

## **MINUTES OF THE BOARD OF SELECTMEN MEETING**

January 14, 2019

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

7:00 p.m.

**MEMBERS PRESENT:** Chairman Cliff Pierce; Vice Chairman Joseph Perry; Clerk Robert Snow; David Petersen – ABSENT until 7:02 p.m. (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** Monique Jeffrey; Barbara Berkowitz; Bonni Berkowitz; Kevin Snow; Michael Sabatini – Main Street; Dan Folding – Light Department; Maggie Lemelin; Thomas E. Beatrice, Esq. – Maven Revocable Trust & Rowley Solar, LLC; Barrett S. Bacall; Gregory Kassiotis; Bryan DiPersia

### **CALL MEETING TO ORDER**

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded and broadcast live via Rowley Community Media.

### **PLEDGE OF ALLEGIANCE**

Dan Folding led the Pledge of Allegiance.

### **GENERAL BUSINESS**

1. Letter of resignation from G. Robert Merry from the Board of Selectmen

Chairman Pierce said this is a sad item for the Town. He said his friend and colleague Bob Merry has resigned from the Board of Selectmen. He read the resignation letter. He said he understands that Bob Merry has also resigned from the Board of Light Commissioners. He said this is a big loss for the Town. Snow said Merry is one of the finest individuals he has every worked with. He said Merry was the Vice Chairman when he was the Chairman of the Board of Selectmen. He said Merry was the Chairman and led the Town during the 375<sup>th</sup> Celebration. He said there is a loss of knowledge with the loss of Merry on the Board. He said Merry has done much research for the Town, including the Town's delineation line. Pierce said Merry has immense historical knowledge, and we are trying to present him with a proclamation at the next meeting.

### **7:00 p.m. APPOINTMENT** Monique Jeffrey to discuss Briar Barn Inn Liquor License

Chairman Pierce read the first paragraph of Jeffrey's letter.

Joe Perry made a motion to limit the liquor license for the Briar Barn Inn to cover the Inn only, Bob Snow second, all in favor - aye (4-0).

## **GENERAL BUSINESS**

2. Letter from Police Patrolman Scott Hirtle announcing his retirement

Chairman Pierce read the retirement letter.

Dave Petersen made a motion to accept this retirement and to send a letter of appreciation, Bob Snow second, all in favor - aye (4-0).

3. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time patrolman

Chairman Pierce read the request.

Joe Perry made a motion to lift the hiring freeze for this position, Bob Snow second, all in favor - aye (4-0).

## **NEW BUSINESS**

1. Discuss Decommissioning Bond for the Rowley Solar Project at 623 Wethersfield Street

Chairman Pierce read the following:

*The Special Permit issued by the Planning Board requires the solar company to post a Decommissioning Bond with the Town. (See page 8 #3).*

*If the solar company ceased operations and abandoned the site, the bond posted by the Town can be used by the Board of Selectmen to remove the facility and to restore the site to pre-existing conditions. The bond funds would need to be appropriated at a Town Meeting and the project will need to be bid out in accordance with the requirements in public bidding laws and prevailing wage rates. We will need to file a Request for Determination of Applicability with the Conservation Commission to dismantle the facility. That process may or may not require a permit.*

*Attached is the Decommissioning Plan submitted by the solar company, Invaleon. Please note that they state that the facility is 2KW-DC, but this is an error. It is actually a 2MW facility, according to Town Planner Kirk Baker.*

*Also attached is information Kirk got from the Newbury Planning Department on the amount posted for various decommission bonds in other municipalities. One important note is that the Decommission Plan is planning for 30 years, so there should be an inflationary factor applied to the bond amount. Furthermore, the Decommission Plan*

*assumes scrap value for the various components of the facility. I think that the bond should not factor scrap value into the cost.*

*If there are not enough bond funds to cover the decommissioning of the site, which includes the following:*

- *the cost to dismantle the site (labor and equipment);*
- *transport all the components to various disposal sites;*
- *disposal costs; and;*
- *any permitting costs*

*what recourse does the Town have other than seeking Town funds to cover the shortfall? Such funds would need to be appropriated at a Town Meeting.*

Pierce said the Planning Board required a \$105,000 bond, and the contractor agreed to post it. He said there is a spreadsheet that shows the average bond amount required by Towns is \$61,000 per megawatt. He said the Rowley Solar project is a two megawatt system, so \$105,000 is not far off. Petersen said the site is private property and the system is being built by a private entity. He said if it fails, the Town becomes responsible for decommissioning the site. He said he doesn't understand why this is the case. He said we should ask the Planning Board to ask the property owner or the company running the project to be responsible for the decommissioning, or if there is a shortfall in the funds to do it, they should pay the difference. He said at a minimum, the bond amount should be a lot larger than \$105,000. He said the cost to replace the boiler at Town Hall is \$50,000. He said the Selectmen's Office would be responsible for the decommissioning project.

Pierce said the solar company is still primarily responsible for getting rid of the equipment, but the bond would cover the cost if the company leaves Town and is nowhere to be found. He said if the bond is insufficient, the Town would remove what it could using the bond proceeds, and then the Town would have no remaining liability. He said the remaining removal would be the landowner's responsibility, and \$105,000 should be sufficient. Snow said in 30 years, this amount will not be enough to cover the cost. Petersen said the Town has to pay prevailing wages and insurance, so the Town's cost is almost double what a non-municipal entity would pay. Pierce said the Planning Board will look at the amount when the project is completed and in the future, but has set the amount at \$105,000 for now.

#### **7:10 to 7:15 p.m. PUBLIC COMMENT**

Michael Sabatini of Main Street said marijuana lobbyists are working for two changes: allowing people to order marijuana like they order a pizza and allowing marijuana

smoking in public housing and Town properties. He said as the Town creates bylaws, he wanted to bring this to the Board's attention.

Bryan DiPersia of 500 Wethersfield Street asked if the Board had considered changing its name from Selectmen to Rowley Select Board. Pierce said this has never been formally discussed. DiPersia asked what the process is. Petersen said we would have to check with Town Counsel. Pierce said this can be added to the next agenda for discussion. Eagan said Massachusetts General Laws haven't changed and the statutory name for the Board is the Board of Selectmen. She said she will ask Town Counsel for about this.

**7:15 p.m. APPOINTMENT** Rowley Municipal Lighting Plant Manager Dan Folding to discuss the Rowley Municipal Lighting Plant's plans to connect the solar project at 623 Wethersfield Street in the Town's Right of Way to the Rowley Light Department's electrical system

Chairman Pierce read the following:

*The Municipal Lighting Department had previously installed six light poles at the solar project on Wethersfield Street. The approved Site Plan approves only one pole at this site. The Light Department removed five poles. Dan is here tonight to discuss what the Light Department is proposing to do in the Town's Right of Way in this area.*

Pierce said at the Planning Board meeting, Folding said the connection would be made entirely on the Town's right of way, and asked what specifically will be installed. Folding said there will be three pieces of equipment all installed on three existing light poles. He said there will be no ground mounted equipment, and the largest equipment is the metering cluster, which is about 4.5 feet long and 2 feet high. Petersen asked if the equipment can be put on the property owner's property and run a line from there. Folding said he met with the developer a year and a half ago, and he dictated to the developer how the connection was to be set up. He said the plan was always to have six poles with the equipment, and he is not sure why this wasn't shown on the plan. He said because it wasn't shown, they now have to put this on Town poles. Bernie Cullen asked if there is a schematic to show the equipment. He said it was meant to go on six poles, and now it is going on three poles, and the equipment is large. He said the problem is just being moved to a different part of the road. Folding said it is not a solid box, but consists of smaller pieces of equipment mounted in a rack, and looks similar to a transformer bank.

## **OLD BUSINESS**

1. Discuss concerns over excessive truck traffic on Dodge Road and Wethersfield Street

Chairman Pierce read the following:

*This agenda item is a follow-up to a discussion the Board had on this topic during the December 10 meeting.*

*Since that time, Selectman Bob Snow contacted the Merrimack Valley Planning Commission regarding the process needed for the Town to implement truck traffic restrictions on Town roads. Dodge Road residents Scott Stone and Sherrie Feffer-Thoman have written to the Board of Selectmen expressing their concerns over excessive truck traffic on Dodge Road.*

Bob Snow said he contacted Tony Cormak at MVPC, who sent the guide on how to control truck traffic on local streets. He said this isn't controlled by the municipality, it is controlled by Mass. Highway. He said it would require a traffic study, preparatory study and truck exclusion bylaws. He said an alternative is to ask truck companies to choose an alternate route. Perry said we do have to provide an alternate route that the truckers could use. Snow said when a project goes before the Planning Board, they can ask the applicant to find alternate routes, or set the speed limit. Perry said this was done for the Rowley Country Club project. Petersen said once the solar project on Wethersfield Street is complete, he expects the traffic will diminish. He said he recommends when a new project starts, to ask the Planning Board to restrict trucks to use Route 1. Snow said we can also approach the construction companies and ask them to voluntarily restrict their speed limits and to use care when traveling through neighborhoods. Petersen said a traffic study will cost the Town money, and the solar project should be mostly done by the end of the month. Snow said the best approach is for the Town Planner to speak to the contractor. Pierce said the truck exclusion doesn't apply to construction or delivery vehicles, and just applies to through traffic. He said he isn't sure that there is a lot of through traffic. He said we would also need to meet criteria that 5% of the traffic is truck traffic, and we probably wouldn't meet that criteria. He said moving forward with a truck exclusion probably won't address the problem, which is construction traffic, and it would cost the Town money. Maggie Lemelin asked if the Board is going to recommend that the Planning Board require traffic accommodations for projects of this size. Pierce said we can send a letter to the Planning Board, and include the guide.

Bob Snow made a motion to send the guide to the Planning Board and ask them to look at this for future projects, Joe Perry second, all in favor - aye (4-0).

2. Discuss speeding and crosswalk safety on Main Street

Chairman Pierce read the following:

*We received correspondence from a resident concerned about speeding and crosswalk safety on Main Street. Email from Linda DeCelles is attached.*

*The Board of Selectmen voted to send a letter to Stephanie Pollack of MDOT on October 11, 2018 requesting MDOT to re-paint the crosswalks and to place lime green signs on the crosswalks on Route 1A because of safety concerns. We have not heard back from MDOT on this request.*

*Police Chief Scott Dumas is reporting that the Police Department has been monitoring the crosswalk on Main Street at the Post Office and the stop sign at Central and Main Street. (Email message is attached.) The monitoring is done by a marker vehicle, which may be why the traffic slows down. The Police Department plans to re-double their efforts. The Police records show they have logged in for this location 53 times over the past three months for a total of 28 hours and 40 minutes. (See second email.)*

Pierce said the Police Chief's comments on this are in the packet. He said we can send a follow up letter to MassDOT. Petersen said they won't be doing this work over the winter. He said it isn't too bad around Town Hall and is worse farther up. Bryan DiPersia asked if the crosswalks can be raised like in other communities. Snow said this would be difficult since Route 1A belongs to Mass Highway.

### 3. Pine Grove School Project Update

Joe Perry said he went to the Christmas concert, and the kids were thrilled with the All Purpose Room. He said the room has the same footprint, but looks bigger. He said they are now serving hot meals. He said they are on schedule for Phase 3, and the upper South Wing will be completed in February. He said then the lower South Wing will be completed in eight months. Pierce said it looks beautiful and he is happy that they lowered the stage. Perry said a camera has been mounted, and so there will no longer be a camera on the floor at Town Meeting.

Bob Snow made motion to approve the December 10, 2018 minutes. This vote was not completed.

### 4. Fire Station and Police Station Addition Project Update

Chairman Pierce read the following:

*Work is going along at a great pace. The Fire Station apparatus bays are being painted. The dispatch center in the existing Police Station building is nearing completion. The furniture for the dispatch center will be delivered next week.*

Petersen said the lights being left on in the Fire Station are required under the insurance contract, and the contractor pays the bill. He said the Town is paying for this through the contract with the contractor. He said the project is within budget and on time.

## **MINUTES**

- December 10, 2018

Bob Snow made a motion to approve the minutes of December 10, 2018, Joe Perry second, all in favor - aye (4-0).

- December 17, 2018

Bob Snow made a motion to approve the minutes of December 17, 2018, Joe Perry second, all in favor - aye (3-0). Dave Petersen – ABSTAINED

- January 7, 2019

Bob Snow made a motion to approve the minutes of January 7, 2019, Joe Perry second, all in favor - aye (4-0).

## **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - a. Agricultural Commission Associate;
  - b. Cultural Council;
  - c. Fence Viewer – three positions;
  - d. Wood, Lumber & Bark Inspector;
  - e. Zoning Board of Appeals Associate – two seats; and
  - f. 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.

**7:45 p.m. EXECUTIVE SESSION**– to conduct strategy sessions in preparation for negotiations with nonunion personnel, Scott Dumas, and to conduct contract negotiations with Scott Dumas – G.L.c.30A §21(a)(2)

Chairman Pierce called for a motion to go into executive session to discuss the following:

To conduct strategy sessions in preparation for negotiations with nonunion personnel, Scott Dumas, and to conduct contract negotiations with Scott Dumas because an open session will have a detrimental effect on the negotiating position of the Board of Selectmen pursuant to State Open Meeting Law G.L. c. 30A, Section 21(a)(2) and to not return to open session.

Robert Snow so moved, Joe Perry second, all in favor – roll call vote: Joe Perry – aye, Bob Snow – aye, Cliff Pierce – aye, Dave Petersen – aye.

Executive Session opened, and Open Session closed at 7:54 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

#### **ATTACHMENTS**

1. Letter of resignation from G. Robert Merry from the Board of Selectmen
2. Memo from Amy Lydon to Board of Selectmen regarding Briar Barn Inn Liquor License
3. Certificate of Occupancy for the Briar Barn Inn
4. Liquor License for Briar Barn Inn signed December 3, 2018
5. Letter from Monique Jeffrey regarding Briar Barn Inn Liquor License
6. Letter from Police Patrolman Scott Hirtle announcing his retirement
7. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time patrolman
8. Meeting memo regarding New Business #1: Discuss Decommissioning Bond for the Rowley Solar Project at 623 Wethersfield Street
9. Excerpt of Special Permit for 623 Wethersfield Street (page 8)
10. Information from the Newbury Planning Department on bond amounts posted for various decommission bonds in other municipalities
11. Decommissioning Plan submitted by the solar company, Invaleon
12. Board of Selectmen Public Comment Policy for Public Meetings
13. Meeting memo regarding 7:15 p.m. Appointment: Rowley Municipal Lighting Plant Manager Dan Folding to discuss the Rowley Municipal Lighting Plant's plans to connect the solar project at 623 Wethersfield Street in the Town's Right of Way to the Rowley Light Department's electrical system
14. Meeting memo regarding Old Business #1: Discuss concerns over excessive truck traffic on Dodge Road and Wethersfield Street
15. Letter from Sherrie Feffer-Thoman regarding excessive truck traffic on Dodge Road
16. Email from Scott Stone regarding excessive truck traffic on Dodge Road



17. Guide to Managing Traffic on Local Streets published by Pioneer Valley Planning Commission
18. Email from Anthony Komornick regarding Georgetown Truck Exclusion Information, including attachments
19. Meeting memo regarding Old Business #2: Discuss speeding and crosswalk safety on Main Street
20. Email from Linda DeCelles regarding Crosswalks on Main Street
21. Letter from Deborah Eagan to Stephanie Pollack of MDOT on October 11, 2018 requesting MDOT to re-paint the crosswalks and to place lime green signs on the crosswalks on Route 1A
22. Email from Police Chief Scott Dumas regarding Crosswalks on Main Street
23. Meeting memo regarding Old Business #3: Pine Grove School Project Update
24. Meeting memo regarding Old Business #4: Fire Station and Police Station Addition Project Update
25. Draft minutes of December 10, 2018
26. Draft minutes of December 17, 2018
27. Draft minutes of January 7, 2019
28. Written Executive Session motion