

The following Meeting was video recorded for cable broadcast.

BOARD OF SELECTMEN

Wednesday, March 16, 2016, 7:30 p.m.

Regular Meeting

Selectmen's Meeting Room, 979 Somerset Ave, Dighton, MA

Meeting called to order at 7:30pm by Chairman Cronin

The pledge of allegiance was recited.

Selectman Goulart asked everyone to remain standing for a moment of silence for Mark J. Rose of Dighton and State Trooper Thomas Clardy who was killed in the line of duty today.

Minutes

Selectman Goulart motioned, Selectmen Menges seconded and it was **VOTED** unanimously to approve the minutes of the Department Head meeting of February 3 and Joint Executive Session of January 19, 2016, with the Rehoboth Board of Selectman.

Warrants

Selectman Goulart motioned, selectman Menges seconded and it was **VOTED** unanimously to approve Warrant #38A-16 in the amount of \$70,398.48 and Warrant #38B-16 in the amount of \$31,695.21, both dated March 16, 2016.

Correspondence

Final Decision of Commissioner Martin Suuberg of the Department of Environmental Protection in the Matter of Somerset Woods.

Selectman Menges said that the Board of Selectmen recently received some good news regarding the matter of Somerset Woods. Selectman Menges read the letter detailing the final decision of Commissioner Martin Suuberg of the Department of Environmental Protection, in which he adopted the recommended decision of the presiding officer. The effect of this decision is that the Conservation Commission was given the benefit of the doubt with regard to whether it had sufficient information to impose an order of conditions to protect the wetlands in the matter of Somerset Woods.

Selectman Menges thanked Town Counsel and the residents of Country Hill Drive who took up the cause until the town took over.

Letter from Donald Hirschy, Veteran's Agent

Chairman Cronin read the letter from Donald Hirschy, inviting the selectmen to participate in the upcoming Memorial Day Parade, which is being held in Dighton this year.

Selectman Menges said it would be nice for as many residents as possible to attend.

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DIGHTON, MA

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Announcements

Announcements were read by Chairman Cronin

Selectman Menges added an announcement for "Positively Dighton" will be sponsoring a fundraiser on Saturday at Friendship Hall. At 10:00 am there will be a special presentation by a very special young man to "Bases Covered."

Old Business:

Presentation of the revised Owner's Project Management Service Contract for a Pre-Design Feasibility Study for the Dighton Public Library.

Chairman Cronin called upon Jocelyn and Jocelyn asked the board if it had any questions.

The Selectmen had no further questions.

Jocelyn said that Jennifer recommended that five copies of the contract be signed, and she asked that board to sign the five copies. Jocelyn said she will be in touch with updates to the progress.

Selectman Goulart asked when the study would begin. Jocelyn said right away.

Jocelyn thanked the board.

Eagle Scout Project – Nathaniel Vargas

Chairman Cronin mentioned that there was one bit of old business that was omitted from the Agenda.

Nathaniel Vargas was present and came forward to have the board sign the book for his Eagle Scout Project. Nathaniel said that all had gone well at his meeting with the Conservation Commission and Conservation saw no problems with his plan for a park on the Dighton side of the Berkley-Dighton Bridge.

The Board of Selectmen signed Nathaniel's book for the project.

Nathaniel thanked the board and the board wished him luck.

New Business:

Recommendation to Award Bid for New Heating System at Prime Time.

Chairman Cronin explained the need for new furnaces at Prime Time this year and the procurement laws that govern the bid process. Chairman Cronin read the letter from Thomas Ferry and Alice Souza which recommended that Goulart Oil, as the low bidder, be contracted for the job.

For the record, Chairman Cronin read the bids out loud.

Selectman Goulart motioned, Selectman Menges seconded and it was **VOTED** unanimously to award the bid to Goulart Oil in the amount of \$15,300.00.

Selectman Menges would like the record to reflect that the procurement liaison officer Jennifer Luiz will be back on Monday and this vote will be subject to her review of the bid documents.

Town Meeting Approval Process for Solar Farm Agreements.

Chairman Cronin said that Mr. William McKeon was present to offer information on the approval process for Solar Farm Agreements.

Mr. McKeon said that he wanted to talk about PILOT agreements that the town was negotiating.

Mr. McKeon said that the topic first arose last June at a Special Town Meeting when an approval was proposed and was ruled out of order because Mr. McKeon felt that the motion did not comply with what the law required. He added that PILOT agreements that generate electricity agree to pay a fee rather than taxes and it is up to the town to negotiate what that fee will be.

Mr. McKeon pointed out two sentences in the document that he supplied to the board that referred to town meeting. The document stated that authorization to negotiate on behalf of a municipality should be granted to the chief executive board officer or some other municipal official. Mr. McKeon said that both town counsel and he agreed that the town does not have to vote to allow the official to begin negotiating the PILOT, although Attorney Costa thought it would be good practice to ask permission at a town meeting.

Mr. McKeon said that after the agreement has been negotiated, it must be placed before town meeting.

Mr. McKeon said that was his opinion of what should be done with regard to the solar farm issues.

Mr. McKeon further stated that if the town goes forward and negotiates the contract it should contain a clause that says that this contract is specifically subject to approval at town meeting.

Mr. McKeon also said he thought that solar farms should be promoted, but the town should look out for future liability, which could be costly. He also said it is important that these structures not inhibit the beauty of our town.

Selectman Goulart asked about the authority and if it would be proper for one vote to give blanket authority to negotiate for each fiscal year.

Mr. McKeon said that would be a question for Town Counsel.

Attorney Costa said on the issue of negotiations it would be within the town meeting's prerogative to authorize the board to negotiate contracts to whatever scope it desires.

Selectman Goulart said she is working on a procedure to be established regarding solar farms and then the steps could be followed. We would then have a directive from town meeting.

Attorney Costa agreed with that regarding the selectmen's authority to bind the town to a contract generally comes from a statute or from town meeting. When the agreement is finalized, the best practice for it to be legally binding is that the town meeting should vote on it.

Selectman Menges said there is a draft town meeting warrant at town counsel's office for review. Four articles were added relating to PILOT agreements.

Selectman Menges asked if Town Counsel could draw an article for blanket authority for approval of future agreements.

Selectman Menges said two agreements have been signed and they will need to go to a town meeting vote.

Carol Beauregard, Town Assessor, said that she believed there were three signed agreements

Selectman Goulart said when we go to town meeting with these agreements, we have to assure voters that all terms and conditions from all town departments have been met.

Selectman Menges motioned, Selectman Goulart seconded and it was **VOTED** that town counsel be requested to prepare a letter to ISM Solar, ISM Management and DG Energy Partners explaining the present approval status of the PILOT agreements for their solar projects with the Town of Dighton and request that their legal counsel prepare and send to the town any additions and or amendments to the agreements that we have signed and town meeting articles for approval of their projects as will reflect the consensus of the board concerning the requirements and fulfill the legal requirements of approval of their agreements.

Selectman Goulart added that it will include the terms and conditions that we just discussed.

Acknowledgements

Fall Dean's List Students at Bridgewater State University.

Public Input

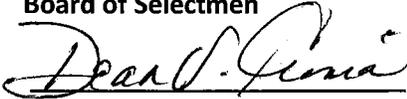
None

Adjournment

Dedication of Adjournment to Donald St. Pierre and Robert Bleau.

Respectfully submitted

Karin L. Brady
Administrative Assistant
Board of Selectmen



Dean. V. Cronin-Chairman

Patrick W. Menges-Clerk



Nancy J. Goulart-Member