

Selectmen Reil, Schofield and Burke and Town Administrator Newman are in attendance at the Town Hall, Mendon.

Selectman Reil opened the meeting at 7:05 p.m. and led the pledge.

Selectman Schofield made and Selectman Burke seconded motion to elect Mark Reil as Chairman of the Board of Selectmen. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded motion to approve the regular session meeting minutes from April 1, 6, and 21 and May 1 and 4, 2015. The motion carried. Selectman Burke abstained as he was not on the board for meetings voted upon.

Chairman Reil read a letter from the Northbridge Town Manager, Ted Kozak to the BOS thanking the Mendon Police Department for their assistance during Cpl. Dawson's funeral.

Ms. Willoughby explained that the Selectmen received a letter from the Town of Millville asking if they would be interested in participating in the Centennial Celebration by marching in their parade or doing any appropriately related presentation. Chairman Reil said he would be the contact person for the Millville parade. When the date gets closer, he can see if anyone is available to march.

Selectman Schofield made and Selectman Burke seconded a motion to grant permission for the BRAKING AIDS® Ride to travel through Mendon on Friday, September 25, 2015. The motion carried unanimously.

All Selectmen plan to attend Nipmuc High School graduation.

Selectman Schofield made and Selectman Burke seconded motion to move to allow Phat Brothers LLC, dba the Mendon Twin Drive-In, 35 Milford Street, to be open for the following special events: BBQ on May 23 through 25 from 11:00 a.m. to 5:00 p.m. & Grateful Dead Simulcast Concert on Sunday, July 5 from 4:00 p.m. until Monday, July 6 at 1:00 a.m. The motion unanimously.

Kevin Rudden and Jonathan Dudley, 350th Anniversary Committee members explained it would be easier and 'more legal' for the Brothers of the Brush to be the overseeing committee and raising the money. They requested to extend the town's insurance for the committee. They will let the BOS know who is on their committee. Mr. Rudden has been accepted as a member of the Brothers of the Brush. Mr. Dudley is already a member.

7:15 p.m. **Selectman Schofield made and Selectman Burke seconded a motion to move to open the public hearing for the 5-year Land Use Plan. The motion carried unanimously.** Anne Mazar, Land Use Committee Chairperson, read and explained the goals for the open space and recreation plan. Alan Tetreault, Highway Surveyor, asked about progress of finding cemetery space and affordable housing. Chairman Reil said they were looking at the Cook property and agreed space is needed for cemeteries. Mr. Tetreault said the town is supposed to have a certain number of plots available and they are in short supply. Ms. Mazar was under the impression that there were enough. Mr. Smith, realtor and resident, said the Cook property is available and has the water table height requirement. He wants to know if the town has legal access to it and the right of way. He said someone is willing to pay for it. Ms. Newman

said she has met with Mr. Smith and has the contact information. Attorney Mangiaratti said he would need to know the parcel and source of title to determine pertinent access rights. Mr. Merolli, Finance Committee member, said the Boy Scouts tried to recover the cemetery and clear it out. Mr. Merolli said Varney owns the property. *Action: Ms. Newman will provide an update to Mr. Smith.* Ms. Mazar said Bill McHenry, Affordable Housing Coordinator, created a housing production plan. Selectman Schofield explained the complexity of the regulatory requirements and the desires of the residents.

Selectman Schofield made and Selectman Burke seconded a motion to close the public hearing for the 5-year Land Use Plan. The motion carried unanimously. Selectman Schofield made and Selectman Burke seconded a motion to accept the plan as written. Selectman Schofield said he would like Ms. Mazar to send the entire Land Use Plan to him. **Selectman Schofield withdrew the motion and Selectman Burke seconded the motion to withdraw.** *Action: The item will be placed on the June 1 Agenda.*

Ms. Newman explained the study for the use of 52 Providence Street. **Selectman Schofield made and Selectman Burke seconded a motion to sign the letter of agreement for professional services related to 52 Providence Street Master Plan with CDM Smith. The motion carried unanimously.**

Jay Byer, Mendon Upton Regional School District Business Manager and Mike DellaGala, DG Energy Partners, approached the Board to discuss the 630 KW DC solar carport system proposed to be installed at Miscoe School. It will be located on the parking lot facing North Avenue and on the north side of the building. It will provide power for a 20-year period. There are also offsite projects that will save the school \$3 million in 20 years based on ten percent of cash flow. Mr. DellaGala said he has been working with Town Counsel Bryan Leblanc and felt the price was favorable on comps and had no comments on the contract--\$3500 per year for personal property taxes over the 20-year period. Attorney Mangiaratti stated the contract is acceptable in its form. The tax is based on an estimate of power produced. It is easier to set a fixed payment instead of trying to estimate or negotiate yearly. Attorney Mangiaratti suggested speaking with the Principal Assessor before signing it. It also has to get approved at Town Meeting. A vote can be made to sign the PILOT subject to town meeting approval. Mr. O'Brien, Board of Assessors member, suggested have the Assessors' consultant calculate a fair price. It also has to be approved by the Department of Revenue. Attorney Mangiaratti will have his office confer with Mr. Kapinos. He feels it can go on the next town meeting warrant as these issues can be resolved. Selectman Schofield would like to know what could have been collected if a PILOT was not done on this project and the 36 Milford Street project. Attorney Mangiaratti said he will speak with Mr. Kapinos and see what he would charge to provide this information. Selectman Schofield said he is willing to go slightly lower than fair market value to ease the process of negotiating the PILOT. Selectman Burke asked the impact of the equipment being installed, the company going bankrupt and the equipment needing to be de-installed. Mr. Ambrosino, Planning Board Chairman, said money is held with a surety bond based on the removal value which is determined by the town's engineer. Town counsel will write both articles for the warrant.

Attorney Mangiaratti explained he has been working with Mike Marsch & Lexi Barlow, Blue Wave Capital. Attorney Mangiaratti reviewed the ground lease and the associated map with the Selectmen. The noted area is to be maintained for the solar array. The access way can be used by the town as long as it doesn't interfere with Blue Wave's access rights. The annual rate is \$11,250. It was calculated based on 1.5MW as was permitted by Planning Board. Mr. Marsch said this may be slightly different due to conditions found during construction. There was some disagreement about the fixtures being

considered personal property tax versus property tax. Attorney Mangiaratti will confer with Blue Wave's counsel. He suggested revisiting force majeure (an act or event that prevents performance of an obligation) clause in the lease based on Selectman Burke's and Mr. O'Brien's concern with potential abatement requests. Mr. Marsch said he would be happy to amend it. The Planning Board and Conservation Commission approved the plan. The interconnection agreement has been received from National Grid and they are in the queue for the cap allocation to be net metered. They will not start construction before that happens. Attorney Mangiaratti explained that if the project is not built in three years, they will pay the annual rate and pull out of the deal. Attorney Mangiaratti recommended striking the last sentence in 12a. Easements and Encumbrances "Tenant shall pay Landlord the reasonable value of all timber removed and retained by Tenant." Mr. Marsch insured they will not cut trees on the Ghelli's side of the property. The broker name will be changed to Northeast Real Estate Solutions. Attorney Mangiaratti recapped his recommendation for reviewing questions on page three on exempt for municipal taxation clause, snow fall on page eight and the end of paragraph 12 regarding wood. There is also a disclosure form which lessees will complete and submit to DCAM. Attorney Mangiaratti said they are working on a PILOT agreement and until then they will pay taxes. Mr. Marsch said they are eager to work out entering into a power purchase agreement with the Town. Selectman Burke asked if the lease is transferable. Attorney Mangiaratti replied affirmatively. There is a decommissioning clause in accordance with the by-law to post a bond to decommission. It is required before a building permit is issued. A valuation needs to be determined before the PILOT can be developed. Putting the PILOT on the November Special Town Meeting will not be a problem if valuation is not obtained until after the June Special Town Meeting

Don Morin, Taft Library Building Committee, explained there are ten pendant lights in the former St. Michael's church which have been deemed priceless. One option is to donate to the Friends of the Library and the other is to sell as surplus and put money into the general fund. The consigner said they are valued at \$ 4,250 each. Ms. Newman recommends the Town handle the sale of the property. Attorney Mangiaratti said that in order to give them to the Friends, it would need a Town meeting vote. Then the accounting would be lost. If we follow statutory procedure of advertising, then the accounting is controlled by the Town. It would take a town meeting vote to spend the money.

Selectman Schofield made and Selectman Burke seconded a motion to approve the disposal of the surplus chandeliers at the new Taft Library, 29 North Avenue, sell them and place proceeds in the General Fund. Mrs. Lowell recommended using a reputable auction company. Mr. Nee, resident, suggested using public surplus or government buy.com. Mrs. Schofield asked how the Town can ensure the money will go back to the library. Selectmen agreed that is their intention. **The motion carried unanimously.**

Mr. Morin requested a notice to proceed for the new Taft Library's general contractor and said the AIA document from January or February can be used. **Selectman Schofield made and Selectman Burke seconded a motion to award the contract for the adaptive re-use of the Taft Public Library, 29 North Avenue, to GTC Construction Management and to authorize Chairman Reil to sign a contract with GTC Construction Management pending town counsel review. The motion carried unanimously.**

Selectmen agreed details for the license agreement for use of the rectory can be worked out between Ms. Willoughby and Mr. Morin. The subject will be placed on the June 1 agenda. Mr. Morin said his committee would like to have a ground breaking once the contractor is on contract. *Action: Mr. Morin to work with Ms. Newman to pick a ground breaking date.*

Kathy Schofield, Anne Mazar, and Jane Lowell, Historical Commission members, and Gary Smith, realtor and resident, joined the Selectmen to discuss 34 George Street. The developer agreed to do an open space development as shown on the distributed plan. Mrs. Mazar explained the historical restriction would likely be placed on just the front façade of the house. They would like to sell the property under M.G. L. Ch. 41 S81P with the restriction in place. Ms. Mazar would like to put the '81P' for the house lot and septic plan in order to sell it. Mr. Ambrosino, Planning Board member, recommends talking with Attorney. Mangiaratti because it changes the existing approved open space plan. Mrs. Mazar agreed to work with town counsel. Mrs. Mazar is asking for the board's approval to go forward. Mr. Smith estimates the property with the restriction is worth between \$60,000 and \$70,000. Mrs. Lowell said the house is on the historical register and is totally sound. Ms. Newman questioned whether it needs to be done now since the Town doesn't own the land. Selectman Burke and Chairman Reil agreed they would not like tear the house down. The '81P' will be done on the house before the Conservation Restriction is done.

Mr. Smith explained that it will not cost anything to save the barn. Mr. Smith would like to be granted a 99-year lease from the Town to restore the barn and turn it into the Shirley B. Smith Agricultural and Arts Center within the constraints of the conservation restriction. He has raised approximately \$200,000. It will cost approximately \$500,000. He feels the problem is access to the barn. He would like to restore the existing fields and is considering a 4-H field. The Agricultural and Conservation Commissions are in support as well as the Planning Board. All Selectmen are in support of the plan. Mr. Smith said his non-profit documents have been submitted to the State. Once that is approved he will ask for official support for the project.

Selectman Burke made and Chairman Reil seconded a motion to appoint Rich Schofield to the Community Preservation Committee for a term to expire May 16, 2017. The motion carried unanimously.

Selectman Schofield made and Selectman Burke seconded a motion to appoint Richard Skinner, 143 Hartford Avenue East, to the Master Plan Committee for a term to expire June 30, 2016. Mr. Ambrosino recommended future motions for appointments to this Committee come through the Planning Board as a courtesy because it is under the guidance of the Planning Board. **The motion carried unanimously.**

Selectman Schofield made and Selectman Burke seconded a motion to allow the Roger L. Wood Post #355, Massachusetts American Legion to hold a Memorial Day parade on May 25, 2015. The motion carried unanimously.

Selectman Schofield made and Selectman Burke second a motion to allow the Bay State Trail Riders to hold a ride out of Inman Hill on July 12, 2015 pending an adequate Certificate of Insurance. The motion carried unanimously.

Ms. Newman explained the June 8 BOS meeting needs to start early as the Planning Board is also meeting. The warrant needs to be signed that evening. All agreed to begin the June 8 meeting at 6:00 p.m.

Mark Reil would like to host a Saturday meeting at the Senior Center as a meet-and-greet and to discuss objectives for the upcoming year. Members agreed it will be held June 20 from 9 a.m. to 11 a.m.

9:53 p.m. Chairman Reil made and Selectman Schofield seconded a motion to enter into executive session under M.G.L. C. 30A Sec. 21 to conduct strategy sessions with respect to collective bargaining with the Town Hall Employees Union, the Mendon Coalition of Police, AFL-CIO Local 188, Mendon Police Civilian's Employees Association and Mendon Permanent Fire Fighters Union as an open meeting may have a detrimental effect on the bargaining position of the Board of Selectmen and I so declare. We'll reconvene only to adjourn. A roll call vote is needed Schofield-aye, Burke-aye, Reil-aye.

Selectman Schofield made and Selectman Burke second motion to adjourn the meeting at 10:48 p.m. The motion carried unanimously.

Respectfully submitted,



Diane Willoughby
Administrative Assistant

Documents Discussed located in 'Administrative Secretary's' Office:
Letter dated April 28, 2015 from Theodore Kozak, Northbridge Town Manager
Regular Session Meeting Minutes of April 1, 6, & 21, 2015, May 1, & 4, 2015
Invitation for Millville's Centennial Celebration stamped Received May 5, 2015
Memo to BOS from 350th Anniversary Committee dated May 18, 2015
Agreement for Payment in Lieu of Taxes for Real Property & Personal Property Attributable to a Renewable Energy Facility between DGEP Management, LLC & The Town of Mendon, MA dated as of May 18, 2015
Ground Lease between Town of Mendon and BWC Mystic River LLC (851831v1)
Open Space Community Plan "Pond Meadow Estates", Open Space Parcel "A" Key Sheet Plan of Land in Mendon, MA, Guerriere & Halnon, Inc.,
Document 00 41 13 Form For General Bid dated March 6, 2015-signed by Jonathan Keevers, GTC Construction Management
Draft License Agreement for Contractor's Use of Former Rectory (848834v1)