

MINUTES OF THE BOARD OF SELECTMEN MEETING

January 25, 2016

Meeting held at Town Hall, 7:00 p.m.

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

PUBLIC ATTENDEES: Stephen Barry; Henry Rolfe - Independent Press; Bernie Cullen; James Broderick – Fire Chief; Evan Fish; Margaret Fish

CALL MEETING TO ORDER

Chairman Robert Merry called meeting to order at 7:01 p.m.

GENERAL BUSINESS

1. Letter from Mary Hardy requesting streetlight on School Street

Chairman Merry said he is a Municipal Light Board Commissioner, he recused himself and left the meeting room.

Vice Chairman Perry read Mary Hardy's letter. He said the question is to possibly relocate a street light. Petersen said he drove by the area twice and there is plenty of light, and he is not sure if more light will help with the speeding problem. He said the light at the Annex has a bright LED light on the backside and on the front side there is a street light. He said in the area there is generally a light on every other pole, but there are three in the middle with no light. He said he has no objection to moving the street light on the pole at the Annex to the middle pole if the Light Department has no objections. Pierce said he doesn't have any objections to this, but he doesn't think it will solve the problem. Pierce asked if signage can be installed to help with the speeding. Petersen said we haven't received complaints about speeding there previously, but speeding is a problem all over Town. He said we should move the light and see what happens. He said he is not in favor of signs because people don't read them and they add clutter.

Dave Petersen made a motion to request that the Light Department look into moving the street light from the pole at the Annex to the middle pole without lights on School Street, Cliff Pierce second, all in favor - aye (3-0). Bob Snow – ABSENT Bob Merry – RECUSED

2. Ratify Internal Revenue Service mileage reimbursement rate

Chairman Merry said, "The IRS mileage reimbursement rate has decreased from .575 to .54 effective January 1, 2016. The Board needs to vote to approve the new rate."

Dave Petersen made a motion to approve the new IRS mileage reimbursement rate of .54 effective January 1, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

3. Memo from District Attorney Jonathan Blodgett on "Drugs 101 – What Parents Need to Know" brochure

Chairman Merry read the letter. Merry said we can request additional brochures and put them in the hallway at Town Hall where people can pick them up. Petersen said we can put a PDF of the brochure on the Town website's homepage so that people can download it.

Joseph Perry made a motion to request additional brochures, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

CITIZEN QUERY 7:05 p.m. – 7:10 p.m.

There were no Citizen Queries.

GENERAL BUSINESS

4. Police Chief James Mulligan's announcement of the Police Department's "Coffee with a Cop" Community Police Program – February 6, 2016 from 10:00 a.m. to 1:00 p.m., Rowley Public Library

Chairman Merry read the following:

Under Police Chief Mulligan, the Rowley Police Department has started the "Coffee with a Cop" Community Police Program. The attached flyer has been posted to Rowley Community media and the Town's website.

Also, the confidential Citizen Survey for the new Police Chief has been distributed and is available on the Town's website, or paper copies are available at the Town Hall, Library, Senior Center or Water Department. The public is encouraged to complete this survey and send it back to BadgeQuest, Inc. according to the instructions on the survey before the deadline of January 29, 2016.

Petersen said the new Chief and the Police Department staff are making an attempt to outreach to the public, and this event is a great opportunity to speak with senior members of the Police Department. He said the public is encouraged to respond to the Citizen's Survey with good or bad feedback.

7:15 p.m. APPOINTMENT* - Fire Chief James Broderick to present Evan Fish for appointment as probationary Call Firefighter

Chairman Merry read Fire Chief Broderick's letter. Broderick said Fish came to the Fire Department at the end of October to ask to be a Call Firefighter. He said he is a lifelong resident of Rowley who feels it is time to give back to the community. He said Fish is locally employed at a major business on Route 1 and wants to be a certified EMT. He said all of Fish's references were positive and all said he is a go-to guy to get things done. Pierce asked when Fish will become certified. Broderick said the next class is in the fall.

Joseph Perry made a motion to appoint Evan Fish as a Probationary Call Firefighter through June 30, 2016, Dave Petersen second, all in favor - aye (4-0). Bob Snow – ABSENT

OLD BUSINESS

1. Stable License Application from Deborah Rosse for 532 Wethersfield Street

Chairman Merry read the following:

The following application has been submitted and all is in order with all taxes, light and water bills paid.

Deborah Rosse	4 horses	532 Wethersfield Street
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Dave Petersen made a motion to approve the stable license for Deborah Rosse at 532 Wethersfield Street, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

The Selectmen signed the license.

NEW BUSINESS

1. Discuss and respond to Open Meeting Law Complaint filed by Timothy Toomey

Chairman Merry read the following:

The Board of Selectmen has received an Open Meeting Law Complaint from Timothy Toomey. Debbie has reviewed the complaint and finds that the Board of Selectmen has no Open Meeting Law violations.

Chairman Merry will read the draft response and call for a motion and vote to sign and send it to Mr. Toomey and the Attorney General's Office.

Merry read the draft response. Eagan said Town Counsel Mullen has reviewed this draft and is satisfied that it properly addresses the complaint. Petersen read Exhibit #2 and pointed out that the Board of Selectmen is listed as defendants.

Pierce said even if the Board of Selectmen wasn't listed, it is still a suit against the Town, and this makes no sense.

Dave Petersen made a motion to send the response written by the Town Administrator to Toomey and the Attorney General, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

The Board signed the letter.

2. Set FY 17 Budget Guidelines and approve FY 17 Non-union Compensation Schedule

Chairman Merry read the following:

Until we have some clear indication on what we should expect for increases from Triton, Whittier Voc-Tec, and the Northeast Voc-Essex Agricultural School, we should plan in the FY 17 budget to have department expense budgets level funded and wages remain under the same compensation plan (step increases and a one percent cost of living increase). Attached is the FY 17 Non-union Compensation Schedule reflecting a 1 percent cost-of-living increase. The Town's three collective bargaining agreements run through June 30, 2016 and negotiations will be starting soon with the unions. Wage increases for union employees will not be factored into FY 17 department budgets.

One positive piece of news that Debbie has received, is that the Mass. Municipal Association is reporting that Governor Baker's proposed Fiscal 2017 State budget provides for a 4.3 percent increase in discretionary local aid. The Chapter 70 Education Aid Account, under the Governor's budget plan, would increase by 1.6 percent.

The Board needs to vote on the following preliminary guidelines and the FY 17 Nonunion Compensation Schedule:

I. EXPENSES

Level fund department expense budgets. However, departments requesting operational increases need to clearly identify the reasons why the increase is needed. Please clearly identify and itemize the areas of the expense budget that need to be increased with the estimated amount.

II. WAGES

Non-Union

Non-union employees will continue to follow the Town's FY 17 Compensation Schedule, which provides for a step increase of 1.25 percent and a 1 percent cost-of-living increase.

Union Employees

The Town's three collective bargaining agreements run through June 30, 2016. Negotiations will be commencing soon for successors agreements. Wage increases for union employees will not be factored in department wage budgets.

Pierce asked if the 1% cost-of-living increase has already been determined. Petersen said this increase has been given for the past three years, along with the step increase of 1.25%. He said the cost of living increase is voted on by the Board of Selectmen. He said the Town can increase taxes by 2.5%, so they try to keep the pay increases for employees below that percentage.

Joseph Perry made a motion to set the budget guidelines as outlined, Dave Petersen second, all in favor - aye (4-0). Bob Snow – ABSENT

Petersen said he read in a local newspaper that State Aid levels are the same level as given in the year 2000. He said while it is good to hear that the State is increasing the aid, there is still a long way to go.

3. Discuss and approve Pennichuck Water Service Corp. customer service, billing and collection services contract

Chairman Merry read the memo from Deborah Eagan. Eagan said it is in the Town's best interest to issue the RFP. She said Pennichuck understands this is a shorter time period on the extension so that the Town can issue the RFP. Pierce asked if an RFP was issued for the first year. Eagan said yes, and we are just completing the second year. She said there is an option to extend the contract for one more year, but we want to issue the RFP. Petersen said without a vendor, the Water Department doesn't have the ability to send out the bills.

Dave Petersen made a motion to extend the contract with Pennichuck for ninety days, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Bernie Cullen from 283 Wethersfield Street asked who has the ball for the contract. Eagan said the Board of Water Commissioners and the Board of Selectmen are co-signatories.

The Selectmen signed the contract extension.

MINUTES

- June 15, 2015 Executive Session

Dave Petersen made a motion to approve the minutes from June 15, 2015, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

- June 29, 2015

Dave Petersen made a motion to approve the minutes from June 29, 2015, Cliff Pierce second. Dave Petersen withdrew his motion since he was not present at the June 29, 2105 meeting.

Cliff Pierce made a motion to approve the minutes from June 29, 2015, Joseph Perry second, all in favor - aye (3-0). Bob Snow – ABSENT Dave Petersen - ABSTAINED

- August 24, 2015 Executive Session

Cliff Pierce made a motion to approve the minutes from August 24, 2015 Executive Session, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

- January 11, 2016

Cliff Pierce made a motion to approve the minutes from January 11, 2016, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT Joseph Perry - ABSTAINED

- January 11, 2016 Executive Session

Pierce said there is a typo on the first page that needs to be corrected.

Dave Petersen made a motion to approve the minutes from January 11, 2016 Executive Session as corrected, Cliff Pierce second, all in favor - aye (3-0). Bob Snow – ABSENT Joseph Perry - ABSTAINED

2. Discuss request from Attorney William Moschella for a copy of the January 11, 2016 Executive Session meeting minutes on the discussion of litigation strategy – Timothy Toomey v. Barbara R. DiMento, Board of Registrars, et al, and Board of Selectmen Superior Court Civil Action Docket#1677CV00001

Chairman Merry read the following:

Attorney William Moschella filed a public records request to Debbie via email on January 11, 2016, in which he requested the following:

*I am requesting an opportunity to inspect or obtain copies of public records that related specially to information concerning the following:
An executive session held on January 11, 2016 relating to a joint meeting between the Town of Rowley Board of Selectmen and Town of Rowley Board of Registrars discussing an Essex Superior Court matter filed with a docket number 1667CV00001.*

Debbie responded to him on behalf of the Board on January 19, 2016 and gave him the following:

- *copies of the posted January 11, 2016 Board of Selectmen and Board of Registrars meeting notices (including agendas) and*
- *a draft set of minutes of the January 11, 2016 Open Session portion of the joint meeting.*

She informed him in her response that both Boards would meet within 30 days to review their Executive Session minutes under G.L.c. 30A, s. 22(g)(2), and that after such review, the Boards would decide whether the minutes may be released without jeopardizing the Boards' litigating position and without violation of the attorney-client privilege, per s. 22(f).

Debbie points out that the subject of the litigation is not over and that the minutes are protected under attorney-client privilege.

The Board needs to determine by vote whether the Executive Session minutes of January 11, 2016 can released pursuant G.L. 30A §22(g)(2). Debbie will respond to Attorney Moschella accordingly.

Eagan said in her opinion the minutes should not be released because the matter is not over and this is attorney-client privileged information. The Board agreed.

Cliff Pierce made a motion to not release the minutes from January 11, 2016 Executive Session, Dave Petersen second, all in favor - aye (4-0). Bob Snow – ABSENT

ANNOUNCEMENTS

- Recall Election - February 2, 2016 from noon to 8:00 p.m. at St. Mary's Hall
- Presidential Primary Election – March 1, 2016
- Last day to register to vote for the March 1, 2016 Presidential Primary Election is February 20, 2016. Contact the Town Clerk's Office at 948-2081 for more information on voter registration
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – two seats
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals** – one seat

- e. **Zoning Board of Appeals Associate** - two seats
- f. **Historical Commission-Historic District Commission** – two seats
- g. **Parks and Recreation Committee** – two seats; and
- h. **Open Space Committee** is seeking one member

For more information on these positions, please contact the Selectmen's Office at 948-2372.

- 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.

ADJOURN

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Joseph Perry so moved, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

Open meeting adjourned at 7:50 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Mary Hardy requesting streetlight on School Street
2. Meeting memo regarding General Business #2: Ratify Internal Revenue Service mileage reimbursement rate
3. Internal Revenue Service mileage reimbursement rate for 2016
4. Memo from District Attorney Jonathan Blodgett on "Drugs 101 – What Parents Need to Know" and attached brochure
5. Meeting memo regarding General Business #4: Police Chief James Mulligan's announcement of the Police Department's "Coffee with a Cop" Community Police Program – February 6, 2016 from 10:00 a.m. to 1:00 p.m., Rowley Public Library
6. "Coffee with a Cop" flyer
7. Letter from Fire Chief Broderick regarding appointment of Evan Fish
8. Resume for Evan Fish
9. Meeting memo regarding Old Business #1: Stable License Application from Deborah Rosse for 532 Wethersfield Street
10. Stable License Application package from Deborah Rosse for 532 Wethersfield Street
11. Signed Stable License for Deborah Rosse for 532 Wethersfield Street
12. Meeting memo regarding New Business #1: Discuss and respond to Open Meeting Law Complaint filed by Timothy Toomey
13. Signed response for Timothy Toomey's Open Meeting Law Complaint, including Exhibits
14. Meeting memo regarding New Business #2: Set FY 17 Budget Guidelines and approve FY 17 Non-union Compensation Schedule

15. FY 17 Non-union Compensation Schedule
16. Memo from Deborah Eagan to Board of Selectmen and Board of Water Commissioners RE: Pennichuck Water Service Corp. – Customer Service, Billing and Collection Services Contract
17. Contract Extension signed by Selectmen with Pennichuck for 90 day extension
18. Year-Two signed contract with Pennichuck, including letter from Pennichuck dated January 16, 2015
19. RFP for Water Department Billing, Collection and Customer Services dated January 9, 2014, including Addendum #1 dated January 22, 2014
20. Price Proposal for Water Billing, Collection and Customer Service from Pennichuck January 2014
21. Non-Price Proposal for Water Billing, Collection and Customer Service from Pennichuck
22. Draft minutes: June 29, 2015; January 11, 2016
23. Meeting Memo regarding: Discuss request from Attorney William Moschella for a copy of the January 11, 2016 Executive Session meeting minutes on the discussion of litigation strategy – Timothy Toomey v. Barbara R. DiMento, Board of Registrars, et al, and Board of Selectmen Superior Court Civil Action Docket#1677CV00001
24. Email request from Attorney William Moschella for a copy of the January 11, 2016 Executive Session meeting minutes on the discussion of litigation strategy – Timothy Toomey v. Barbara R. DiMento, Board of Registrars, et al, and Board of Selectmen Superior Court Civil Action Docket#1677CV00001
25. Correction of date deadline for voter registration from Susan Hazen