

Town of Rowe – FY2013
Board of Selectmen – Meeting Minutes
Wednesday, May 22, 2013 – 3:00pm – Gracy House

Call to Order: The meeting was called to order by Chairman Wilson at 3:02pm. The meeting was moved from the Town Hall to the Gracy House as the hearing rooms at Town Hall were not available (being used by auditors).

Present: Chairman Marilyn Wilson, Selectman Noel Abbott, Selectman Susan Gleason

Also Present: Town Coordinator Ellen Miller, Paul McLatchy III, Florence Veber, Robin Reed, Ann Foshay, Rosie Gordon

Welcome: Selectman Abbott and Chairman Wilson welcomed newly-elected member Susan Gleason to the Board.

Minutes: The following action was taken on meeting minutes:

- **April 24:** The final version of these minutes approved at May 15th meeting were signed.
- **May 15:** Accepted (2/0/1) as written. Selectman Gleason abstained as she was not yet on the Board.
- **References to Board Members:** At the recommendation of Selectman Abbott it was agreed to refer to Board members in the minutes as Chairman, Vice Chairman, or Selectman.

Reorganization of the Board: Selectman Susan Gleason nominated Marilyn Wilson as Chairman. There were no other nominations. The Board unanimously (3/0/0) elected Marilyn Wilson as Chairman. Chairman Wilson nominated Susan Gleason as Vice Chairman. There were no other nominations. The Board unanimously (3/0/0) elected Susan Gleason as Chairman. Chairman Wilson stated that she would have nominated Selectman Abbott, but knew he had several personal projects he is working on presently. Selectman Abbott agreed that he did not have time to take on the Vice Chairmanship.

Seaboard Solar: Several points were stated concerning Seaboard Solar's (SS) proposal to install a large solar farm on the Dykeman property at 468 Tunnel Road:

- Presentation they gave BOS on May 20th provided no new information.
- Planning Board Counsel Donna MacNicol stated at Friday (May 17?) meeting with Rowe Planning Board that residential solar installations are tax exempt—industrial installations are not.
- Assessors Chair Rick Williams stated at May 20th BOS meeting that he believes tax exemptions only apply to small scale solar installations—not to industrial scale installations.
- Rick Williams also stated that he believes SS's offer of a \$36,000/year PILOT payment is low. SS has not come to the town with an increased offer.
- An email received by Chairman Wilson from Dave Thomas of SS asks for a letter from Town of Rowe stating that the town is moving along quickly on the matter and that all pertinent boards will approve the installation in June 2013. Chairman Wilson responded to him that we are only in the initial stages of the process and will not leapfrog over procedures and processes needed to review and act on the matter. She further stated that if the town is not meeting their needs [timeframe], that they can look at other towns.
- Selectman Abbott stated that the SRECS price for 2013 is \$200/MW hour. For a single hour of generation at 10% that equals 1.6 million/year.
- SS has yet to provide any proposed contracts or agreements for review by the Select Board.
- Principal(s) involved have had several lawsuits filed against them
- Principal involved filed for bankruptcy in Jan 2013
- Quality of solar panels is unknown
- Question of when these panels reach end-of-life and need to be removed not answered by Dave Thomas
- Bay Colony financing in Waltham is a Certified Development Corp.—not a Community Development Corp.

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- Cara Morano, who works in the solar industry, is researching the matter. She states there is no June 20th deadline on SRECS. SS's statement that the deadline is June 20th is spurious.
- Mike Loin of Bertin Engineering gave Ware MA as a reference. Chairman Wilson contacted Ware officials and was informed the project was never approved because the town did not move fast enough for SS.

Seaboard Solar is still moving forward with the Rowe Planning Board. They had a public information meeting this past Monday evening (May 20) and will have another one on Wednesday, June 5th. Both sessions being held at Rowe Conference Center.

Firefighter On-Call Pay: No information at this time.

TransCanada—Sherman Dam Roadway Agreement: The Board voted (2/0/1) to approve the *Temporary Access and Use Agreement* with TransCanada for use of the Sherman Dam roadway for reasons of public safety while the Depot Street Bridge between Rowe and Monroe is closed. Vice Chairman Gleason abstained as she had not been present for prior discussions concerning the matter.

Audience: Paul McLatchy III appeared before the board for two matters.

- **Energy Committee:** He reported that Energy Committee Chair Jack Packard recommends that Mr. McLatchy be appointed to the Energy Committee. The Board voted unanimously (3/0/0) to appoint Paul McLatchy III to the Energy Committee. Mr. McLatchy had previously served on the Energy Committee.
- **School Building Committee:** Mr. McLatchy had been the Select Board representative to the School Building Committee. He stated that he would like to remain on that committee, even though he is no longer a selectman. The Board voted unanimously (3/0/0) to appoint Paul McLatchy III as their representative to the School Building Committee. He will periodically update the Select Board on matters concerning the School Building Committee.

Animal Control Officer: Ms. Miller reported that she will attend a second regional meeting sometime in June for further discussion concerning the matter and will update the Board after that meeting.

Legal Representation re Depot Street Bridge: The Town of Rowe has requested our legal counsel Kopelman and Paige PC (K&P) to also represent the Town of Monroe concerning proposed legal work related to improvements to the Depot Street Bridge. The Town of Monroe Board of Selectmen has asked K&P to serve as Special Counsel for Monroe in this matter. In order for K&P to represent both the Towns of Rowe and Monroe in this matter, these relationships create certain interests that require disclosures to both towns pursuant to the Rules of Professional Conduct of the Massachusetts Bar. K&P must obtain express permission of the Rowe Board of Selectmen to represent the Town of Monroe, and express permission from the Monroe Board of Selectmen to represent the Town of Rowe. The Rowe Board of Selectmen voted unanimously (3/0/0) to make the following Determination:

The Board of Selectmen hereby determines, in accordance with Supreme Judicial Court Rule 3:07, PR 1.7(a) and (b), that pursuant to a May 20, 2013 letter from Town Attorney Kopelman and Paige, P.C., we consent to Kopelman and Paige, P.C.'s representation of the Town of Rowe with regard to securing the property interests necessary for the reconstruction of the so-called Monroe Bridge ("the Project"), and such other matters as may be required by the Massachusetts Department of Transportation relative to certification of the Project funding, notwithstanding that Kopelman and Paige, P.C. serves as Special Counsel to the Town of Monroe for the Project. The Board further determines that Kopelman and Paige, P.C.'s responsibilities to the Town of Rowe will not be materially limited by its responsibilities to the Town of Monroe in matters not related to the Project.

The Select Board also voted unanimously (3/0/0) to approve and sign a letter of transmittal to K&P for the above Determination. Legal costs incurred for joint matters will be shared 50/50. Costs incurred for matters related to a specific town will be borne by that town.

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Financial Audit: Chairman Wilson reported that the financial audit has begun this week at the town hall. Auditors will be here this week and next week.

IT Update: Matter deferred to next meeting. Chairman Wilson will get copies of all quotes to board members and Town Coordinator.

Rowe School Invoice Processing Procedure: Deferred to next meeting. Ms. Miller has been busy working with the auditors.

Police Department:

- **Leyden Police Chief:** Selectman Abbott confirmed that Leyden Police Chief Dan Galvis will be attending the next Board meeting on May 29th. He will not be attending as an applicant for the Rowe Police Chief position. He will be attending—free of charge—in two capacities:
 - To alert us as to what our Police Department may need going forward; specifically policies and procedures (P/P). The town can have significant liability without appropriate P/P in place.
 - To provide us with his special knowledge concerning government surplus procurement. He can perhaps save us significant amounts of money.

Chairman Wilson stated that as Police Department liaison she has already begun assessing our needs concerning administrative needs of the Police Department. She also stated that Officers Shippee and Hyytinen have requested that Policies/Procedures be put in place. She added that she too has had discussions with Chief Galvis concerning procurement of military/government surplus equipment.

It was agreed by all that if Chief Galvis is an applicant for the chief's position, that he not be given an unfair advantage of meeting with the Board ahead of other applicants. Selectman Abbott will inform him that his presentation next week will be limited to discussions concerning procurement of government surplus equipment.

- **Job Description:** Chairman Wilson stated that by law a police chief can live no further away than 15 miles as the crow flies from the border of the town where he/she is working as chief. She asked if there was any interest in limiting it further to say either that the incumbent must live in Rowe, or must live in Rowe or a neighboring town. No action was taken at this time.
- **Questions for Applicants:** It was agreed that Board members will each develop a list of questions for the interview of applicants for the police chief position and will get them to Ms. Miller.
- **Retirement Party for Chief Dandeneau:** Deferred to next meeting.

Payphone: Selectman Abbott reported that the payphone has been installed and is working. He has put a list of instructions above the phone. Ms. Miller will check with payphone.com about any contract needed for the operation of this phone.

Relocation of Skateboard Park: Ms. Miller reported that the Park Commission will be discussing this at their next meeting and will get back to her with the results of their discussion.

Health Insurance for Stipend Positions: Rosie Gordon stated that she added up the positions in town that receive stipends and came up with 22. She stated that if providing them health insurance was instituted that it could end up being a large amount of money. Selectman Abbott stated that given that we have already established our budget for FY2014, that there is nothing we can act on at this time for next year. It was agreed that this would need to be a long-range project, and was deferred at this time.

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HR Policies: Chairman Wilson stated that then Vice Chairman Paul McLatchy brought in the City of Arlington's policy as a sample for review. This project is on the Board's to-do list. Updated guidance is needed.

Town Hall Custodian: Ms. Miller asked if this position should be posted. The Board agreed that it should be posted. Ms. Miller presented a draft of an updated job description for the Board's review. They will review the document and discuss at a subsequent meeting. In the meantime the Board stated that Danielle Larned may continue as substitute custodian. She has been filling in for Ms. Shippee who has been on personal leave.

School Purchase Orders: The Board voted unanimously (3/0/0) to approve the following school purchase orders:

- **School Fire—Loss of Income – 288-300-5400 - \$1,119.36**
 - PO 1380258 \$ 180.00 – Gerry Home Improvements: sanding/snowplowing 2/24/13 to 3/20/13
 - PO 1380267 \$ 939.36 – Laurie Laffond: for 6 days worked after the fire outside of contract
- **School Fire—Blanket Policy – 288-300-5400 - \$2,601.74**
 - PO 1380228 \$ 667.98 – Music in Motion: musical instruments and related materials
 - PO 1380236 \$ 287.29 – Teachers Discovery: teaching materials/supplies
 - PO 1380259 \$1,171.50 – Heinemann: teaching materials/books
 - PO 1380260 \$ 474.97 – Baker Office Supply: file cabinet/materials; double-sided magnetic board
- **New School Building – 001-300-5850 - \$58.28**
 - PO 1380261 \$ 58.28 – Tim Schramel: mileage to Great Barrington school re energy systems

It was agreed that when redrafting the school invoice processing procedure that a statement be added asking for an estimate from the Central Office (Joanne Blier) of purchases going forward so that we have a known quantity (best estimate) of additional costs going forward.

FY2014 Bids for Fuel Oil/Diesel/Gasoline: Bids were received by FRCOG on behalf of the Town of Rowe for fuel oil, diesel and gasoline for FY2014. At the recommendation of DPW Supt. Jim Taylor that Select Board voted unanimously (3/0/0) to award the following bids for FY2014:

- **#2 Fuel Oil:** A.R. Sandri – fixed price \$3.39 for 6,000 gallons (only bidder)
- **Diesel:** A.R. Sandri – fixed price \$3.65 for 8,500 gallons (low bidder)
- **Gasoline:** Dennis K. Burke – fixed price \$3.62 for 2,500 gallons (only FP bidder)

Town Report: It was agreed that Carrie Silva's payroll earnings for time worked on the annual town report (due to Ms. Miller's workload) could be reclassified to the School Fire Deficit account as "Loss of Income." The earnings had been charged to the Town Report line item. Ms. Miller will have the earnings reclassified.

Subscription to The Recorder: Chairman Wilson stated that because the town's budget is under stress that the Selectmen's subscription to The Recorder should be discontinued. Selectman Abbott stated that he had already instructed Ms. Miller to not renew the subscription after the current subscription expires.

Town Directory: Ellynn Packard and Kelle Quist have volunteered to issue an updated Town Directory. The Board voted unanimously (3/0/0) to have Ms. Packard and Ms. Quist prepare the updated document using town supplies and equipment. Permission from residents/taxpayers is required before their names and phone numbers can be published. Selectman Abbott recommended that the directory be made available on the town website also. If this is allowed, perhaps this will be done.

Summer Meeting Schedule: The Board is hoping to go to a bi-weekly schedule. Deferred at this time.

Meeting Time: It was agreed to hold the June meetings on Wednesdays at 4:00pm rather than 3:00pm to accommodate Vice Chairman Gleason's work schedule.

MIIA Participation Credits: Notice was received from MIIA that the town has received participation credits of \$1,351.

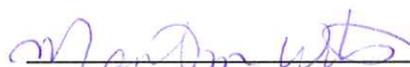
Medical Marijuana Workshop: FRCOG is holding a Selectmen's workshop on Medical Marijuana on May 29th. No Board members will be able to attend.

Warrants: TW13-24 and PW13-24 were unanimously (3/0/0) approved for payment.

Adjournment: The Select Board voted unanimously (3/0/0) to adjourn the meeting at 6:45pm.

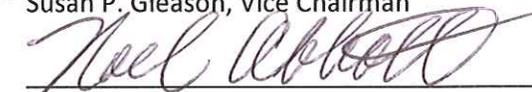
Respectfully submitted,
Ellen B. Miller, Town Coordinator

Approved:

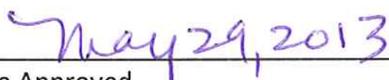

Marilyn Wilson, Chairman



Susan P. Gleason, Vice Chairman



Noel Abbott, Selectman


Date Approved

Attachments:

- Agenda
- Email from Dave Thomas to Chairman Wilson
- Email from Marilyn Wilson to Dave Thomas
- TransCanada Sherman Dam Roadway – *Temporary Use and Access Agreement*
- K&P – Depot Street Bridge legal representation documents re Rowe and Monroe
- TH Custodian – draft of updated job description
- School Purchase Orders (7)
- FY2014 bids--#2 fuel oil, diesel, gasoline
- MIIA participation credits notification