

Board of Selectmen Meeting Minutes

Tuesday, September 22, 2020

Meeting Conducted via ZOOM Remote Participation due to COVID- 19 Emergency

Remote Participation by: Ms. Canfield, Chairman, Mr. Vegnani, Vice Chairman, Ms. Connolly, Ms. Curran, Mr. Goodrich

Also remote participation by: Mr. Boudreau, Town Administrator

**MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA**

Ms. Curran made a motion to accept the agenda for September 22, 2020 at 6:34 p.m. Second by Ms. Connolly Unanimous, vote (5-0)

Roll Call Vote:

Canfield yes

Vegnani yes

Connolly yes

Curran yes

Goodrich yes

Ms. Canfield reviewed the call in procedures for any resident who would like to participate in the meeting by commenting or asking questions. Participation by the public is available by the Zoom link on the agenda. Openings for Boards and Committees are posted and we are accepting applications through Friday, September 25, 2020. The new Advisory Committee for Equity and Justice is accepting applications. If you are interested please submit your application.

**ZOOM INS aka WALK INS**

Ellen Kasper, 120 Gilson Road owned since 1973 but they did not know a wind turbine was being built. She is about protecting the environment and was excited. When it was turned on she couldn't wait until it will be turned off. She feels the town BOS and BOH has ignored their requests. The quality of her life has been compromised due to the wind turbine. They are not alone in their complaints, Falmouth, Kingston and Bourne are just a few other locations who have the same problem. They are asking the BOS and BOH to stop the wind turbine.

**REPORT OF THE TOWN ADMINISTRATOR**

1. We have had some impacts from Tropical Storm Teddy today. We had some splash over and flooding in low lying areas. Kevin and I went to Egypt Beach and Mann Hill to see the berm. I took some videos that I will share with the Board. We most likely would have had wash over on Mann Hill and some on Egypt if we had not raised the berms. For people who have been to Egypt and seen the rocks piled at the parking lot end of the beach, these rocks were piled up by the contractor to prevent flooding as that is the area that was flattened out for access to the rest of the berm. That is not the final product.
2. Since last Monday we have had eight (8) new COVID case reported for Scituate. This is two weeks in a row of 8 cases. Two cases are a husband and wife and a third and fourth are household contacts of a positive test from the week before. Those people have been quarantined since last week and have subsequently tested positive. We assume that some of the remainder of these are college students. Our numbers are trending up tremendously for the past two weeks. Our map color of infection rates should change again this week because of these. The state wide rate of infection yesterday was 1.9%. For the last 14 days the Scituate positivity rate was 1.2%. 8 cases in a week is the highest count we have in well

over a month. COVID is still with us and we need to keep practicing social distancing, wearing masks and hand washing.

3. Public safety will be conducting a drill tonight at 10:00 pm at the public safety complex with Boston Med-flight. People will see activity but this is a training exercise.
4. The ban on outdoor watering remains in effect. We are now classified as being in a “Severe Drought” by the Commonwealth of Massachusetts. There is no rainfall in the forecast for this week. We need people to make a concerted effort to concern water. This is not as much of a supply problem as it is a usage problem. When we initiated Theban on outdoor watering demand dropped by approximately 400,000 gpd. That equals approximately 12,000,000 gallons a month. An average pool holds 18,000-20,000 gallons of water. This is enough water to fill over 600 pools. We still have too many people watering their lawns and wasting water.

The reservoir has stayed at 33.15% full. Rainfall was 0.0” as recorded at the treatment plant. The weekly average for water through the treatment plant was done slightly to 677,000 gpd. The previous week we were at 683,000 gpd. We need to do better. Manganese levels from the reservoir have dropped as a result of the cold temperature from well 17A being added to the pond. We have begun treating the water at the plant for manganese removal. Initial results show a reduction in manganese levels. We will continue this treatment process and adjust dosage as necessary.

5. Project Updates:

- a. The Cedar Point sewer construction project commenced Tuesday, 9/8. This week is the start of the actual construction with the first small road closure. This is the replacement of the gravity sewer system in Cedar point that is the largest contributor to infiltration in our sewer system. This week will continue with prep work for the actual construction. Surveying, erosion control, test pits, etc. This is a major construction project and will lead to traffic changes on Cedar point. Residents and visitors will need to pay attention to the traffic signs and detail officers. The project will continue until May of 2021.
- b. Egypt beach portion of the berm project is underway. The Town will be using significantly smaller stones than those used at the Mann Hill end of the berm and this is a significantly smaller project than Mann Hill. The new stones will be placed lower in the berm and then covered by the existing stone on the beach. The project is anticipated to wrap up this week.
- c. The COA project is also ongoing. We are currently on schedule. Siding, drywall and the start of the brick system will begin this week. The brick system for the elevator at the gym is also commencing. The elevator install is scheduled for 10/5. There is a tree near the gym that has been inspected by an arborist and recommended that it be removed. It is outside the work area in front of the new building, being further down near the new parking lot. According to the arborist the tree is basically hollowed out on the inside and needs to be removed. While that tree is being taken care of, a tree immediately adjacent to the new COA will be trimmed as some of the limbs are in contact with the new building.
- d. On the athletic field project, volunteers had begun painting the interior of the dugouts Labor Day weekend. They were unable to finish painting, so Mark Falvey of M.A. Falvey Painting has offered to complete the project as a donation to the town. So I would like to thank Mark and MA Falvey Painting for this generous donation.

6. Regional Sewer project. The Cohasset Board of Selectmen and Sewer Commission had their second joint meeting to discuss the regional sewer project and Cohasset sewerage needs. Karen Canfield, Kevin Cafferty, Will Branton and I were all listening in on the zoom meeting. Cohasset is pausing the regional plan while they do an investigation of the needs and options for Cohasset without the regional option. They hope to have that report done in a month. I have, at this point, directed our DPW to revise our plans for N. Scituate Sewerage without the regional option so that we are ready to proceed should Cohasset decide to not go forward with the regional sewer plan. I had been cautious optimistic on regional sewerage previously, but given the comments from the Cohasset BOS and Sewer Commission last night I am decidedly less optimistic. I would urge the Board to watch the meeting themselves and see if their perception of the meeting meets what I took away.

Ms. Canfield said it was disheartening to listen to the Cohasset Board of Selectmen regarding regional sewer. Mr. Vegnani asked if Mr. Boudreau could look into the planting of the new trees at the library. Mr. Boudreau said he will follow up with the library. Ms. Connolly asked when the Cedar Point Sewer project will be done. Mr. Boudreau said next spring before the summer season but this is weather dependent. The brown water has gotten significantly better with the new chemical we put into the plant. Mr. Goodrich asked if the COVID numbers included Wampanoag. Mr. Boudreau said it has one of them but the 2<sup>nd</sup> one may not be in the numbers yet. Mr. Goodrich said there was a flu clinic already and is there another one coming up. Mr. Boudreau will check and it will be publicized.

#### **SCHEDULED ITEMS:**

##### **Accept donation to Beautification for Cole Parkway garden**

**Move to accept a \$125 donation from a resident for the Beautification Commission. Motion by Ms. Connolly second by Unanimous Vote (5-0)**

Roll Call Vote:

Canfield yes  
Vegnani yes  
Connolly yes  
Curran yes  
Goodrich yes

##### **Establishment of EDC Grant Program, Nancy Holt, Town Accountant/Finance Director**

The EDC voted to create a grant program for the room occupancy tax for July, August and September for the 2% difference. A cap will be put on the grant. There is a letter approved by the Chair of the EDC and if the board agrees a letter will be mailed to the businesses. This will qualify for COVID reimbursement. Ms. Curran asked the financial amount. Ms. Holt said many were not active due to COVID 19. She doesn't expect it to be much. A letter will be sent out if approved.

**Move to agree to establish the EDC grant program. Motion by Ms. Connolly second by Mr. Unanimous Vote (5-0)**

Roll Call Vote:

Canfield yes  
Vegnani yes  
Connolly yes  
Curran yes  
Goodrich yes

##### **Epsilon Sound Level Compliance Evaluation Report March 6, 2020 for Wind Turbine**

Clint Cyr, PE, Senior Engineer and Ryan Callahan, Senior Engineer

Mr. Boudreau said under the statute either the Board of Selectmen or Board of Health could consider the wind turbine a nuisance. A public hearing would be required. If the wind turbine was found not in compliance there would need to be an opportunity for the company to make it compliant.

Ms. Canfield reviewed the guidelines for discussion regarding this agenda item.

Mr. Cyr who works with Epsilon Associates and provided his credentials. Mr. Cyr prepared a presentation for the Board of Selectmen to review the Epsilon Sound Level Compliance Evaluation Report from March 6, 2020 for the wind turbine. Mr. Cyr started with examples of sound levels and terminology. Mr. Cyr provided sound level metrics. Mr. Cyr reviewed the Sound level measurement protocol. The measurement protocol history was reviewed from August 2018 to November 2018. There were four measurement locations reviewed. The field program and methodology was reviewed. Measurements were taken April 19, 2019, July 31, 2019, October 2, 2019 and December 6, 2019. The measurement equipment used to perform this testing was reviewed and their purpose. Maximum sound output conditions for each of the nights was reviewed. Mr. Cyr reviewed each night meteorological and wind turbine conditions and determination of the wind turbine was in compliance. Conclusions were reviewed for each location tested. The report indicated that the MassDEP ‘Pure Tone’ compliance for all locations.

Resident questions were provided in advance to Epsilon. Mr. Cyr responded to all questions as follows.

1. In 1.0 Executive Summary, paragraph 4: “The residence (151 Driftway) is 650 feet to the northeast of the wind turbine and it is Epsilon’s understanding that the owners of the residence were recipients of mitigation funds by Scituate Wind, LLC.”

What is the source of this information and why do you feel it is appropriate to be included in a sound data gathering and evaluation report?

**Response:** The sited statement is based on information from the Town of Scituate and Scituate Wind LLC. In some cases of wind energy developments, landowners agree to accept potential sound level impacts from their operation by form of a signed waiver and/or a payment. This information was considered relevant for the report given that measurements were performed at this particular residence.

2. The report was submitted anonymously. Who takes responsibility for its content and accuracy?

**Response:** The report was submitted by Epsilon Associates, Inc.

3. Why does the post-measurement analysis avoid showing the occurrence of non-compliance at 151 Driftway?

**Response:** The report clearly states that non-compliance is demonstrated in several locations. ES, 4th paragraph: “Scituate Wind was determined to be in non-compliance at the nearest residence to the wind turbine during one of the four nights of measurements”. Evaluation Section 6.2.2.3 (page 6-10). Conclusion Section (page 7-1).

4. Why is there non-compliance with ANSI S12.9 Part 3 in excluding dB(A) corruption from audible sounds: insects, tree frogs, and leaf rustle, by excluding octave bands from 2 kHz and identify with dB(ANS)?

**Response:** Measurements with the WT operating were performed and immediately followed by ambient measurements with the WT shutdown. With these measurements so close in proximity, an apples-to-apples comparison is made without adjusting the data. ANS-weighting is a gratuitous procedure in this case.

5. Why did Epsilon not comply with ANSI S12.9/ANSI S1.13 for instrument quality audio recordings and substitute low quality MP3 audio files in lieu of SR option: calibrated WAV files as the Larson Davis 831 meter is capable of recording?

**Response:** Audio recordings were performed for purposes of source identification when listening back to the recordings. The monitoring protocol provided no specifics or standards on the format in which audio recordings were collected. The language from the original protocol that was reviewed by multiple parties was the following: "Audio recordings will be collected for all sampling periods (both operational and ambient) for quality assurance/quality control purposes using external audio recorders connected to each sound level meter."

6. Explain the inconsistency between SCADA files and with sound measurements logs for the turbine on and turbine off ambient. The ambient (L90) are too high by including turbine noise contributions.

**Response:** The wind turbine was off during all background measurements and for their full duration.

7. In the document Sound Level Compliance Monitoring Protocol, October 18, 2018, why is there a contradiction between the use of Leq in the Section, Documentation of Compliance and the use of Lmax in the established Current Wind Turbine Noise Study Protocol (generic) which is attached to those final protocols. Please look at the attached communication from Dan DiSalvio, dated Sept 25, 2018, addressed to David Dardi and Karen Canfield. Even the representative from the MassDEP didn't know why Leq is being specified and requested that copy of the MassDEP Generic Protocols to be attached.

**Response:** The MassDEP provided comments on a draft protocol to the Town on Sept 18, 2018, which are included in Appendix A of the Report. Comment #4 reads as follows: "The MassDEP monitoring method used for recent wind turbine monitoring programs is based on a maximum sound level Lmax. This Lmax is represented by the average of the three highest 1-second LEQ (turbine ON) values and compared to a baseline (turbine OFF) L90 sound level to determine compliance with the MassDEP Noise Policy." This was further clarified in a set of comments received on Oct 31, 2018 which read "the highest 1-second Leq from each 5-minute sampling period will be averaged to create a single Lmax for that sampling site under the select wind conditions. (i.e. the highest 1-second Leqs to be averaged cannot be from within the same 5-minute sampling period or represent different operating conditions). The WTNSP describes this procedure in detail."

8. Since you used Leq in determining the Lmax why didn't you apply a 6 to 11 dB correction factor to Leq as calculated in MASSACHUSETTS STUDY ON WIND TURBINE ACOUSTICS, February 2, 2016 which said study was co-authored by Epsilon Associates.

**Response:** The calculation procedures were as defined in the Protocol as instructed by MassDEP as they provided a definition of how the Lmax would be calculated.

9. Why wasn't there any testing performed on Night 1 (April 19, 2019) at location #2 (26 Hewes Rd)? Only three locations were tested instead of four as the contract requires.

**Response:** Perhaps there was some confusion on how the data were portrayed at the location on this night. The WT was not audible on that specific night at this location, so no conclusion could be made regarding compliance. However, measurements were performed at all 4 locations on all 4 nights. Details of Night 1 are found in Section 6.2.2.1.

10. In regards to Night 4 testing on December 6, 2019:

a) Explain why in Table 6-17 the values of Leq for 122 Gilson Rd were not properly averaged to show the value of 41 instead of 40.

b) Explain why in Table 6-18 the lowest value of L90 is not used so as to be in accordance with the MassDEP generic protocol document found in the report in Appendix A. Please note the corrected values in the attachment.

c) Note that in amended Table 6-20, by using the proper values, non compliance to the noise regulation is found at all four locations.

**Response:**

a) Calculations/averages were performed with greater precision than shown in the tables.

- b) As described on page 6-16 of the report, the HH WS dropped substantially between the operational measurements and the ambient measurements. The difference between the average wind speeds is 2.9 m/s, which exceeds the condition of  $\pm 2$  m/s specified by the MassDEP staff in their final comments on the Protocol. As further described on page 6-17, the ambient sound levels do not provide an apples-to-apples comparison to the background sound levels that may have been present during the operational measurements. Using the minimum measured L90 sound level in the evaluation would be overly conservative and does not meet the Protocol. Therefore, the L90 sound level measured during the first 5-minute period (i.e., measured closest in time to the operational measurements) at each of the four locations have been used in the evaluation and are presented in the right-most column of Table 6-18.
- c) As indicated in the table note for Table 6-20, only whole numbers are presented in the table, but calculations were performed using values with additional precision.

Ms. Canfield opened up Q&A for the Board of Selectmen.

Mr. Vegnani said the ambient noise calculation was based on the minimum yet the max was based on the average. Mr. Cyr said that was based on the direction of MassDEP. This would provide the largest delta we could realize. Mr. Vegnani asked if that was typical. Mr. Cyr said yes it is typical. Mr. Vegnani said day 4 should probably be eliminated since there was that large drop in wind conditions. On day 2 there was a non-compliant test at one of the locations and how does that translate if it is compliant or not compliant. Mr. Cyr said measurements can be performed on numerous nights and they will not be the same. It is not surprising giving the proximity of the address to the wind turbine itself. Mr. Cyr said compliance was determined on three other nights. Mr. Cyr said it is difficult to say how the DEP would respond to this. The town would need to have a conversation with the DEP.

Ms. Canfield asked if we determine one data point is not compliant how do we answer what the threshold is so we can notify Scituate Wind they have to do something. Mr. Boudreau said we will have to follow up on this.

Ms. Connolly asked how the locations were selected. Were any of the residents at the tests when they were being performed? Mr. Cyr said the locations were chosen by the residents and the town based on complaints. There were nights where residents participated at their home. How many other types of studies has Epsilon done and were changes made as a result of the studies. Mr. Cyr has not performed any MA studies post construction. Next steps are up to the town and it is a case by case decision to make. Mr. Callahan from Epsilon has performed quite a few post construction sound level tests and some of them result in curtailment. Epsilon measures and reports and decisions are made based on those reports. There are options available that can be implemented.

Mr. Goodrich asked how often they see a wind turbine out of compliance. Mr. Callahan said in most other jurisdictions they are not tied to sound levels like MA. Due to MADEP noise policy there is a moving target based on the night tested. The delta driven sound limits in MA are unique. Mr. Callahan said it is not true that everyone is in compliance. In MA there are more out of compliance. There are different limits across the country so it depends on the location. Location one is so close to the wind turbine that is a little abnormal.

Ms. Curran thanked Epsilon for the thoughtful presentation. Ms. Curran asked for help understanding the conversion to mph. Mr. Cyr said mps to mph multiply by 2.2. 1 mps = 2.2 mph about twice the value. Mr. Vegnani said we did not ask Epsilon to comment on our mitigation. Mr. Cyr said the complaint region was 5 mps or 11 mph. That range was defined based on a resident complaint log that was received. Mr. Cyr said the complaint log provided the hub height wind speed when each of the complaints were logged.

Ms. Canfield asked how you can read ambient and not operational data. Mr. Cyr said operational measurements were based on sound levels that could be attributed to the wind turbine. If the wind turbine was not audible then we could not assign a sound level to the wind turbine. Ms. Canfield asked about the wind difference on night four. It makes Ms. Canfield concerned that all of the measurements except one were only one point away from being non-compliant. Mr. Goodrich is confused about table 619. Mr. Cyr said they selected the lowest ambient but the other night they tried to match the conditions as closely as they could but the wind had dropped throughout the night so they could not do an apples to apples comparison. Mr. Cyr said if they used the lowest ambient it would have been out of compliance.

The MassDEP review of the results will need to be follow up.

Ms. Connolly asked if the average person what is the difference between 9 db and 11 db? Mr. Cyr said the 10 is from the MassDEP noise policy and it has not changed.

Mr. Vegnani said he is trying to understand what the wind turbine is contributing to the noise. Mr. Cyr said a change of 10 db is twice as loud. A change of 3db is noted to be just perceptible. Any change below 3 is not perceptible to the human ear. There are different characteristics of sound. Mr. Callahan said it is logarithmic. Mr. Vegnani is trying to get his arms around the impact of this. Mr. Cyr said there is not a consistent difference with every test.

Mr. Goodrich asked how many minutes were recorded. Mr. Cyr said three 5 minute samples and another three 5 minute samples with the turbine shut down. Mr. Goodrich asked if that was normal. Mr. Cyr said the parameters were set with the MA wind turbine studies. Mr. Goodrich said there are eight years of complaints and 15 minute time slots of sound studies. Mr. Cyr said they are typically built on 10 minute samples.

Ms. Canfield opened up the Q&A to resident questions related to the study.

Mr. Dardi has been instrumental in crafting this study and has been involved all along.

David Dardi, 122 Gilson Road L90 background was taken after the three readings were taken to the Lmax and then they shut the turbine down and took three readings. The evaluations they took the closest L90 to the time frame. Why bother looking at the other values. In the RFP and the DEP said they require four separate ons and offs. Why didn't they do that?

Mr. Cyr said agreed that could be one method of measurement. The procedure that was followed was agreed upon by MassDEP. Three operational measurements then L90 measurements.

Mr. Dardi does not see the MassDEP agreement for that method of measurement. Mr. Dardi said if it was done the way the RFP was written it would be a different result all together. How are we supposed to make any decisions if the DEP is not responding?

Under the procedures in the generic LMax does not say average. Mr. Dardi has a letter where it says there is a 6-11 db difference with averaging difference and the LMax to another client. This would show non-compliance all four nights. They have a professional responsibility to do this for all clients.

Phyllis Karlberg 26 Hughes Road volunteered her home because she does hear the wind turbine way too often. The first night they came to test it was extremely windy and you don't hear the turbine when it is blowing like that. She asked why they did not test at window height. Mr. Cyr said the measurement locations were refined. The physical location of the microphone is typically industry standard not to measure near reflective surfaces. The height is determined by MassDEP protocols. The third night they were there she said they should have

been there at 8:00 p.m. when the conditions were loud. All the Scituate Wind measurements are from the top of the turbine. Ms. Karlberg said it is a major problem for the neighborhood. Mr. Boudreau said if there is a particular period of time it would be easier to determine the wind at the turbine.

Ellen Kasper 120 Gilson Road said there were plenty of nights before April where there could have been testing done. Sometimes she is too tired to do the screen shots and send them in. The residents have been sending the information for a long time. The April 19<sup>th</sup> testing night she emailed everyone the next day and said it was not the conditions that would bother them. The sound of the wind turbine on a quiet night is brutal. The nuisance is noise, vibration, shadow flicker, etc. This wasted money means nothing because it does not address what they have to deal with in their homes. It is very discouraging and frustrating to go all these years. This testing does not accurately reflect what the residents deal with. Why did the April 19<sup>th</sup> get tested when it was not the conditions they complain about? Why was it done that night?

Ken Ingber 60 New Driftway can see the wind turbine from his home. He does not hear anything. Calling it inconclusive struck him as not accurate. It was a good for the town and neighbors result. Mr. Cyr said it is a reasonable interpretation because it shows the wind turbine is inaudible at times.

The follow up items are:

What is the threshold where we notify the operator where there is a non-compliance?

Slower blades can make it quieter?

DEP notes regarding the study?

The off/on testing DEP question.

Financial and clean energy alternatives

Costs on turning off with mitigation or completely

Meeting with Mr. McKeever

There are key things that need to be answered before any votes are taken. Ms. Canfield opened discussion up to the board. Mr. Vegnani visited the operator on behalf of the board at the end of August. He informed Scituate Wind that we are still getting complaints and were there any changes that could be made. He had the conversation with them and there is no new technology or anything that can be changed to make it quieter. The slowing of the blades interested him during the discussion with Epsilon. The mitigation that is in place is still four conditions June 4<sup>th</sup> to October 15<sup>th</sup> 11 pm to 6 am with wind direction from 22 ½ degrees on either side of southwest. The wind is not blowing in the conditions we are shutting off. Over the last couple years it has only cost us a few thousand dollars in lost income. Mr. Vegnani asked him to send him dates that are impacting them now. In looking at that he received dates that were impacting them and he looked at the conditions. It was a more westerly wind when residents were impacted. Mr. Vegnani would like to see what changes can be made to the mitigation to better help the residents. We will need to look at the financial impact of this as well.

Ms. Canfield said we can hear that residents are being impacted and we will take a look at the times that bothers them. Mr. Goodrich is angry and upset looking at the history of all this. The most important thing he heard tonight is the DEP standards are a moving target. We have eight years of data points from the residents and that is impactful. He doesn't know the answer but it has to be a time based easy to understand shut off at some time and on at another time. Ms. Canfield doesn't know if we'd be in breach of contract. Mr. Vegnani said it doesn't matter we have to pay them.

Mr. Boudreau said there were complaints in Plymouth and they sent a letter that it was a nuisance. It is still operating. We can shut the turbine down at different time but Scituate Wind could say we're in breach of the contract.

Mr. Vegnani said he has sat in front of these people's homes and spoke with their neighbors and it is not an easy answer. He would like to mitigate the problem. Ms. Curran said she agrees we need to look at the mitigation. She would love to know how many days of the year it is operational. She would like to go down the same path and see if there is alternate green energy to make up the financial impact as a result. With regard to the mitigation at night we seem to get the complaints in the summertime.

Ellen Kasper 120 Gilson Road asked Stephen Werther, Epsilon have they traditionally done these tests for Towns, Commercial or residents.

Mark McKeever, 151 Driftway said when we turn the clocks back he is going to have a difficult situation with the kids, COVID and college students. When the flicker comes how are the kids going to study when the whole house is going to be filled with flicker all day. Secondly, the new board if you truly want to feel the impact he is sitting in his office and he can hear and feel the turbine. The turbine woke him up at 2:30 a.m. He invited the Selectmen to come over for coffee and talk with him if they want to understand the impact of the wind turbine. With the change of the clocks it gets really bad. Five years ago he was an angry bitter person but he feels that this board is trying to do something about this. The mitigation he thinks he was accused of something that was not true. The people that provided that information owe them an apology. Mr. McKeever knows it is a difficult position for the board to be in. Ms. Canfield said Mr. McKeever is on the follow up list.

Ms. Connolly would like to know if legal counsel will review the contract and see what can be done. She would also like to know if we are obligated to extend the contract. Is there any possibility for us not to renew. Ms. Connolly said maybe we need to consider an operational override to address this issue. We need to consider what our options are with the wind turbine.

Ms. Canfield said we need to look at the legal ramifications and financial impact.

Jim Hunt, 66R Mann Lot Road asked what is the current cost to cancel the contract. Mr. Boudreau said it is not a simple answer and it is going to take time to evaluate this.

Mr. Goodrich said if there is some other bylaw with a noise nuisance and they are in violation of that does this supersede the contract? Ms. Canfield said they got a special permit.

Mr. Vegnani said before we decide to tear the thing down let's try to get a win win here. We didn't get the target right the first time. Let go at this at a different angle and look at other solutions first before we get to that drastic level.

Ms. Connolly said we don't have to do one thing at a time we can look at different alternatives.

David Dardi 122 Gilson Road said Mr. Vegnani said you have to find the right wind direction but the McKeever's wind direction doesn't matter to them. They have a bigger problem with the shadow flicker. Now they realize there are five board members that are sensitive to their position. The planning board minutes in 2009 materials were brought in and people were very rude to them. He knows the testing results are not in favor of resident complaints. Resident complaints are not going to stop.

#### **OTHER BUSINESS:**

##### 1. Liaison Reports

Karen Connolly stated that CPC may consider the purchase of Bleakie Farm on Border Street. The gulf river association came in to CPC to start a conversation about purchasing the property. Ms. Canfield said the property is under 61A.

Karen Canfield said that EDC is putting together sub committees and focus on tourism.

2. Correspondence

- Plymouth County COVID municipal disbursements

3. Approval of Meeting Minutes

**Move to accept the meeting minutes for the Board of Selectmen meeting held on September 8, 2020. Motion by Ms. Connolly Second by Ms. Curran Unanimous Vote (5-0)**

Roll Call Vote:

Canfield yes

Vegnani yes

Connolly yes

Curran yes

Goodrich yes

4. Adjournment and Signing of Documents

**Motion to adjourn the meeting at 9:59 p.m. by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)**

Roll Call Vote:

Canfield yes

Vegnani yes

Connolly yes

Curran yes

Goodrich yes

Respectfully Submitted,

Lorraine Devin, Recorder

### **List of Documents for September 22, 2020 Board of Selectmen Meeting**

- Agenda
- Upcoming Meeting and Events Listing
- Donation to Beautification Commission from resident
- Establishment of EDC Grant Program no documentation received
- Epsilon Sound Level Compliance Evaluation Report March 6, 2020 for Wind Turbine – Binder put together for each Selectman with all wind turbine reports and information also posted on Selectmen web page
- Correspondence
  - Plymouth County COVID municipal disbursements
- Selectmen meeting minutes for September 8, 2020

## **Board of Selectmen Meeting Minutes for September 8, 2020**

### BOARD OF SELECTMEN

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Karen B. Canfield, Chairman

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Anthony V. Vegnani, Vice Chairman

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Karen E. Connolly, Clerk

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Maura C. Curran

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Andrew W. Goodrich