Planning Board but because of a technicality it was not put on the agenda. Berkowitz read the letter from the Forrester. She said that

community solar projects allow residents to participate in solar energy where they may not otherwise be able to.

Bob Snow rejoined the meeting at 8:40p.m.

OLD BUSINESS

4. Update on the Annex Elevator project

Chairman Perry read the following:

Debbie and Dave have been working on the Annex Elevator project. We've asked CBI to present a "phase in" approach due to the high cost in making the building handicap accessible. The state requires the entire building be upgraded as part of this project.

The estimated cost is well-above the amount available. Debbie and Dave are recommending that the available funds be used for upgrading the first floor of the building at this point.

Petersen said they originally thought that installing the elevator would cost approximately \$800,000. He said that the \$800,000 will cover the cost of the elevator, however because more than 35% of the building will be renovated the whole building will need to be upgraded to meet current code. He said the cost of the upgrades brings the total project cost to \$1.8 million. He said the Town may acquire the Didax building and move the Annex offices there, but the Council on Aging would remain in the Town Hall Annex building. He said they have asked the architects to split the project into three phases. The 1st phase will be to make the 1st floor accessible, including installing a new exterior ramp and renovating the bathroom. He said the 2nd phase will be to upgrade the 2nd floor and the 3rd phase would be to install the elevator, if they ever get to that point.

NEW BUSINESS

1. Discuss Capital projects:

- Completion of the Town Hall Window replacement project
- Selectmen's Office floors
- Handicap ramps
- Fire Alarm and security systems for municipal buildings

Chairman Perry read the following:

Town Hall Window Replacement

We have replaced all the Town Hall Windows under this project, with the exception of five windows in the Selectmen's Office. These are the original windows and they are drafty. Debbie's office and the Personnel Office don't have radiators and access to the building's heating system, so if this final set of windows can be replaced it would assist in keeping these areas warm during the cold months. The project budget has a balance of \$1,663.00. Debbie is asking permission to file an application with the Community

Preservation Committee for funds to complete the project and then place an article on the Town Meeting Warrant.

Selectmen's Office Floors

More than 10 years ago, area rugs were placed over various sections of the carpet in the Selectmen's Office. The existing carpet is more than 40 years old. There are tears and holes in the carpet and it is posing a safety hazard. Also, the area rugs are getting loosened and are posing a tripping hazard. Debbie is asking permission to go forward and get price options for replacement flooring and an article for the Town Meeting Warrant.

Handicap Ramps

The ramps at both buildings need to be replaced. Debbie is asking permission to get prices for the replacement of the ramps in anticipation of getting funding at Town Meeting. The Annex ramp is part of the Annex Elevator project.

Fire Alarm and security system

We've met with Fire Chief Jim Broderick on the Fire Alarm System. As part of the Fire Alarm System upgrade, we're also including the security system. Debbie is seeking permission to go forward with drafting an article for funding this item.

Debbie Eagan said the board needs to let her know if they want her to move forward on these projects.

Petersen said this is an ideal year to implement some infrastructure projects. Pierce said they seem reasonable. Merry said he agreed. Perry said he is in support of the issues.

Petersen said Eagan will put together the articles for these capital projects.

FY 19 BUDGETS

- Town Hall and Annex Copier
- Town Counsel
- Handicapped Commission/Disability
- Memorial and Veterans Day

Chairman Perry read the following:

The Town Hall and Annex Copier budget is not ready for tonight.

The other three budgets are ready. Debbie has level-funded them. She is suggesting a name change on the Handicap Commission to ADA/Disability Budget because there is no Handicap Commission. The ADA Coordinator (Debbie) with the assistance of Natalie will work on the ADA items for the Town.

Petersen made a motion to approve the Town Counsel, Handicapped Commission (with the name changed to ADA/Disability Budget), and Memorial and Veterans Day budgets, Bob Snow seconded, all in favor - aye (5-0)

Petersen said some of the budgets may need to be cut back depending on what happens with the schools budget.

ANNOUNCEMENTS

- The Friends of the Council on Aging is sponsoring a Shoe Drive during the month of April at the Town Hall Annex, 39 Central Street. Paired footwear, such as the following may be deposited in the container at the Annex Parking lot: shoes, boots, work boots, sandals, slippers, flip flops, heels, sneakers, pocket books, purses, backpacks and belts.
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- Town Meeting is scheduled for Monday, April 30, 2018 at 7:00 p.m. in the Pine Grove School Gymnasium.
- Treasurer/Collector announces that the motor vehicle excise tax bills were mailed on February 2, 2018.
- The Town has the following vacancies:
 - a. **Fence Viewer** – three positions;
 - b. **Wood, Lumber & Bark Inspector**;
 - c. **Zoning Board of Appeals Associate** – three seats;
 - d. **Parks and Recreation Committee** – one seat; and
 - e. **Deputy Shellfish Constables** – two positions.For more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

There being no further business before the Board, Chairman Perry called for a motion to adjourn. Bob Snow so moved, Cliff Pierce second, all in favor - (5-0).

Open Meeting adjourned at 8:56 p.m.

Respectfully submitted,
Natalie Lovett
Assistant Town Administrator

ATTACHMENTS

1. Meeting Memo regarding 7:15 Appointment: Conservation Agent Brent Baeslack to discuss Stormwater Compliance Requirements

2. Merrimack Valley Planning Commission – Scope of Work for the Town of Rowley – Stormwater Management
3. Contract for Services between the MVPC and the Town of Rowley
4. Meeting Memo regarding 7:30 Appointment: Tamela Graves and Richard Burns to discuss proposed solar farm at 623 Wethersfield Street
5. Email from Tamela Graves to the Board of Selectmen dated February 1, 2018
6. Letter from Richard T. Burns to the Board of Selectmen dated February 1, 2018 voicing opposition to the Rowley Solar project
7. Letter from John Robbins to the Planning Board in support of the Rowley Solar project provided to the Board of Selectmen by Bonni Berkowitz during the meeting
8. Letter from John Robbins to the Planning Board regarding the impacts of tree cutting provided to the Board of Selectmen by Bonni Berkowitz during the meeting
9. Meeting Memo regarding Old Business #1: Update on the Pine Grove School Project
10. Letter of Recommendation for Early Release Package #2 Award from Pinck & Co., Inc. dated 2/6/2018
11. Meeting Memo regarding Old Business #2: Update on Fire Station and Police Station Addition Project
12. Meeting Memo regarding Old Business #3: Discuss FY19 Triton Budget development and projected Town assessment
13. Triton Regional School District FY19 Budget Assessment Scenarios
14. Triton Regional School District FY19 Budget Development spreadsheet
15. Meeting Memo regarding Old Business #4: Update on the Annex Elevator project
16. Letter from CBI Consulting, LLC re: Project Phasing Based on 100% Pricing Estimate dated 12/11/2017 with attachments
17. Meeting Memo regarding New Business #1: Discuss Capital projects
18. Meeting Memo regarding FY19 Budgets
19. FY19 Department Budget Request Worksheet – Handicap
20. FY19 Department Budget Request Worksheet – Town Counsel – Board of Selectmen
21. FY19 Department Budget Request Worksheet – Memorial Day & Veterans Day