Town of Rowe - FY 2014
Board of Selectmen – Minutes
Wednesday, November 20, 2013 - 3:00 pm
Rowe Town Hall

Call to Order: The meeting was called to order by Select Board Chair Marilyn Wilson at 3:00 pm.

Present: Select Board Chair Marilyn Wilson, Vice-Chair Susan Gleason, Select Board Member Noel Abbott, Secretary Janice Boudreau

Audience: Jodi Brown, Donna MacNicol esq. (via remote participation), Jim Taylor

Minutes

Motion to Accept Minutes: Following review, Chair Wilson made a motion to accept the Minutes of October 23, 2013 with amendments. The motion, seconded by Selectman Abbott, was accepted. Vice-Chair Gleason abstained from the vote as she was absent for a portion of the meeting. (2/0/1)

Motion to Accept Minutes: Following review, Chair Wilson made a motion to accept the Minutes of November 6, 2013 with amendments. The motion, seconded by Vice-Chair Gleason, was accepted. Selectman Abbott abstained from the vote as he was absent from the meeting. (2/0/1)

New Business

1. Highway Superintendent Concerns:

a./ Bridge Work: On a recommendation from a MA State Bridge Engineer Jim Taylor asked Paul Moyer of Gill Engineering to review three bridges in town needing repair. He reviewed bridges at no charge and recommended holding off on any immediate cosmetic repair and formulate a long range plan for including a broader range of improvements. All were in agreement of Jim devising a long range plan encompassing a broader range of bridge work over the course of 5 to 10 years.

b./ Fill-In Winter Driver: Jim reported he was planning on retiring in June and was taking his vacation time was planning to be out of town a few weekends this winter. He asked if he could arrange a substitute driver for these dates. Since it was only in the event of weather conditions, it was agreed that Jim's recommendation of Lev Hardison could fill in as needed for these few occasions.

c./ Retirement Planning: Jim indicated he was preparing for his retirement by training Lance Larned for the transition and reported that Lance had taken several courses from MA DOT and he asked the Select Board to consider his strong recommendation of Lance as a successor.

Old Business

1. Seaboard Solar: Chair Wilson reported attending the Planning Board final hearing of public comments for the Seaboard Solar LLC's application for a special permit for the proposed Solar Array Project on Tunnel Road. She asked Donna MacNicol esq. to join the meeting to address several concerns of the Select Board about their role in the process.

Donna MacNicol esq. joined the meeting via remote participation at 3:21 pm

Bonding Responsibilities Addressed:

a./ Bonding Issues: Ms. MacNicol said the Planning Board had authority to set reasonable conditions for the bonding and the current recommendations were:

- Dismantling/Decommissioning Bonding recommended at $389,000.00 by Tighe & Bond Engineering firm
- Liability Insurance on Property recommended by Ms. Macnicol at $3,000,000.00
- Performance Bond to complete work amounting to total project cost or $11,000,000.00 by a company licensed to do business in MA with the Town of Rowe listed as beneficiary is Ms. Macnicol's recommendation

Selectman Abbott expressed concern that the amount of $389,000.00 for the Dismantling/Decommissioning process being too low to include reclamation, trucking, removing underground materials and inflation.

Other issues with the removal estimate discussed that the Tighe and Bond estimate included leaving all underground wire in place. Selectman Abbott made the point that in order to truly reclaim the property underground structure should be removed and that in the case of Industrial Wind Turbines the recommendation was to four feet below the surface. When Attorney MacNichol stated that these conditions were unusual and a developer could challenge them, Selectman Abbott stated that the fact that other towns had not set these conditions should not preclude Rowe's doing so in that the real test should be "What will protect our town", not "what have other Towns done."

Ms. MacNicol agreed that the figure seemed to include labor for removal only. It was agreed that the Select Board would contact Jean Christy of Tighe & Bond Engineers to ask about the $389,000.00 recommended amount and whether it was comprehensive in scope.

It was agreed the bonds have to transfer to a new owner in the event of a sale and be placed in the conditions of the special permit.

There was discussion about asking for the payment of the 20-year bond up front is included in the conditions. The discussion included the key point that the bonding

company must assess the removal cost and, they, not the developer, be the guarantor of the removal costs (whatever they are). This way the bond would survive any sale, change of ownership, or bankruptcy by the developer. Also the bonding company must meet certain conditions of financial stability (such as an A rating at a minimum. Ms. MacNichol stated that one option to meet that condition would be to have the bonding company guarantee the removal for the 20 year anticipated lifespan of the bond and at the twenty-year mark the developer could extend the bond of the project would be removed.

b./ Tax Issues: Ms. MacNicol that the Select Board and Assessors would negotiate what type of tax would be applied to the land and property to then go before Town Meeting.

Ms. MacNichol detailed three methods by which towns could assess a developer:

1. PILOT (Payment in Lieu of Taxes)
2. Assessment Value of land plus improvements.
3. Real Estate and Personal Property

c./ Zoning Issues: There was discussion about zoning issues and that to meet Town zoning bylaws the house would need to be demolished or a subdivision road be added to provide additional road frontage. In addition, Ms. Macnicol recommended the Town contact FRCOG for assistance in formulating more stringent subdivision bylaws.

Donna MacNicol esq. concluded remote participation at 4:05 pm.

Chair Wilson reported meeting with State Representatives Ben Downing and Paul Marks as well as a phone conversation with Michael Judge of MA DOER and all concurred that the scope of a project such as this is unreasonable and inconsistent with the goals of the Green Community initiatives by clear cutting 42 acres of forest and that it needs to be looked into as a policy.

Selectman Abbott added that Seaboard Solar at least twice or three times had not provided requested materials during the approval process. The concern was that if their behavior was non-cooperative during the approval process it would be less so if approvals were given and was of concern at this early stage in the relationship. He added that what the Town and Select Board assess as the annual payment include the concept of Life Cycle Costing which means that all indirect costs involved should be covered (in addition to any payments in lieu of taxes). These costs would include costs to the Highway Department, road impacts during construction and maintenance, any cost to the Fire Department, and administrative costs from year to year.

2./ Special Town Meeting Warrant: Chair Wilson reported there were 7 items for the Special Town Meeting and that specifics from the Police Department had not been supplied and once in hand need to be reviewed by the Finance Committee.

3./ Safety Complex Meeting: Chair Wilson reported meeting with all personnel involved with the Safety Complex including Police, Fire and EMS Departments. Preliminary discussion included the research of any requirements for such a building designation and a Town Meeting

would be needed to approve the creation. Selectman Abbott suggested contacting Andrea Woods at FRCOG for suggestions on seeking grant funding for improvements needed.

4./ WiredWest Update: Selectman Abbott reported on updates with WiredWest and that grant funding was looking promising for the $40 million IT Bond Bill signed by Governor Patrick to complete the last-mile infrastructure. He further reported a favorable impression of the new Executive Director David Epstein hired on a contingent-fee basis. The 2-page report was read by Select Board Members from WiredWest Board of Directors. He also reported that in the past twenty four hours State Representative Stephen Kulik had requested another $10 Million in Bond funding – $5 M towards Fiber Optic installation (in addition to the $40 M making its way through State Committees) and $5 M to support the expansion of services in those seven towns that are already served by Cable.

5./ CIC Grant Application Signature: In conjunction with a previously signed letter of support for a Hampshire Council of Governments (HCOG) Community Innovation Challenge (CIC) Grant, Select Board Members were asked to sign a CIC Grant Application for developing off - premise back-up file storage.

Motion to Authorize CIC Application Grant Signature: Chair Wilson made a motion to authorize Selectman Abbott to sign the Community Innovation Challenge Grant Application to support Hampshire Council of Governments efforts developing off -premise back-up file storage. The motion, seconded by Vice-Chair Gleason was unanimously accepted. (3/0/0)

New Business – (Continued)

2./ Forest Conservation Discussion: Selectman Abbott shared an article from the Greenfield Recorder where Rowe was mentioned as a possible candidate for inclusion in a plan to get privately owned land into a "national forest" designation to bring federal funding and technical assistance to better manage forested acreage. This exploration was initiated by Franklin and Berkshire County planners along with Franklin Land Trust. Select Board Members reviewed the article. Selectman Abbott mentioned Jack Williams was available for involvement when appropriate.

3./ IT: Police Dept. Back-up System: An email was reviewed from Northeast IT systems expressing concerns that the Police Department was functioning without a proper backup system. Following discussion it was agreed it needed to be done. Chair Wilson said that Joe Boudreau of MA DOR confirmed that money could be moved to the IT hardware/software Account from the IT Consultant Account line item since they were interrelated.

Motion to Authorize Police Dept. Back-up System: Chair Wilson made a motion to authorize Selectman Abbott to authorize and work with work with Northeast IT Systems to spend up to an additional $ 500.00 set up a proper back –up system for the Police Department completing their operating needs. The motion, seconded by Vice-Chair Gleason was unanimously accepted. (3/0/0)

4./ Council on Aging Contract Renewal Signing: Council on Aging Chair Sandy Daviau presented the Select Board with the renewal contract for the MA Executive Office of Elder Affairs for FY14 for the amount of $ 1985.14.

Motion to Sign Council on Aging Contract Renewal: Chair Wilson made a motion to sign the Renewal contract for the MA Executive Office of Elder Affairs for FY14 for the amount of $ 1985.14. The motion, seconded by Vice-Chair Gleason was unanimously accepted. (3/0/0)

5./ Contract Signing FCSWMD Small Scale Initiative Grant: Select Board Members reviewed the DEP grant agreement for Franklin County Solid Waste Management District Small Scale Initiative Grant.

Motion to Sign FCSWMD Small Scale Initiative Grant: Chair Wilson made a motion to sign the Franklin County Solid Waste Management District Small Scale Initiative Grant Agreement. The motion, seconded by Vice-Chair Gleason, was unanimously accepted. (3/0/0)

6./ Treasurer Request: hire a Tax Title Law Firm: Treasurer Kris Nartowicz requested Select Board permission to hire a law firm she has had experience working with from Easthampton; Berenson & Bloom specialize in Tax Title Law and could clean up tax title property dating back from 1980. It is primarily land of low value, would clean up loose ends, and would put those properties back on the tax rolls. It was also mentioned that historically buyers have been abutting neighbors.

Motion to Hire Tax Title Law Firm: Following discussion, Chair Wilson made a motion to allow Town Treasurer to hire the law firm of Berenson & Bloom of Easthampton to represent Rowe to clean up tax title properties. The motion, seconded by Vice-Chair Gleason was unanimously accepted. (3/0/0)

7./ Fraud Issues: Chair Wilson reported meeting with a Prosecutor and Forensic Accountant from the District Attorney's Office to discuss two Town payroll checks that were fraudulently signed and cashed at two different banks by from good resolution copies. It was recommended by the District Attorney's office to have the issues investigated. In the interim, Chair Wilson asked Town Treasurer to review the prior year's check records in detail.

Motion to Obtain Cost for Fraud Investigation: Following discussion, Vice-Chair Gleason made a motion to have Chair Wilson contact Melanson & Heath Auditors to obtain cost of conducting a fraud investigation. The motion, seconded by Selectman Abbott, was unanimously accepted. (3/0/0)

Selectman Abbott asked that Chair Wilson obtain in writing the recommendation for the fraud meeting along with Melanson & Heath costs so the Select Board can decide how to proceed.

Correspondence Reviewed
Warrants: FY14 Warrant 11 and Payroll Warrants were reviewed and signed

mw

Adjournment: Chair Wilson made a motion to adjourn the meeting at 6:07 p.m. The motion, seconded by Vice-Chair Gleason was unanimously accepted. (3/0/0)

Respectfully Submitted,

Janice Boudreau
Secretary

Approval Date: DECEMBER 11, 2013

Approved:

Marilyn Wilson, Chair

Susan Gleason, Vice-Chair

Noel R. Abbott, Selectman

Attachments:

- Agenda 11/20/13
- Proposal for Professional Engineering Services – Gill Engineering (2-pgs.)
- Fire Department STM Budget Requests – Prepared by Fire Chief
- WiredWest – Report to the Board of Directors 11-02-13
- Email from Joel Mollison – Northeast IT Systems Re: Police Dept. Back-up Requirements
- CIC Innovation Challenge Grant Application – HCOG
- MA Executive Office of Elder Affairs – Contract renewal FY14
- FCSWMD – Small Scale Initiative Grant Agreement
- "Forest Conservation Study Looks at Private Land" – Excerpt from Greenfield Recorder
- Treasurer Office Request – Letter from Kris Nartowicz

89