

**MINUTES OF THE SELECTMEN'S MEETING  
JANUARY 5, 2015**

**PRESENT:** Daniel W. Trabucco (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Willard J. Boulter, Jr. (Selectman), Michelle L. Burt (Selectman), Seth Pickering (Mass DOER), Mike Judge (MassDOER), Rick Holland (Town Counsel), Cathy Salmon (Chief Assessor), Nick Zechello, Jr. (Energy Committee), Alan Peterson, Ann Marie Stanton, Janet LaBerge, Robert DeMarzo, Richard Iacobucci, Matt Dovell, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm, Mr. Trabucco called the meeting to order.

**7:00 SETH PICKERING, DEPT OF ENERGY RESOURCES: LANDFILL SOLAR DISCUSSION**

Energy Committee chairman Nick Zechello, Jr. was present to introduce Seth Pickering and Mike Judge from Mass DOER to address the Boards questions surrounding the landfill solar project and net metering. Mike Judge began by stating that the DEP will require a post closure use permit on the landfill from the Town which is an integral part of the process of installing a solar field. Mr. Judge acknowledged that the land has limited reuse possibilities and the Town is wise to consider renewable energy savings through net metering credits. Mr. Judge confirmed that the Solar Renewable Energy Certificate 2 program allows for 900-1200 additional megawatts for purchase buy energy companies or other entities. These certificates combined with federal tax credits and net metering credits make up the revenue that can be realized. He confirmed that only private entities will receive the tax credits as municipalities are tax exempt; however, these tax credits are returned to the town in the form of net metering credits. Discussion ensued on the public and private net metering caps in effect; private cap is currently 4% of peak load and public cap is 5%. Projects can only be approved for net metering credit if they secure space under the cap before the levels are hit. The DPU has confirmed that National Grid will be the first utility company to hit the cap, but when is unknown. Mr. Judge confirmed that National Grid still has 50 megawatts available under the cap; Pembroke's proposed project is 3.2 megawatts. Mr. Judge reported to the Selectmen that a task force was established to evaluate the changing, possible increase, decrease or elimination of caps; their report is due out in the next 30 days. Mr. Judge stated his opinion that the task force will recommend cap elimination, but this is unknown until the report is issued. Discussion ensued on the possible economic effect on the project. Mr. Thorne recommended that the Board consider hearing from Power Options and their developer Sun Edison prior to making a decision on the project. Mr. Stone stated that he would like to hear from them, particularly Sun Edison, concerning the claim alleged at the December meeting whereby it was stated that Sun Edison is overextended financially, which could place jeopardy on this project's long term financing and management. Mr. Boulter asked for town counsel's recommendation. Mr. Rick Holland of Kopelman and Paige was present to answer questions; he summarized that new legislation allows the town to forgo the public procurement process for this project, but the Board is concerned with receiving pricing that reflects the best value to the Town. Further, he discussed a standard timeline for public procurement. The preparation of the Request for Proposal documents would be ready to advertise within six to eight weeks; the collection, evaluation and award process could be complete in three to four months, allowing for the beginning of negotiations. Mr. Holland stated that it is hard to know without a public procurement process whether Sun Edison's pricing is the best value that could have been obtained. Mr. Trabucco suggested that the Town consider retaining a consultant if public procurement is voted. Mr. Holland confirmed that he is ready and available to assist with document preparation at any time. Mr. Thorne requested that Mr. Zechello contact Power Options and Sun Edison and request they attend next week's meeting to discuss this further.

**ACCEPT THE RESIGNATION OF PATRICIA ELSNER FROM THE ADVISORY COMMITTEE**

Mr. Boyle moved to accept the resignation of Patricia Elsner from the Advisory Committee effective immediately. Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER VOTE TO ACCEPT LAND DONATION: HOBOMOCK STREET, D6-5 LOT #1**

Mr. Boyle stated that the Board of Selectmen received a filed quitclaim deed this evening; no vote was ever taken by the Board. The land was sold to the Town for \$10 and the Conservation Commission consummated that sale. Mr. Boyle stated that the only body that can commit the Town of Pembroke is the Board of Selectmen by statute. Mr.

Boyle moved to instruct the Town Administrator to contact Kopelman and Paige and void the sale of this property until the sale can be executed properly. Mr. Boulter seconded the motion. The vote was unanimously in favor.

### **CONSIDER SURPLUS PROPERTY AT THE RECOMMENDATION OF THE DPW DIRECTOR**

DPW Director Eugene Fulmine, Jr. has recommended that the Board vote to declare a rotted truck-lift surplus property to be scrapped and further vote to accept nine (9) old cellphones that have been upgraded as surplus to be donated to the 501 c(3) nonprofit organization "Cell Phones for Soldiers". Mr. Boyle moved to accept the DPW Director's recommendation; Ms. Burt seconded the motion. The vote was unanimously in favor.

### **DISCUSSION: POSTING OF AGENDAS AND MINUTES TO TOWN WEBSITE, ALL BOARDS AND COMMITTEES**

Mr. Stone stated that the Board has been engaged in discussion of this matter for a long time; the Board and the public would like to know more about the town's boards, committees and commissions. The Board has explored the possibility of changing the meeting schedules so all could attend each other's meetings; this did not work. The Board has written to the other boards, committees and commissions requesting their meetings be televised in the Veteran's Hall, the boards have refused. The Board then requested that all minutes be posted to the town website in an effort to assist residents and reflect transparency in government. Mr. Stone performed a statistical review of the town website; in 2014, there were 250 meetings. Of these 250 meetings, 90% had agendas posted to the website, but only 27% of minutes were posted. Mr. Stone encouraged the Board to set a policy requiring minutes to be posted; Marshfield, Duxbury, Hanover, Hanson and Scituate already have this and reflect transparency on their websites. Discussion ensued on timeframes for posting and enforcement mechanisms. Mr. Thorne recommended that the BOS sponsor a bylaw reflecting this policy at the annual town meeting in April. Mr. Stone moved that, effective immediately, minutes voted for acceptance or their drafts shall be forwarded to Library Director Deborah Wall for posting to the town website ([www.pembroke-ma.gov](http://www.pembroke-ma.gov)) within ten days of the date of the meeting. Ms. Burt seconded the motion; the vote was unanimously in favor.

### **CONSIDER THE MINUTES OF DECEMBER 8, 2014**

Mr. Stone move to accept the minutes of December 8, 2014 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

### **CONSIDER THE MINUTES OF DECEMBER 15, 2014**

Mr. Stone move to accept the minutes of December 15, 2014 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

### **OLD BUSINESS**

Mr. Trabucco stated that the OCPC is reporting that the Rt 53 and Pleasant Street signalization and improvement project is at 25% project plan. Mr. Thorne confirmed that there will be a public hearing with our engineers and MassDOT at Town Hall in February.

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne notified the Board that Mass DOT has signed off on the truck exclusion on High Street and Mountain Ave; he will meet with the DPW Director and Police Chief to discuss signage and grace period. The COA is in need of an interim director while the town undertakes the interview process; Mr. Stone moved to appoint Edwin Thorne as interim Director of the Council on Aging. Mr. Boyle seconded the motion; the vote was unanimously in favor. The next COA Board meeting to discuss applicants will be January 13<sup>th</sup>.

At 8:15 pm, Mr. Boyle moved to adjourn the meeting of the Selectmen; Mr. Stone seconded the motion. The vote was unanimously in favor.