

MINUTES OF THE BOARD OF SELECTMEN MEETING

February 3, 2014
Meeting held at Town Hall

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

PUBLIC ATTENDEES: Christopher Farmer - Triton Regional School District; Brian Forget - Triton Regional School District; Lawrence White – FINCOM; Karen Summit - Treasurer / Collector; Tim Toomey - Water Commissioner; Stuart L. Dalzell Sr. - Water Commissioner; Mark Griffin - Interim Water Superintendent

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:05 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

Chairman Snow read the following:

This morning I arrived back from my annual mission trip to Mexico, I want to share a few thoughts with you not about the politics of immigration, but the reality of life along the Mexican/Texas border. I worked in several orphanages and acquired some new skills I didn't have before this trip, such as tiling and roofing repair. Because of the cold weather last week in North America that cold dipped into Mexico, requiring us to improvise in keeping warm at night. Several nights I slept in my PJ's, a fleece liner, hooded sweatshirt with two blankets pulled up over my head. I'm glad for this deprivation while across the border, because this is the way of the people of the "Colonia" or what we would call a shantytown, of which there are over 2000 along the Mexican side of the border. I have walked these Colonia many times and I remember my first walk through the Colonia in Acuna Mexico. While in Acuna a woman approached and asked if we could get her some cardboard so she could finish her house. If that question doesn't humble you nothing will, there is no infrastructure within the Colonia. No running water, no indoor plumbing, no heat and no one to speak for them nor tell their story.

Each cold night I drifted off to sleep my thoughts reached out to those in the Colonia's and I understand why they risk crossing the border.

If they can't risk the crossing or manage a Green Card, many a mother, a father or both will approach the gates of a orphanage and drop their child off because they wish to give their child a safe haven. Most of these orphanages are faith based and truly glimmers of light on the border. These safe havens are full of smiles, laughter, security and most of all love.

One should be full of despair after seeing such poverty along the border, but it is these orphanages and the men and women who run them give me hope because of their love for the poor and those most vulnerable among us.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

OLD BUSINESS

1. Update on closure of the end of Stackyard Road

Chairman Snow said. "This is a follow-up item on the request from the Shellfish Department to have vehicular access over the end section of Stackyard Road which is under the control of the Parker River National Wildlife Refuge. Senator Tarr has been working with all affected parties in coming up with a solution. An agreement has been worked out with the National Refuge through the end of March 2015 that will provide the requested access with conditions. Attached is a letter from the National Refuge outlining the conditions and the process by which the clammers may use this portion of Stackyard Road. Also attached is a memo from Senator Tarr's Chief of Staff, AJ Paglia, concerning the conditional uses of Stackyard Road."

Snow read the letter from Frank Drauszewski to Senator Tarr (COPY ATTACHED).

Snow thanked Drauszewski and Tarr for helping come up with a solution. Perry said he was a party to this discussion, Drauszewski did an outstanding job in helping with this extension which should be well received by the clammers, and thanked Tarr and Paglia for their help.

Larry White of Central Street asked if only commercial clammers are being allowed access. Petersen said vehicular access is being given to only commercial clammers, but others can walk out to the area.

7:05 – 7:15 p.m. CITIZEN QUERY

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

7:15 p.m. Appointment –Triton Superintendent Christopher Farmer to discuss FY 15 Triton budget

Triton Superintendent Christopher Farmer thanked the Board for inviting him and said School Committee Chair Deborah Choate apologizes that she couldn't attend. He said for the past four years, each school has developed a school improvement plan and a budget to support it, which they report directly to the School Committee. He said the School Committee has a meeting on Wednesday to discuss the plans they have heard so far. He said they are aware that the Governor's proposed budget is less than generous, and there is an estimated increase of \$155,000 with \$65,000 from Chapter 70 aid, some transportation money and the rest for Medicaid and retiree medical payments to the district. He said they are contemplating three factors: 1) maintaining level services; 2) responding to state requirements to make provisions for students over the age of 18 until they are age 22 (in-district versus outsourcing); and 3) leasing arrangement to provide WiFi access in the schools. He said the district is behind in technology, the technology upgrades may be needed for state assessments in the future, and people who want to choice into the district may be turned off if the technology is lacking. He said it will cost an additional \$1,200,000 more than the current budget to incorporate these factors. He said the budget assumes a 7.5% increase in health insurance, and doesn't include collective bargaining adjustments other than the step and track increase already in place. He said there is a big gap between \$155,000 and \$1,200,000, which will equal reductions in service. He said they are going to look hard at class size and municipalities will put pressure on and scrutinize the Governor's budget so that it is not level funded. He said the School Committee believes it is their responsibility to explain to the community what is needed by the schools. He said an adequate budget would be \$3,000,000 more than the current year's budget which would include investments in the buildings. He said the School Committee is looking at the Triton Agreement to determine the responsibilities of the landlord and the tenant and provided the Board with a draft document (COPY ATTACHED). He said these responsibilities will need to be clarified before any request for funding is made from the MA School Building Authority.

Snow asked if the \$155,000 Farmer referred to is from Rowley. Assistant Superintendent Forget said the \$155,000 is the revenue increase to the School Committee budget aside from the assessments from the towns. Snow asked where the town assessments stand. Farmer said they haven't really looked at that yet and the tentative budget will be the high water mark. Perry said DeLeo at the MMA meeting last week said that the House will do better than the Governor's proposed budget. Petersen said he went to the four hour School Committee workshop on January 25th and it was very productive and well run. He said Rowley was the only Town with representation by himself and Finance Committee Chairman Larry White. He said there was an in depth discussion regarding everything from class sizes and transportation, potential cuts were prioritized and increases needed were discussed. He said the initial pass resulted in a large increase in assessment, but hopefully state aid will increase and the School Committee will prioritize the needs. He said he and Bob Merry have met with Brian Forget to look at the Pine Grove School building and there will likely be needed capital

expenditures on the building to fix items such as the roof and the boiler, which could total \$300,000. He said hopefully we will be able to get some state aid for some of the needed repairs and renovations.

Petersen said Newbury is currently providing a School Resource Officer three days per week at their expense and he thinks the three district towns should split the cost for this. Farmer said the three days works well and they will send an officer on the other days if needed. He said the Newbury Police Chief sees this position as an important part of Newbury's emergency service provisions. He said the officer placed at the school is known in the community, he is a great resource for the school administration for dealing with difficult situations and he thinks it is appropriate for the three towns to share the cost. Forget said the School Committee discussed this and thinks this should be an off-budget item directly between the towns, and this was funded in the past through a state grant. Snow said it is important to have a police presence at the school and the world is different today than it used to be. He said the Board will make an effort to have a presence at the school budget meetings.

Forget said after the budget is done, we will look at what is needed at Pine Grove School and the project will be managed by the district, and the cost will be assessed to Rowley directly. He said between January 10th and mid-April annually, the Massachusetts School Building Authority invites statements of interest for the Core Program, which he thinks the work needed for Pine Grove School would fall into. He said notification goes out in the fall and the towns have 180 days to commit funding for the project. He said 1988 was the last time significant work was done to Pine Grove, when the East Wing was added, and the boiler at the school is from the 1970s. Petersen said we would be looking to fund this project one year from this year's town meeting. Farmer said Forget has put together a capital improvement plan for the district and many utilities are beyond their lifespan. Snow said the Town has those too and Rowley needs a new ladder truck and a new fire station.

Perry asked that the District Communication Meetings be reinstated as evening meetings and he got a lot out of them and misses them. Farmer said he will forward this request to the School Committee Chair. Perry said he has a highlighted version of the proposed changes to the Triton Regional School District Agreement that he will bring in tomorrow.

7:30 p.m. Appointment –Treasurer/Collector Karen Summit to exhibit new e-bill program for motor vehicle excise tax bills.

Treasurer/Collector Karen Summit said the motor vehicle commitment one excise bills will be mailed on Friday. She said they are using City Hall Systems, which is inter-linked with Kelley & Ryan Associates, the Town's Deputy Collector, for on-line payment and e-billing for motor vehicle excise bills. Summit gave an overview of the process for using this new program (SLIDES ATTACHED). She said anyone with questions can call the Treasurer's Office, and everyone will receive the next bill as a paper copy and it

is their option to receive an e-bill going forward. She said people can still come to the Treasurer's Office to pay their bill, this is just another option. Petersen asked if it is still a manual process to receive abatements. Summit said yes, they need to contact the Assessor's Office for abatements.

OLD BUSINESS

2. Revised FY 15 Northeast Mass. Mosquito Control & Wetlands Management District assessment

Chairman Snow said, "Northeast Massachusetts Mosquito Control & Wetlands Management District notified us this week that the FY 14 assessments they provided us were inaccurate. The correct FY 14 assessments are included with this package. The assessment for Rowley is not increasing in FY 15. The FY 14 correct assessment is \$54,321. The FY15 assessment is \$54,321. The Board of Selectmen needs to re-vote the support of the Mosquito Control Funding and Chairman Snow will need to sign it."

Joseph Perry made a motion to support the Mosquito Control Funding and to authorize Chairman Snow to sign it, Jack Cook second, all in favor – aye (5-0).

Chairman Snow signed the document.

3. Discuss request for salt marsh land gift to state Division of Fisheries & Wildlife

Chairman Snow read the following:

Land Agent Anne Gagnon has contacted Debbie regarding the Division of Fisheries and Wildlife's request for a donation of a tax title parcel in the salt marsh – Map 37 Parcel 25 on the Mill River. Attached is the letter Ms. Gagnon sent the Board on November 13, 2013.

The Board of Selectmen tabled this discussion and Ms. Gagnon has followed up on this request. Since the agency will be undertaking the title work on Map 29 Parcel 4, which the Board of Selectmen executed an "Option to Purchase" at last week's meeting, the agency would also like to fold that title work into the title work on Map 37 Parcel 25.

As you recall, Town Counsel Judy Pickett discovered title issues on both of these parcels and has informed Debbie that the second parcel that Fish & Wildlife is asking to be donated will need to go to town meeting.

Judy outlined the issues in an email to Debbie on January 30th as follows:

The title problem with the first parcel (Map 29, Parcel) is that we could not determine if that was the parcel that went through tax title – therefore a requirement of a town meeting vote.

Map 37, Parcel 25 had the same problem. The tax title takings made no reference even as to size so we could not verify anything. We cannot even verify that Parcel 25 went through a tax title taking. They will need to do a title search and give us the results for our review. And we will need a vote of town meeting. The Tax Title Taking referred to Map 37, Parcel 21, which is owned by the Essex County Greenbelt Association, so we need the title report to confirm that we are conveyed the correct parcel. This is a gift of a 24 acre parcel??

The Board of Selectmen will need to take a vote to support the gifting of the land, pending the outcome of the title work that establishes clear ownership of the land.

Dave Petersen made a motion to support the gifting of the salt marsh land to the state Division of Fisheries & Wildlife, Joseph Perry second, all in favor – aye (5-0).

NEW BUSINESS

1. Open Annual Town Meeting Warrant

Chairman Snow said, “The Board of Selectmen needs to open the Annual Town Meeting warrant effective immediately and to close it on Monday, March 10, 2014.”

Joseph Perry made a motion to open the Annual Town Meeting warrant effective immediately and to close it on Monday, March 10, 2014, Jack Cook second, all in favor – aye (5-0).

2. Annual Town Report update

Chairman Snow read the following:

Bob Merry has recommended a photo of a wreath that was placed on Corporal Roy M. Marr’s grave, who is a veteran who was killed in action during World War II. The Town received this wreath from the Wreaths Across America service. Is the Board in agreement with Bob Merry’s suggestion to run the attached photo on the 2013 Town Report cover?

Bob Merry showed the Board a copy of the picture he recommends for the cover.

Dave Petersen made a motion to adopt the recommendation of Bob Merry, Joseph Perry second, all in favor – aye (5-0).

Eagan said the photos that Merry recommends are thoughtful, relate to an event that happened during the year of the Town Report and are historical in nature.

Chairman Snow read the following:

Also, we have received quotes for the printing of the Annual Town report. The lowest quote was from The Country Press, Inc., located in Lakeville, MA. We called the Town of Rockport who has been using this company for their Town Report printing for the past three years. Rockport said they have had no problems with them. Rockport said The Country Press, Inc. has delivered the books on time and at a very reasonable price. This is a different vendor than the vendor used by Rowley for the past several years. Is the Board in agreement to use The Country Press, Inc. to print the 2013 Town Report?

Eagan said The Country Press, Inc. quote was for \$681.02 and we have been paying about twice that price. Petersen suggested reducing the number of copies, Eagan said since the cover honors a Veteran, there may be a high demand for the Town Report. Merry said let's see how it goes this year with the 300 copies and then maybe it can be cut back next year.

Dave Petersen made a motion to use The Country Press Inc. for this year's Town Report printing, Jack Cook second, all in favor – aye (5-0).

Chairman Snow called for a motion to go into Executive Session for the purpose of discussing strategies with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the Town and to return to open session. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Jack Cook – aye, Joseph Perry – aye, Robert Snow – aye.

Open session closed at 8:12 p.m.

Jack Cook made a motion to reconvene open session, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye.

Open meeting reconvened at 8:31 p.m.

8:30 p.m. JOINT MEETING – Board of Water Commissioners

- Contract award for Water Dept. billing & collection
- Update on Water Department accounting work
- Status on DEP Consent Order deadline for water treatment plant
- Discuss John Hargreaves/Geoambient Consultants contract extension

- Discuss water treatment plant change orders

Chairman Snow called for a motion to open the joint meeting of the Board of Selectmen and the Board of Water Commissioners. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye. Roy Ricker – ABSENT.

Joint meeting opened at 8:34 p.m.

Town Administrator Deborah Eagan read her letter to the Board of Selectmen regarding the contract award for Water Department billing and collection (COPY ATTACHED).

Stuart L. Dalzell Sr. said he is strongly in favor of awarding the contract to Pennichuck as recommended by Eagan. He said the work will be done much more effectively, and for less money since \$54,000 has been paid in the past for the Business Manager's salary and \$18,000 has been paid for the billing service company. Petersen said he was impressed with Pennichuck's operation when he toured it, they do work for Salisbury and Amesbury, who are both satisfied with the service they receive, and he is in favor of awarding the contract to Pennichuck. Eagan said Pennichuck's proposal offers the call center for 9.5 hours Monday through Friday, which was less than the ten hours that would have been ranked as highly advantageous under the RFP guidelines. She said the Water Department office currently closes at 3:30 p.m., so broader customer service would be available to residents if awarded to Pennichuck.

Joseph Perry made a motion award the contract to Pennichuck, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye.

Stuart L. Dalzell Sr. made a motion award the contract to Pennichuck, Tim Toomey second, all in favor – roll call vote: Tim Toomey - aye, Stuart L. Dalzell Sr. – aye. Roy Ricker – ABSENT.

Eagan said she will work on preparing the contract for the Board to sign.

Eagan read her letter to the Board of Selectmen regarding a long-term Water Department internal accounting plan (COPY ATTACHED). She asked the Boards to kindly consider her plan.

Toomey asked if this is a union position, Eagan said yes. Stuart L. Dalzell Sr. said he is strongly in favor of this plan, Toomey said he is too. Perry said this is a great idea. Summit said she and her staff have been working closely with the Water Department since the departure of the Business Manager, posting the bills and reconciling the accounts. She said they will continue to do this until Pennichuck takes over. She said Accountemps have set up the accounting system to reflect the budget categories approved for the FY 14 budget. Perry said this will establish the controls over the Water Department that we have been looking for over the past year and a half, this is a huge jump forward and this makes him feel much more comfortable. Snow said this will clear away the issues that have been there in the past and said he is impressed with the Treasurer / Collector's support of the Department. Toomey said this brings the Departments closer together and will allow for a more effective operation. Petersen said he is 100% in favor of this plan and is impressed with all who put work into this. Merry said this will work out well and will benefit the town.

Jack Cook made a motion to approve the long-term Water Department internal accounting plan as outlined in Eagan's letter, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye.

Stuart L. Dalzell Sr. made a motion to approve the long-term Water Department internal accounting plan as outlined in Eagan's letter, Tim Toomey second, all in favor – roll call vote: Tim Toomey - aye, Stuart L. Dalzell Sr. – aye. Roy Ricker – ABSENT.

Chairman Snow read the following:

Status on DEP Consent Order deadline for water treatment plant

It is Debbie's understanding the Town has not yet received an official response in writing to the Town's request, submitted by Weston & Sampson, for a deadline extension to mid-August. We have a copy of a letter sent by Barbara Cook of Weston & Sampson to the DEP regarding a "Time-Extension Request –Revised." (Copy of letter is attached.)

Eagan said a revised request to the DEP has been sent, but there has not been an official response yet. Interim Superintendent Griffin said it seems that it will be granted, but we need a letter from them confirming that.

Toomey said they have continued Hargreaves' contract and are looking into having the State Revolving Fund pay for his contract instead of the money from the Emergency and Unforeseen account transfer. He said Hargreaves gave more detail about what he

is doing, and how he is saving the Town money. He said the SRF included money to buy a loader, which they decided they don't need, so they have the money to pay for Hargreaves. Cook asked how long Hargreaves is staying on. Toomey said the construction should be done by April and then debugging will need to be done. Petersen asked if the current employees can handle the water treatment plant, if they have the expertise to, and if they will receive training. Toomey said once the treatment plant is operational, there will be a training period for the employees. He said the Primary Water Operator is proficient and has experience with water treatment plants. Griffin said there was a construction meeting today and they discussed setting up a schedule for the manufacturers of all the equipment going into the plant to come do training as required under the contract. Petersen asked if personnel will need to be added. Toomey said he doesn't think so, the employees will need to have T2 license and if there is an emergency break they may need to hire out additional help. Merry asked if they will be working an eight hour day. Toomey said yes they will be working an eight hour shift and will be on call after hours. He said the plant is more automated. Stuart L. Dalzell said when he toured Pennichuck, they told him they hadn't needed to clean the sludge in the past seven years, so they don't need a loader for this purpose. Toomey said they won't know how often the sludge will need to be cleaned until after the plant starts up, but he thinks it may need to be every two years. Griffin said a training specialist in plant operation will start up the plant and provide overall training to the staff. Toomey said they may need part time help while the employees receive the training.

Snow read the following:

Also, could we discuss the possibility of having Mr. Hargreaves put together a report outlining the early change orders that were a result of not including the builder's risk insurance in the construction bid documents and the design flaws in the construction plan of the building? These change orders were not due to unforeseen site conditions, etc.

Larry White of Central Street said he would like to see more of a commitment to Hargreaves than the six week extension granted by the Water Board. He said Hargreaves works eight hours per week, last week two of those hours were spent at a Water Board meeting, and the Selectmen are now requesting that he write a report. He said a better commitment to Hargreaves would help him feel like he is part of the Rowley team and increasing his hours will give him time to work on these additional duties. He said money spent on Hargreaves is money well spent. Toomey said he agrees with White. Petersen said the Water Board needs to make that change since the Selectmen authorized up to \$12,000 be spent on Hargreaves. Eagan said they would like Hargreaves to look into the initial change orders before Hargreaves was on

board. She said these initial change orders were due to missing items in the bid documents, and design flaws such as missing electrical wiring and structural beams. She said if Hargreaves reviews these, we may have an opportunity to get some of these costs back. Griffin said Hargreaves' efforts are focused on current change orders. Snow said Hargreaves needs to look at these old change orders and report back to the Board.

Snow read the following:

Have there been any other change orders submitted? Do you foresee any change orders?

Griffin said in bundle number seven there are twelve change orders, three have been approved, Hargreaves is looking into two of them and thinks are okay to go ahead with, and there is only one for \$11,500 which hasn't been reviewed yet. He said this has to do with explosion proof electrical components for the sewer system; this work has already been started so the project isn't delayed further. He said the wiring was left out of the plans in error. Snow said the pumps were on the plan, but the wiring was not, and this is hard to believe, and is a major design flaw. Toomey said Hargreaves' report will outline what is standard in the industry and there is a 5% contingency built into the contract to cover oversights like this one. Griffin said it is reasonable to have a few mistakes on large projects. Snow said he needs to review this and get back to them. Merry said it is hard to believe that an electrical contractor would omit wiring if the pump was on the plan. Griffin said it will take more time and money for Hargreaves to look back at these old items.

Jack Cook made a motion to adjourn the joint meeting of the Board of Selectmen and the Board of Water Commissioners, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye. Roy Ricker – ABSENT.

Joint meeting adjourned at 9:20 p.m.

MINUTES

- January 6, 2014

Jack Cook made a motion to approve the minutes from January 6, 2014, Joseph Perry second, all in favor – aye (5-0).

- January 13, 2014

Joseph Perry made a motion to approve the minutes from January 13, 2014, Jack Cook second, all in favor – aye (5-0).

- January 13, 2014 Executive Session

Joseph Perry made a motion to approve the minutes from January 13, 2014 Executive Session, Jack Cook second, all in favor – aye (5-0).

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 seatsFor 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

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

Open meeting adjourned at 9:24 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Frank Drauszewski to Senator Tarr
2. Memo to Frank Drauszewski from AJ Paglia
3. Letter from Bob Snow to Superintendent Farmer and Deborah Choate
4. Proposed changes to the Triton Regional School Agreement
5. Draft document from Triton showing the Landlord and Tenant Responsibilities
6. Presentation slides for motor vehicle excise e-billing
7. Original FY 15 Northeast Mass. Mosquito Control & Wetlands Management District assessment
8. Revised FY 15 Northeast Mass. Mosquito Control & Wetlands Management District assessment

9. Letter from Anne Gagnon dated November 13, 2013 and accompanying maps
10. Letter from Town Administrator Deborah Eagan to the Board of Selectmen regarding the contract award for Water Department billing and collection
11. Cost comparison for the contract for Water Department billing and collection work and the current practice
12. Letter from Town Administrator Deborah Eagan to the Board of Selectmen regarding long-term Water Department internal accounting plan
13. Letter to the DEP from Barbara Cook dated January 29, 2014