

MINUTES OF THE BOARD OF SELECTMEN MEETING

April 7, 2014
Meeting held at Town Hall

MEMBERS PRESENT: Chairman Robert Snow, Vice Chairman Robert Merry, Clerk Joseph Perry, David Petersen, Jack Cook (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Lawrence White – FINCOM; Kirk Baker – Town Planner; James C. Broderick – Fire Chief

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:04 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Dave Petersen led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

GENERAL BUSINESS

1. Antique/Junk License renewals

Chairman Snow said there are no renewals for review tonight.

2. Letter of resignation from Nina Gynan from the COA Board

Chairman Snow read the letter of resignation from Nina Gynan (COPY ATTACHED).

Dave Petersen made a motion to accept this resignation with regrets, Jack Cook second, all in favor – aye (5-0).

Bob Merry said we should send Nina Gynan a letter of thanks for her work at the Council on Aging.

3. Letter from Howard Vogel re: Conservation Commission opening

Chairman Snow read the email letter from Howard Vogel about his interest in serving on the Conservation Commission (COPY ATTACHED). Eagan said the practice is for the individual to meet with the respective board and then the Board of Selectmen. Snow said his resume is impressive and asked that Mr. Vogel be scheduled to meet with the Board of Selectmen on April 28, 2014 at 8:00 / 8:15 p.m.

OLD BUSINESS

4. Sign park and recreation fields lawn maintenance contract

Eagan said last week the Board reviewed the bid results with a representative of the Parks & Recreation Committee and Chickadee Hill Farm was the low bidder.

Jack Cook made a motion to sign the lawn maintenance contract (COPY ATTACHED), Joseph Perry second, all in favor – aye (5-0).

The Selectmen signed the contract.

2. Town Meeting Warrant public hearing – April 28

Chairman Snow read the following:

Over the past several years, the Board of Selectmen has held an informational public hearing on the town meeting warrant prior to town meeting.

This gives town residents an opportunity to ask questions on the warrant articles in a less formal setting than town meeting.

Suggested hearing date is April 28, 2014 at 7:30 p.m.

Merry said years ago the Town held a Pre-Town Meeting. The consensus of the Board was to have this public hearing on April 28, 2014 at 7:30 p.m.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query closed. There were no Citizen's queries.

7:15 p.m. Appointment – Town Planner Kirk Baker to discuss Regulatory Agreement for the Rowley Village Green affordable housing units

Chairman Snow read the following:

Kirk will give an overview of the Rowley Village Green project. The Board of Selectmen needs to vote and sign the signature page of the regulatory agreement. Town Counsel has reviewed the regulatory agreement and only had one comment – the signature page only contained one signature line for the municipality. Town Counsel Judy Pickett asked Debbie to prepare a separate signature page for the Board of Selectmen and a notary section. Sean McFadden will notarize the signature page. There are three originals that need to be signed and notarized.

Town Planner Kirk Baker said his memo (COPY ATTACHED) describes the project and the regulatory agreement. He said the lottery agent has provided a flyer that the Town can post in public places and on the Town's website. He said the Rowley Village Green was approved in 2010 and is a twenty-five unit multi-family project of two bedrooms, two and one half bathrooms residences. He said the residences are either triplex, duplex or quadraplex within ten buildings. He said the buildings are about halfway completed. He said in October of 2010, it was stipulated that two units be set aside for affordable housing. He said the Local Action Units application requested a local selection preference, but the Department of Housing and Community Development (DHCD) said that the Town didn't qualify for this, so the Town has to sign a Regulatory Agreement. He said Town Counsel has reviewed this agreement, and her only comment is that the signature page should include spaces for each Selectman to sign.

Eagan said the Local Initiative Program (LIP) will be a deed rider on the two affordable housing units, so if the units change hands, the sale can only be to another qualified buyer. Eagan said this will not be a public road and this is a closed community. Baker said the DHCD asks the municipality to do the monitoring of the deed rider.

Snow read the affordable housing qualifications for the flyer (COPY ATTACHED). Baker said the lottery will take place on May 29, 2014 at 6:00 p.m. Petersen asked how this is handled when resold. Baker said the agreement addresses that, and another lottery agent would be hired to handle it. Larry White said three to four person households will receive preference. Baker said statistical weights would be added to each application in order to give preference to families.

Joseph Perry made a motion to sign the regulatory agreement, Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the agreement and Sean McFadden notarized the signatures.

OLD BUSINESS

3. Discuss purchase of Rowley Girl Scouts Camp land

Eagan said she needs direction from the Board on several items. Eagan read the following:

I. Self-Help Grant – Review of Appraisal

David Santomenna of Greenbelt told Debbie that for projects over \$750,000, the state requires either two appraisals or one appraisal and a review. David has been in touch with Foster Appraisal and they can do a review for the Town for \$2,000 and can get it done in 30 days. Foster is a good firm, and the Greenbelt has used them for reviews.

Dave Petersen made a motion to authorize Foster Appraisal to review the appraisal already done for \$2,000, Jack Cook second, all in favor – aye (5-0).

Eagan read the following:

II. Greenbelt – Mailer and site walks

Greenbelt has offered to send out a postcard to Town residents informing them that the Town Meeting Warrant has the special town meeting article to purchase the Girl Scouts land. Greenbelt will print and mail it to the residents. Greenbelt is also offering to hold a “weekend walk-through” of the property on one of the weekend prior to town meeting. The postcard will have the dates for the walk-through. Greenbelt will make the arrangements for this. Debbie just needs to have the Selectmen approve these items.

Bob Merry made a motion to approve the postcard and the walk-through, Jack Cook second, all in favor – aye (5-0).

Eagan read the following:

III. Survey of property

The selectmen and CPC have an article on the town meeting warrant to cover significant costs related to the purchase of the Girl Scout land. The article includes the costs for the survey work. Debbie has three proposals from surveyors. Debbie would like to contact Donohoe Parkhurst to line them up to start working effective May 6, 2014, pending the town meeting approval. How does the Board feel about that? The surveyors become very busy in the spring and Debbie wants to secure them now, before they got booked because this survey is a large project and will take several weeks to complete.

Eagan said she is requesting authority to verbally secure them to start the work immediately after Town Meeting if the article is approved.

Joseph Perry made a motion to authorize Eagan to verbally secure Donohoe Parkhurst, Jack Cook second, all in favor – aye (5-0).

Eagan read the following:

IV. Open Space Plan Update

The former Open Space Committee Chairman has provided Conservation Agent Brent Baeslack with the following:

- *Electronic version of the blank public survey*
- *Electronic file showing the tabulation of the public survey results*
- *One completed public survey*

We still need records of the remaining completed public surveys and records of all meetings and public hearings held by the Open Space Committee to discuss the Open Space Plan.

Sections One and Two of the Open Space Plan have been reviewed by Baeslack and approved by the Conservation Commission and are considered final. Section Three needs to be updated with the 2010 census data, but it doesn't need to be re-written. Baeslack doesn't anticipate any changes being required for Section Four, which outlines the physical characteristics of Rowley.

Baeslack worked with the consultant on Section Five, Inventory of Lands of Conservation and Recreation Interest, which is one of the most important sections which required the most time and attention. Baeslack anticipates the final draft of this section to be ready tomorrow, which will be presented to the Conservation Commission for approval.

Merrimack Valley Planning Commission has also updated the maps as requested, and have mailed them to Baeslack for review.

Baeslack said they are about half way through the update of the Town's Open Space Plan at this point.

Eagan said we need these critical documents, and will keep the Board updated on this.

Petersen said each year Conservation Agent Brent Baeslack picks up trash for Earth Day, he does it on his own, and we should send him a letter of thanks. Eagan said he is passionate about his job and drops everything to do things like this.

Dave Petersen made a motion to send Brent Baeslack a thank-you letter, Jack Cook second, all in favor – aye (5-0).

1. Discuss and review FY 15 Budgets and town meeting warrants

Chairman Snow read the following:

The Board of Selectmen needs to review the draft Special Town Meeting warrant. The warrant will be reviewed by the Finance Committee tomorrow evening. The town counsel is finishing up her review of the warrant.

We have a balanced budget and we will have final proofreading of the annual and special town meeting warrant on Tuesday and Wednesday.

The Board of Selectmen needs to hold a special Board of Selectmen's meeting on the morning of Thursday, April 10, 2014 to sign the warrants. We need to get them to the copy center this week.

Eagan reviewed the articles on draft #4 of the Special Town Meeting warrant (COPY ATTACHED).

Eagan said the Finance Committee and the Board of Selectmen have completed the review of the budgets and they are included in draft #7 of the Annual Town Meeting Warrant (COPY ATTACHED). She said the operating budget totals \$14,772,922 and this will be added to the warrant. Perry said there was an email from a resident questioning why Rowley Residents were not allowed to attend the Charter School, but tuition for the Charter School is part of the School budget. Eagan said this question was sent to the School Committee and Superintendent Farmer to address because only the School Committee can make changes to the school budget. She said she asked that the Board of Selectmen be copied on this correspondence.

Eagan said the Selectmen reviewed the Annual Town Meeting draft warrant last week. She said Chief Broderick is here to speak about article 22, the ladder truck. She said she has added the Water Department budget. She said the Finance Committee met last Tuesday and took the same position as the Board of Selectmen to make a recommendation on Town Meeting floor since the Water revenues are not available yet. She said the Finance Committee recommends all money articles, but wants more information on article 26, Valor Act, before making a recommendation.

Chief Broderick said he has found a ladder truck model that fits both the fire station building and the community. He said it is a 100 foot ladder truck that the Town will have for twenty plus years. He said Rowley is the third owner of the current used ladder truck. Snow asked if the current truck was in New York City on September 11, 2001. Broderick said the ladder truck was involved in some aspect of the tower bombing. He said it has lasted seven years as expected, but is not worth fixing. Snow said this year the Engine 1 debt exclusion will be paid off, and the amount the new ladder truck will cost the median homeowner in Rowley is \$73 per year, and will be paid off in five years. Merry said at the end of five years, it will come off of the tax rate. Perry said it is critical that we replace the ladder truck. Broderick said the ladder truck is needed for its reach and to get on top of buildings.

NEW BUSINESS

1. Town Administrator Update

Town Administrator Deborah Eagan read the following:

I held a procurement meeting with Chairman Snow, Amy and representatives of the Police, Fire, Highway and Water Departments to go over the bidding of automotive mechanic work and gasoline. We are going to have a "Town" bid for these services. Once the bid documents are complete, I will submit them to the Board of Selectmen for review.

I received an update from Meridian on the Bradstreet Baseball Field Project. Things are going as planned and the geotechnical report should be ready sometime this week or next week. Once that report is completed, the engineers can start designing the stormwater management system. Meridian will meet with the project team and the conservation agent to review the draft designs prior to initiating the formal permitting process with the Conservation Commission.

The Annex exterior project is continuing on schedule.

I have been working with Town Planner Kirk Baker on the Gurczak Lane Street acceptance. The schedule for the acceptance is as follows:

- a. Larry Graham will have the plan ready early next week. The plan will be promptly filed with the Town Clerk.*
- b. The Special Town Meeting Warrant will be posted on April 16.*
- c. The public hearing notices will be mailed out April 16 after the plan is filed.*
- d. The street layout hearing must be scheduled on Monday, April 28 at 7:15 p.m. After the hearing and approval by the Selectmen, I will promptly post the Board's vote with the Town Clerk.*
- e. Town Meeting will vote on the Street Acceptance.*

I was informed today that the Acting Water Superintendent is conducting a solicitation for contract water operators. I was unaware that they were issuing a request for price quotes for these services. This was not discussed during last week's joint meeting. I recommend that the Water Board and Board of Selectmen examine this matter, especially because the job functions of water operators are considered "collective bargaining work" and that a full review of the operation of the department be studied, including a cost-benefit analysis by the fiscal team.

Eagan said the solicitation for contract water operators was issued late this morning, with a return time of noon tomorrow. Petersen asked if this was a vote of the Water Board. Eagan said she doesn't know, but it wasn't discussed last week. Snow said he has spoken with one Water Board member, and he doesn't recall a vote. Petersen said the Commissioners and Acting Superintendent told the Selectmen the Plant could be run with the current personnel, now they are soliciting contract water operators, so it seems they have no plan.

Jack Cook made a motion to send a letter to the Board of Water Commissioners asking who authorized this solicitation, Bob Snow to hand deliver the letter at the next meeting, Joseph Perry second, all in favor – aye (5-0).

Petersen said the time frame for the solicitation is disturbing and asked who was going to be evaluating the responses. Eagan said she has concerns about this from both a procurement and personnel standpoint. She said without an operating manual with a staffing plan, we are blindfolded. She said she is dismayed that the engineer didn't provide this manual months ago.

Merry said the letter should ask if the staffing plan from the engineers calls for this and should ask them to explain why less than 24 hours was given for responses to be submitted. Petersen said we need to start working on a request for proposals to outsource the whole department.

Dave Petersen made a motion to authorize the Town Administrator to put together scenarios to evaluate the total or partial contract for services for the Water Department so that we can start looking at the next phase, Jack Cook second, all in favor – aye (5-0).

2. Discuss Board of Selectmen operating policies

Chairman Snow read the following:

I feel that from time to time it is a good practice to discuss and affirm the Board of Selectmen's operating policies.

The Board of Selectmen serves as the chief executive officer of the town. As such, no single member of the Board can develop and implement his/her own policies, nor direct or mandate policies to department heads. Policies are developed and approved by majority vote during duly-posted public meetings.

The chairman of the board of selectmen is designated the responsibility to call and schedule meetings and to approve meeting agenda items. The chairman provides a broad oversight over the policies and issues affecting the town. The chairman works closely with the town administrator on policy and administrative matters. In the absence of the chairman, the vice chairman fulfills this role. In the absence of the chairman and vice chairman, the clerk fulfills this role.

The town administrator serves as the chief administrative officer and works to implement the Board of Selectmen's policies. As a general rule, an individual selectman having formal questions or inquiries on policies relating to the administration of various departments should direct his/her inquiry through the town administrator. The town administrator will report directly back to the individual selectman, and if necessary,

to the full board. This policy does not apply to casual conversations on town matters between a selectman and a department head.

The Board of Selectmen can vote to re-affirm these operating policies.

Jack Cook made a motion to re-affirm these operating policies, Dave Petersen second, all in favor – aye (5-0).

Cook said we should send this policy to the various Chairs, Boards and Department Heads.

MINUTES

- February 24, 2014 Executive Session

Joseph Perry made a motion to approve the minutes from February 24, 2014, Jack Cook second, all in favor – aye (4-0). Bob Snow - ABSTAINED

ANNOUNCEMENTS

- The Town has the following vacancies:
 - **Council on Aging Board** – one seat;
 - **Conservation Commission** – one seat;
 - **Finance Committee** – one seat;
 - **Fence Viewer**– two positions;
 - **Wood, Lumber & Bark Inspector**; and
 - **Zoning Board of Appeals Associate** – two open seatsFor more information on these positions, please contact the Selectmen's Office at 948-2372
- 375th Anniversary information and events are posted on the Town's website, www.townofrowley.net
- Battery recycling box located at the Town Hall and Library
- One Book One Community Program hosted by Rowley Public Library
- Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.
- Town Meeting will be held on Monday, May 5, 2014
- Water Customers need to call Pennichuck at 1-800-553-5191 now for billing, payment and customer service questions.

There being no further business before the Board, Chairman Snow called for a motion to adjourn. Jack Cook so moved, Joseph Perry second, all in favor – aye (5-0).

Open meeting adjourned at 8:50 p.m.

Respectfully submitted,

Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter of resignation from Nina Gynan from the Council on Aging Board
2. Letter from Howard Vogel about his interest in serving on the Conservation Commission, and his resume
3. Lawn maintenance contract
4. Draft #7 Warrant for Annual Town Meeting
5. Draft # 4 Warrant for Special Town Meeting
6. Memo from Kirk Baker regarding Rowley Village Green
7. Flyer regarding affordable housing units at Rowley Village Green
8. Site plans of Rowley Village Green
9. Signatory Page for regulatory agreement for Rowley Village Green
10. Draft FY 15 Omnibus Budget