

BOARD OF SELECTMEN

MINUTES OF THE REGULAR MEETING - JANUARY 27, 2016, AT 6:00 PM

A regular meeting of the Deerfield Board of Selectmen was held on January 27, 2016.

PRESENT: Mark Gilmore, Carolyn Shores Ness

NOT PRESENT: David Wolfram (Chair)

Also Present: Douglas Finn, Interim Town Administrator

The meeting was called to order at 6:28 PM and a quorum was declared.

MINUTES OF PREVIOUS MEETINGS FOR REVIEW AND APPROVAL

Review of minutes was waived.

PUBLIC COMMENT

Public comment was waived.

HEARINGS/APPEARANCES BEFORE THE BOARD

6:20 PM – DISCUSSION: MARK HAMIN – FRONTIER LONG-RANGE SCHOOL PLANNING PROJECT

Mr. Mark Hamin, Project Coordinator for the Frontier Regional Long Range Facilities Strategic Plan, presented information related to the project this far, and outlined goals for the project in the near future.

Mr. Hamin spoke about the process of the project since the fall, including recognizing the demographic changes in school population, determining the costs of maintaining school buildings, coming up with multi-use and optimization strategies for the use of the buildings, and exploring other options.

Mr. Hamin has been working on research of existing conditions, and gathering information and reports from departments within the schools. Up next is site-based observation of facilities, including current use. Case studies have been conducted, with some results already obtained. Permission is sought to conduct site visits, in order to better understand use of the buildings. Finally, public forums will be held later in the Spring.

Ness: Access to schools is coordinated through School Superintendent.

Ms. Ness spoke described her optimism for the process, and hoped that the study would highlight new opportunities for maintaining or improving services without greater financial impact.

Ms. Ness encouraged Mr. Hamin to search for ways to improve public educational opportunities, while mediating the cost.

Mr. Hamin agreed that the 'status quo' is not a viable option. Communities are willing to make investments in resources that provide a positive benefit to students or the community. Positive alternatives were also being considered – including the potential of multi-use buildings, and broader community participation in educational process.

Mr. Gilmore reinforced the need to create and maintain viability of the school, and to support the sustainability of the schools. Ms. Ness described the excitement of 'trying to do better'.

Mr. Gilmore suggested that a multi-community, multi-board 'pre-forum' meeting, in order to put the decision-makers in the room. Mr. Hamin spoke about the goals of the concluding presentations, and the general function and benefit of an outside consultant. Insight and observation can be shared, conversations can be mediated, and the overall process can provide greater benefit to all involved.

Mr. Hamin was thanked for his time. (6:55 PM)

6:40 PM – DISCUSSION: MARNIN LEOVITS, LAKE STREET DEVELOPMENT PARTNERS

Mr. Marnin Lebovits, from Lake Street Development Partners LLC, spoke to the board in regard to a proposed Net Metering Credit Agreement. Mr. Finn stated that the Net Metering Credit Agreement as proposed has been past Town's Counsel, but the ability of the board to sign a 20-year contract is under question.

The potential liability of the contract was discussed, in terms of the potential fiscal risk. Further, the ability of the Board to sign a 20-year contract without Town Meeting approval. Mr. Lebovits said that Town's Counsel had given preliminary approval of the project, and did not mention a problem with the 20-year contract term.

Ms. Ness expressed her concern about the term of the contract, and the ability of the board to legally sign the contract.

Mr. Gilmore suggested that the contract could be approved subject to review by Town's Counsel.

It was MOVED by Ness, SECONDED by Gilmore

To approve a Net Metering Credit Purchase agreement with Lake Street Development Partners, with a limit of 500,000 kwh, and a term of three years. Board of Selectmen confirm that authorization of the contract is subject to legal approval by Town's Counsel.

VOTED: 2, 0, 0.

There was discussion related to the PILOT agreement, which will be continued to a later date. (7:26 PM)

PRESENTATION: DES ROOF DESIGN 60% DOCS -- SCARBOROUGH, CALISEWSKI, BARRETT, CAVANAUGH, PINCK & Co, RDA

Present: Ken Cuddeback, Marti Barrett (Superintendent of Schools), Patti Cavanaugh, Jeff Yost (RDA), Kelly Claffee (Pinck and Company). Ms. Alicia Toney (Pinck and Company) joined by telephone.

Ms. Ness read from a letter, confirming the MSBA vote of 1/27/2016 (attached herein by reference).

The MSBA approved a total maximum facilities grant of \$1,384,370, which does not include eligible owners' or construction contingency expenditures. That amount *could* increase to \$1,451,407. The final grant amount may also be less than \$1,384,370.

Ms. Alicia Toney (Pinck and Company) spoke from a telephone, addressing the board, and providing an overview of the presentation.

Mr. Jeff Yost (RDA) spoke about the project status this far, and described the review process of the 60% construction documents. Mr. Yost spoke about the necessary steps of the review, and stated that the review of the meeting was positive.

Mr. Calisewski expressed his pleasure at the outcome of the meeting, and stated that all three members (Bob Lesko, Kevin Scarborough, and himself) were satisfied with the responses from RDA. There will be time necessary to once again review the more complete documents when presented.

Mr. Yost spoke about the legal documents, which he described as 'A Process', including terms of conditions, supplemental conditions, performance and payment bonds, and etc.

Ms. Ness described the potential payback schedule of the borrowing, stating that the annual impact to the average household tax bill would be somewhere between \$45 and \$70 per year.

The town's Commissioning agent, as assigned, is Russo Barr.

Ms. Toney reviewed the revised budget, as presented (and included herein by reference). Ms. Toney made note of the fact that the 60% cost represents an increase of about \$30,000. Ms. Toney stated the estimate, but may not reflect the true cost of construction.

Total Project cost, based on Schematic Design Budget: \$2,968,984

Total Maximum Facilities Grant from the MSBA: \$1,451,374.

Total Project cost, based on 60% Documents: \$3,002,209

Total Maximum Facilities Grant from the MSBA, based on 60% budget: \$1,451,374

Ms. Toney expressed her concern about the schedule, which has been delayed due to the debt exclusion vote, and asked about the alternatives to funding the project, if the debt-exclusion vote would not pass.

Ms. Barrett clarified the concerns of the committee. A potential delay of the project was discussed. The cost of a delay was discussed.

Mr. Skip Olmstead spoke about the potential for alternative funding. Can the town incur debt to pay for the total project budget on a temporary basis?

Ms. Cavanaugh spoke about her expectations that the appropriation would not be subject to a approval of a debt-exclusion vote. There was some conversation about the mechanics of the financing of the project. Ms. Barrett suggested that the goal is to meet the timeline as originally presented. Pinck and Company will submit an estimate for their work to continue according to the regular schedule.

Mr. Yost stated that the commissioning agent may not be released to review the 60% docs without an alternative means of funding.

Question: if the town fails to come up with an alternative funding mechanism of the \$2.968 Million, will the project be delayed by a year? Answer: Yes.

Question: if we had proceeded, and didn't have the debt-exclusion requirement, and the debt exclusion vote in March voted against the debt exclusion, what would our options be?

Question: What are the town's other options?

Gilmore: We're still committing to do a project, using money we've saved.

Ms. Toney asked:

Will the town have \$3,000,000 by April 27?

Answer: Yes.

Question: How? What will that look like?

Answer: Through short-term borrowing, BAN, and eventually bonds.

There was continued conversation regarding the funding mechanism, and the manner by which the town can have Pinck and Co, and RDA, continue working.

It was determined that contract amendments must be signed with Pinck and Company. Additionally, Pinck & Co.. would require some documentation saying that the Town agrees to proceed and pay fees based on projections that Pinck & Co and RDA provide.

The Town requested two estimates for costs – one that would cover expenses through March 11, and one that would cover expenses through April 27.

Question: Will Pinck & Company generate new documents? Or will the town do that?

Answer: Pinck & Co will.

The bottom line: So long as the town can fund the work of Pinck & Co, and RDA, through April 27, the project should be able to be on track to start construction no later than July 1.

Re/ Clerk of the Works: The process is moving forward, and there are several local candidates that will be considered. Kelly Claffee is to be project manager, with Alicia Toney being the main contact with MSBA and the Project Administrator.

There was some discussion related to promotion of the project, and outreach to voters.

It was MOVED by Ness, SECONDED by Gilmore

To accept the 60% construction documents, as presented to the Building Committee on January 27, subject to Town Counsel review.

VOTED: 2, 0, 0.

The School Building Committee was thanked for their time.

KEVIN SCARBOROUGH – DRY BRIDGE

Mr. Scarborough spoke about the weight limit reduction on the Dry Bridge, and his continued research into the history of the Dry Bridge repairs.

Mr. Scarborough spoke about the current condition of the bridge, the type of repairs, the construction considerations, etc.

Mr. Gilmore asked about whether the dry-bridge could go one way. Mr. Gilmore stated that the Townspeople need to be given options, and their opinions considered.

Ms. Ness asked Mr. Scarborough if the Board could meet with the Prudential Committee on February 11. Mr. Scarborough agreed. The topics to be discussed include conversations about EMS services in Deerfield, and potential housing for EMS at the South Deerfield Fire Department.

Ness: 'We should have one fire district.'

Mr. Scarborough: Worst case scenario, if Deerfield opted out of South County EMS, South Deerfield fire would be responding to calls as first responders -- that would be the extent of the fire department's ability.

DISCUSSION/DECISION ITEMS

BUSINESS PERMITS – APPROVAL

It was MOVED by Ness, SECONDED by Gilmore

To approve the renewals of licenses for the businesses as follows:

- Michael Budrewicz, Jr., Catamount Auction Co., LLC, An Annual Resident Auctioneer License
- Lisa Berger, Deerfield Healing Arts, Home Business Renewal
- Richard Bettego, Richard's Automotive, A Class II Used Car Dealer's License
- Camiel Simmons, Yankee Candle Company, An Annual Entertainment Permit – (2)
- James Byrne, Jr., East Deerfield Auto Wrecking, A Class III Motor Vehicle / Junk License

VOTED: 2, 0, 0.

1 DAY LL APPLICATION - DEERFIELD ACADEMY – DEERFIELD CLUB OF NEW ENGLAND EVENT

It was MOVED by Ness, SECONDED by Gilmore

To approve a one-day liquor license for the February 25, 2016 event, as presented.

VOTED: 2, 0, 0.

DPU PUBLIC HEARING RESPONSE LETTER – CONSIDERATION AND APPROVAL

It was MOVED by Ness, SECONDED by Gilmore,

To approve the document as presented, send the letter to the Department of Public Utilities, in reference to their decision to allow surveying access to personal property, carbon copied to Steve Kulik, Governor Baker, and Sen. Rosenberg, and to authorize the Board to Sign upon final clerical review.

VOTED: 2, 0, 0.

TOWN ADMINISTRATOR'S REPORT

SEWER RATE STUDY

It was MOVED by Ness, SECONDED by Gilmore

To approve the scope of work for the sewer rate study, and to authorize execution of the contract as presented.

VOTED: 2, 0, 0.

UPCOMING MEETINGS:

- February 10, 2016
- February 24, 2016

OTHER BUSINESS *

Question to Town Administrator: Can the town use the money voted to support the FRCOG's efforts to fight the pipeline be redirected to the Town of Montague to help offset their expenses? Will get an answer ASAP.

EXECUTIVE SESSION - NEW ENGLAND NATURAL BAKERS

It was MOVED by Gilmore, SECONDED By Ness

To enter into Executive Session as allowed by M.G.L. c.30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; further, to authorize signing of payroll and vendor warrants, upon completion, and at the convenience of the Board members; further, to adjourn upon conclusion of executive session.

VOTED: Gilmore: Aye; NESS: Aye;

The board entered into executive Session at 9:40 PM.

- - -

The board left Executive Session at 9:50 PM, and adjourned at 9:51 PM.

Respectfully submitted,

Douglas C. Finn