

MINUTES OF THE BOARD OF SELECTMEN MEETING

February 24, 2014
Meeting held at Town Hall

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

PUBLIC ATTENDEES: Lawrence White – FINCOM; Mo Levasseur – Solace for Stephanie; Tim Southall - Solace for Stephanie; Ron Jenkins - Solace for Stephanie, David Jaquith – Grange and Planning Board; Ann Prest – Rowley Grange; Barbara Gaspar – Rowley Grange; Allan Gaspar – Rowley Grange; Kirk Baker – Planning Board; Jean Pietrillo – Planning Board

CALL MEETING TO ORDER

Vice Chairman Robert Merry called the meeting to order at 7:02 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Maryann Levasseur led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

GENERAL BUSINESS

1. Appoint Patricia Testa as assistant town accountant

Vice Chairman Merry read the email request to appoint Patricia Testa from Town Accountant Susan Bailey (COPY ATTACHED).

Joseph Perry made a motion to appoint Patricia Testa as assistant town accountant, Jack Cook second, all in favor – aye (4-0). Robert Snow - ABSENT

2. Northeast Mosquito Control notice on aerial application

Vice Chairman Merry read the Northeast Mosquito Control notice on aerial application (COPY ATTACHED).

Jack Cook made a motion to accept the notice, Joseph Perry second, all in favor – aye (4-0). Robert Snow - ABSENT

3. Stable license renewal application from Richard Bertleson

Eagan said the application is in order (COPY ATTACHED). Merry asked if they have paid all Town bills, Lydon said yes.

Joseph Perry made a motion to approve the stable license for Richard Bertleson, Jack Cook second, all in favor – aye (4-0). Robert Snow - ABSENT

The Selectmen signed the stable license (COPY ATTACHED).

OLD BUSINESS

1. 375th Anniversary Update

Joseph Perry said the Committee has a website and there is a link from the Town's website to access it. He said the website includes information such as concerts, parades, a road race, a chowder fest and a mural picture on the Common. He said the Congregational Church will be holding their 375th Celebration in early December. He said the letter requesting donations has been approved and will be sent out to local businesses soon.

2. FY 15 Budget & Town Meeting Update

Vice Chairman Merry said, "Debbie is working on getting the budgets ready and on town meeting articles. Because Bob Snow is away tonight, we will hold off on reviewing the budgets until next week."

Perry asked if all departments have submitted their budgets. Eagan said we are getting some of them in, and there are still some packets that need to be sent out to the departments.

3. Award contract for Annex project

Vice Chairman Merry read the memo from Deborah Eagan to the Selectmen regarding this project (COPY ATTACHED).

Petersen said this project has been a long time coming, and it will be great to have the building restored. Eagan said it will be done in four to five weeks. Petersen said it will be done before the 375th Anniversary which is exciting and thanked Eagan and he staff for putting the project together.

Joseph Perry made a motion to award the contract to Campbell Construction Group LLC and to authorize the expenditures from the accounts listed on the memo, Jack Cook second, all in favor – aye (4-0). Robert Snow - ABSENT

4. Bradstreet Baseball Field project

Vice Chairman Merry read the following:

The contract with Meridian was put on hold due to a review of possible conflict of interest concerns. Debbie has received an email from Jeff Thoma of Meridian that addresses the issues of concern. The email contains the response from the State Ethics Commission. Does the Board of Selectmen wish to proceed? Attached is the contract that had been previously authorized in the amount of \$28,250.00. If the Board of Selectmen wished to proceed, Debbie is requesting that the Board re-vote to authorize her to sign the Meridian Contract for this phase of the project.

Petersen said this project has been on the books for a while and he, Bob Merry and Tim Southall have been meeting with the staff in the Selectmen's Office to put the specifications together. He said there was a potential conflict of interest with the architect since there are involved in a different legal matter with the Town, so this was put on hold. He said this has been resolved and the project can move forward. Perry asked if no conflict was found. Eagan said there is an email from the State Ethics Commission (COPY ATTACHED) and they reviewed the factors under the statute and found no conflict. Petersen said if we change architects we would have to re-do work that Meridian has already done, and it is important that this project move forward.

Dave Petersen made a motion to authorize Eagan to sign the contract with Meridian for \$28,250 that had been previously authorized by the Selectmen, Jack Cook second, all in favor – aye (4-0). Robert Snow - ABSENT

7:05 – 7:15 p.m. CITIZEN QUERY

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

7:15 p.m. Appointment –Maryann Levasseur and Tim Southall to discuss Eiras Park playground

Maryann Levasseur thanked the Board for their time and said Ron Jenkins is also present. She said in 2009, Stephanie Jenkins passed away from cancer. She said the Solace for Stephanie Foundation has been raising money for Eiras Park, and it is a joy to continue to do so, and they are going into their fifth year. She said they hold two fundraisers; a comedy night and a golf outing, both held at the Ipswich Country Club. She said they have decided to put the money raised back into the park, rather than donating it to an organization, such as Dana Farber. She said the playground was built in the mid 1990s by a group of mothers and had been neglected. She said the community worked together to refurbish it, and now children and parents are enjoying it. She said another community member, Danielle Yagjian, has died of cancer and have joined the cause. She said Ms. Brenda's preschool has held two fundraisers and have contributed \$2,000. She said there are items, such as benches, at the park in remembrance of those who have passed away. Southall said the Foundation has helped twenty six people so far. Levasseur said they help families dealing with cancer by giving them gift cards for food, transportation or prescriptions, and not all families are from Rowley. She said they have funded nine high school scholarships for cosmetology and nursing. She said Stephanie was a cosmetologist and appreciated the nurses who gave her amazing care when she was ill.

Southall said they have provided a picture of the newest addition they would like to make to the park (COPYA ATTACHED), which is geared for younger kids. He said they are looking for the Board's approval and are hoping to install it on May 3, 2014. Levasseur said this structure costs \$8,000. Southall said including this, the donation to the Town by the Solace for Stephanie will total \$40,000, and it is amazing how much good can come out of a sad experience. He said the main structure will need to be replaced in a year or two, and they will be looking to the Town to help with that.

Merry said Rowley is a small Town and people come together to make good out of bad and that is why he loves living here. He thanked the Foundation for all they do. Levasseur thanked the Board for their support. Perry said their work is very much appreciated.

Dave Petersen made a motion to accept this donation and give them permission to install it, Jack Cook second, all in favor – aye (4-0). Robert Snow - ABSENT

Levasseur distributed copies of a flyer for their upcoming comedy night fundraiser (COPY ATTACHED).

7:30 p.m. Appointment –Barbara and Allen Gaspar to discuss Grange Hall availability

Allen Gaspar said Anne Prest sent an inquiry to the state grange to find out what happens to the building if the local grange closes. He said the CPC asked this question and wants to know how the Board of Selectmen feels about it. He said the state said

that the state grange would take all of the local grange assets if it closes, but there is a document that would give the Town the first right of refusal. He said the state doesn't want the grange and would give it to the Town. He said if the grange sold the building, the money would go into a state grant, but all money that the town put into the building would be returned first. Ann Prest said they would have to re-pay the Town any money they put into it if the building was sold. She said the first right of refusal provided to the Board (COPY ATTACHED) has wording that was all approved and is meant as an example of what could be done.

Merry said he has read this document and pointed out a section that he interprets to mean that the right of first refusal wouldn't apply if the building was given to a charitable organization. Prest said the state didn't interpret this the same way. She said this document is a sample and can be customized according to what is agreed to.

Petersen said this project has been on the table for a couple of years. Prest said was brought up late spring of last year. She said the Historic District Commission (HDC) said no to vinyl siding, so they went to David Jaquith to bring the building back to its historical state. She said they came back to the Board of Selectmen to ask what power the HDC has and were told to go to the Community Preservation Committee (CPC). She said the CPC was concerned what if the grange closed, the building would go to the state, so she looked into that further. Petersen said this started as a re-siding with vinyl project and is now a major rehabilitation project. He said CPC funds are limited and we are looking at a number of projects for Town owned property. He said this is a major investment into private property that the Town may eventually get, but he isn't sure if he sees the benefit of the Town owning this property. He said the Town needs a fire station and needs to deal with the temporary police buildings, the Annex is being re-sided and needs an elevator, and the Town is looking into buying 200 acres from the Girl Scouts. He said the Grange project would put a major dent in the available funds and if the Town takes it, he isn't sure what would be done with the building, since we won't need office space. He said he has serious doubt if we can afford this.

Prest said the Grange was originally owned by the Town and the Grange purchased it in the 1960s and has since put money into it. She said it is the only building of its size in Town with a hall upstairs that is open to any resident with a donation to pay for the utilities. She said they hold frequent functions there without alcohol. She said the Grange donates to the Police and Fire Departments and helped the Town purchase a fire truck. She said the Grange isn't going anywhere and has been around for 120 years and they have tried to do what the Town and community needs by running suppers and giving back to the school and library. Petersen said the Grange does wonderful work. Prest said they want what is fair for all and that is why they presented the first right of refusal document. She said Petersen said the Town has no use for the

building, but the Council on Aging could use the extra space and there is a full service kitchen.

Jaquith said they went to the CPC and they cut \$100,000 off the project. He said he doesn't know which project is more important but the Grange is part of the fabric of downtown and this is short money for the square footage to be useable. Prest said the renovation would allow the building to remain open during the winter and she doesn't see this as real estate that the Town would be saddled with. Petersen said he doesn't think there would be no use for the building but there are a number of competing projects. Jaquith said this project evolved the same as the Annex re-siding project did. He said originally it was just the siding, but it now includes insulation and handicap access. Barbara Gaspar said the insurance company was impressed with the Grange when they inspected the new \$34,000 furnace that was installed in September. Perry said the Grange has supported events for the 375th Celebration such as the chowderfest. Prest said they are seeking the Board's approval for this project before they go before the CPC. She said that the Town is guaranteed to get the money back at some point in time. Merry said the document needs work. Petersen said he doesn't want to shoot the project down, but some behind the scenes work is needed to come up with a proposal that everyone agrees upon first. He said this is a large proposal and he sees conflicting information such as the total cost of the project, and he is not comfortable signing off on the project at this point. Jacquith said we should all meet to figure out how we can make this work. Ann said if the building was sold outright, the asking price would have to be equal to or more than the CPC money that was invested into it. Merry said the document provided to them doesn't say that and needs work. Petersen asked them to contact Eagan to discuss the project further and come up with a proposal everyone agrees with. Prest asked the Selectmen to discuss the fire right of refusal document and figure out what they want on the document.

NEW BUSINESS

1. Sign Fire Station lease extension

Vice Chairman Merry said the lease of the fire station expires February 28, 2014, and read the extension request (COPY ATTACHED).

Jack Cook made a motion to extend the lease as requested, Dave Petersen second, all in favor – aye (4-0). Robert Snow - ABSENT

2. Storm Update

Vice Chairman Merry read the following:

We have been faced with a winter of extreme temperatures and multiple, severe storms. Our Highway Department has been out straight not only with plowing, sanding and salting our streets, but also with maintaining the supplies of salt and sand under the threat of shortages. The Budgeted amount for snowplowing for FY 14 was \$80,000.00. To date \$220,000.00 has been expended, leaving the Town with a deficit in the Snow and Ice Removal budget of \$140,000.00.

Merry said this has been a very heavy winter compared to the past three years and the Highway employees are putting in a lot of hours trying to keep the streets cleaned. He said they are working under difficult circumstances since the previous Highway Surveyor passed away suddenly about one year ago. He said the department has stepped up and has done a fantastic job and it would be nice to offer a citation to the employees in memory of Leavitt and the one year anniversary since his death. Petersen said he concurs. He said Keefe was the Foreman and was appointed as the Interim Highway Surveyor until the next annual election. He said no other full time employees were hired, so they have had less help in this difficult year. He said Keefe and the other workers deserve a commendation for doing a great job in spite of difficult conditions. He said the timing is appropriate given that Keefe's appointment is expiring and this would be a nice way to thank him for filling in. Perry said he agrees. Cook said he agrees, they have done a good job and the whole department should be thanked.

Joseph Perry made a motion to send a letter of thanks to the Highway Department, Jack Cook second, all in favor – aye (4-0). Robert Snow - ABSENT

Eagan said Town Accountant Bailey said we can deficit spend for snow removal, but it will affect the funds available for the FY 15 budget. She said we won't know the full amount until the end of the season.

MINUTES

- January 27, 2014
- January 27, 2014 - Executive Session

The approval of the minutes was tabled until the next meeting.

ANNOUNCEMENTS

- The Town has the following vacancies:
 - **Conservation Commission** – one seat;
 - **Finance Committee** – one seat;
 - **Fence Viewer**– two positions;
 - **Wood, Lumber & Bark Inspector**; and

- **Zoning Board of Appeals Associate** – two open seats
For more information on these positions, please contact the Selectmen's Office at 948-2372
- Battery recycling box located at the Town Hall and 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

8:00 p.m. Joint Meeting with the Planning Board and Town Counsel Judy Pickett

- Gurczak Lane
- Executive Session - litigation

Vice Chairman Merry called for a motion to open the joint meeting of the Board of Selectmen and the Planning Board. Dave Petersen so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Jack Cook – aye, Joseph Perry – aye, Steve Kassiotis - aye, Curtis Bryant – aye, Chris Thornton - aye, Jean Pietrillo - aye, David Jaquith - aye. Robert Snow – ABSENT Cliff Pierce – ABSENT.

Joint meeting opened at 8:15 p.m.

Merry read the following:

Once the Boards have convened in a "Joint Session" they will discuss the plan to have Gurczak Lane accepted at the spring town meeting.

The Town took the remaining bond money at the Fall Town Meeting to complete the remaining "punch list" items. This work cannot be done until the spring thaw has arrived. However, in the meantime we need to work on the getting the road accepted at the spring town meeting.

We need to have an as built plan that contains the metes and bounds of the road. Debbie suggests that the Planning Board ask Larry Graham for a quote to prepare the as built with the layout of the road on the plan. Currently, the Planning Board's balance in the consultant line has approximately \$5,000. Ideally, it would be good to have Larry Graham prepare the plan and the metes and bounds description. Debbie will have the Town's attorney prepare the deed. We will place an article on the warrant referencing the plan, which will be on file in the Selectmen's office, because the plan may not be done in time for town meeting. The selectmen need to hold a street layout hearing before town meeting. After town meeting, the planner will get the developer to sign off

on the deed. We will record the plan and deed at the Registry of Deeds. We also need to make sure that all the lots in the subdivision have been sold.

Planning Board Chairman Curtis Bryant said these items are already in motion with Larry Graham. Judy Pickett said we would like to know if all the lots have been sold. Eagan said there is a land locked parcel with no frontage on Gurzak but with frontage on Meadows Lane. Merry said they tried to get access to this land at via Meadows Lane which abuts a sidewalk, but it was not approved. Eagan said she doesn't believe this land is part of the sub-division plan, but Graham needs to clarify this. Town Attorney Pickett gave a copy of the approved sub-division plan to Bryant. Bryant said the plan doesn't show that lot, but Kirk will pull the file and send an email on this on Wednesday. Eagan said there is about \$5,000 left in the project review budget line. Kirk said there is a pending expense of \$1,446 from the budget line, Bryant said that expense needs to be clarified. Eagan said

Chris Thornton made a motion to ask Larry Graham to prepare a layout of the roadway including the metes and bounds and as built with an overlay of the sub-division, and to have Town Counsel prepare the deed and have it recorded at the Registry of Deeds, David Jaquith second, all in favor – roll call vote: Steve Kassiotis - aye, Curtis Bryant – aye, Chris Thornton - aye, Jean Pietrillo - aye, David Jaquith - aye. Cliff Pierce – ABSENT.

Dave Petersen moved that Eagan continue to work with the Planning Board and have the Town pay for the legal work associated with this, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Jack Cook – aye, Joseph Perry – aye. Robert Snow – ABSENT.

Kassiotis asked how we can prevent this from happening again. Petersen said this is clean-up work and going forward hopefully this won't be an issue. Bryant said they are going to start putting time limits on the projects which will help. Petersen said the Town Planner, instead of an administrative support person, will help prevent these issues from slipping through the cracks. Kassiotis said he believes nothing should be given back to the developer until everything is complete, otherwise there is no incentive to complete the work. He said he is 100% against giving anything back until the project is 100% complete. Bryant said we can't due to the statute.

Chairman Curt Bryant called for a motion to go into executive session to discuss strategies with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the Town and not to return to open session. Chris Thornton so moved, Steve Kassiotis second, all in favor – roll call vote: Steve Kassiotis

- aye, Curtis Bryant – aye, Chris Thornton - aye, Jean Pietrillo - aye, David Jaquith - aye. Cliff Pierce – ABSENT.

Vice Chairman Merry called for a motion to go into executive session to discuss strategies with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the Town and not to return to open session. Joseph Perry so moved, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Jack Cook – aye, Joseph Perry – aye. Robert Snow – ABSENT.

Open meeting adjourned at 8:32 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Email request from Susan Bailey to appoint Patricia Testa as Assistant Town Accountant
2. Northeast Mosquito Control notice on aerial application
3. Stable license application from Richard Bertleson
4. Stable license issued to Richard Bertleson
5. Memo from Deborah Eagan to the Selectmen regarding the Annex Repair and Restoration Project
6. Email correspondence from Jeff Thoma of Meridian Associates, Inc. regarding the State Ethics Commission review of a possible conflict of interest
7. Proposal from Meridian Associates for work on the Bradstreet Baseball Field Project
8. Picture of playground structure donated to Town of Rowley
9. Flyer for 5th Annual Comedy Night to benefit the Solace for Stephanie Foundation
10. Document dated December 30, 2013 from Ann Prest to the Massachusetts State Grange Executive Committee
11. Sample of a First Right of Refusal document
12. Accounting report for Snow and Ice Removal budget