

MINUTES OF THE BOARD OF SELECTMEN MEETING

January 4, 2016

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

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

PUBLIC ATTENDEES: Lawrence White - FINCOM and Open Space Committee; Stephen Barry, Henry Rolfe - Independent Press; Bernie Cullen; Timothy Toomey

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

Henry Rolfe led the Pledge of Allegiance.

GENERAL BUSINESS

1. Request from Library Director Pam Jacobson to lift hiring freeze for Substitute Library Page position

Chairman Merry read the letter.

Dave Petersen made a motion to lift the hiring freeze for Substitute Library Page, Bob Snow second, all in favor - aye (4-0). Joseph Perry - ABSENT.

7:05 p.m. – 7:10 p.m. CITIZEN QUERY

Timothy Toomey said he is here as a citizen of Rowley. He said for at least six months he has been trying to hash out the authority of the Board of Water Commissioners as a Board member. He said the Town has two legal opinions from the Town Attorneys that he has read to the Board. He said there was another recent act that circumvented the Water Board, so he got a legal opinion about the authority of the Water Board, which he distributed to the Selectmen. He said he has tried to deal with the Town Administrator, but for some reason hasn't gotten emails back. Toomey read the three summary points of the legal opinion. He said he hired this attorney to get this opinion, and the Town's

Attorneys Fair and Pickett have given their opinions. He said an employee was hired without consulting the Board of Water Commissioners, which prompted him to get this legal opinion and he wants the legal opinion he obtained to be entered into the record. He said the Board can do with it what they may, but suggested if the Board opposes this legal opinion, they can ask Fair to look at it. He said Fair rendered his opinion based on a very limited section of the laws that the Town abides by. He said he is frustrated as he has been trying one on one conversation with the Board and is being ignored. He said he got this opinion as a citizen and he hopes the Selectmen will look at it, and it in the best interest of the Town to get this right. He said why have a Water Board if they have no authority.

Henry Rolfe asked if in the 2015 Town Report there can be a check mark next to the elected and appointed officials to indicate those who have received the OML materials and have completed training on it. Eagan directed Rolfe to the Town Clerk for this information as it is her responsibility under the code of regulations under the OML for distributing this information.

Larry White of Central Street said there was a question on the budget last week. He said the Finance Committee is looking back on the FY15 budget, all 220 line items, and have gone back to Departments to discuss some anomalies discovered, and to check on their current spending status.

NEW BUSINESS

1. Letter from Mary Hardy requesting streetlight on School Street

This item was put on hold.

2. Review ZBA Special Permit Application from Jeff Antonelli for 524 Newburyport Turnpike

The Selectmen reviewed the application. Chairman Merry read the first page of the application. Pierce said this location has a current fence and landscaping business, this application doesn't change anything. He said there is a new owner who wants to continue the existing business, and the existing permit doesn't authorize the fencing business. Petersen said it is the same place, there is a new building, and he doesn't have any objections or comments. Pierce said he doesn't either.

3. Set date for Annual and Special Town Meetings

Chairman Merry read the following:

The first Monday in May is May 2, 2016. The Annual Town Election is held on the second Tuesday in May, which is May 10, 2016. The Board of Selectmen needs to vote to set the date for the 2016 Annual and Spring Special Town Meeting for May 2, 2016.

Bob Snow made a motion to set the date for the 2016 Annual and Spring Special Town Meeting for May 2, 2016, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry - ABSENT.

4. Stable License Application from Roland and Deborah Tyler for 15 Leslie Terrace

Chairman Merry read the following:

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

Roland & Deborah Tyler	1 horse, 3 mini horses	15 Leslie Terrace
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Merry said Leslie Terrace doesn't exist, but this location is off of Ellsworth Road.

Dave Petersen made a motion to approve the stable license for Roland and Deborah Tyler, Bob Snow second, all in favor - aye (4-0). Joseph Perry - ABSENT.

Bernie Cullen asked if this address exists. Merry said the buildings and the location physically exist, and the road exists on paper only.

The Selectmen signed the license.

5. 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 and water bills paid. There are two light bills outstanding totaling \$145.02.

Deborah Rosse	4 horses	532 Wethersfield Street
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Dave Petersen made a motion to table this until the next meeting since there is an unpaid light bill, Bob Snow second, all in favor - aye (4-0). Joseph Perry - ABSENT.

OLD BUSINESS

1. Flea Market Renewal Application from Sandra Hamel

Chairman Merry read the following:

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

Sandra Hamel	Flea Market	31 Main Street
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Bob Snow made a motion to renew this license, Dave Petersen second, all in favor - aye (4-0). Joseph Perry - ABSENT.

2. Stable License Renewal Application from Sandra Hamel

Chairman Merry read the following:

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

Sandra Hamel	5 horse limit	27 Main Street
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Bob Snow made a motion to renew this license, Dave Petersen second, all in favor - aye (4-0). Joseph Perry - ABSENT.

The Selectmen signed the license.

3. Stable License Renewal Application from Dennis Pellecchia

Chairman Merry read the following:

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

Dennis Pellechia	8 horse limit	179 Boxford Road
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Bob Snow made a motion to renew this license, Dave Petersen second, all in favor - aye (4-0). Joseph Perry - ABSENT.

The Selectmen signed the license.

4. Stable License Renewal Application from Anne Coan Belka/Winthrop Farm

Chairman Merry read the following:

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

Anne Coan Belka/Winthrop Farm	25 horse limit	183 Rear Haverhill Street
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Bob Snow made a motion to renew this license, Dave Petersen second, all in favor - aye (4-0). Joseph Perry - ABSENT.

The Selectmen signed the license.

5. Update on Pine Grove School renovation project

Chairman Merry read the following:

Assistant Triton School Superintendent Brian Forget has informed us that Massachusetts School Building Authority staff will be recommending the Pine Grove School project to the MSBA Board of Directors. Once the Board of Directors votes to approve the project, Pine Grove School is then formally entered into the MSBA reimbursement program. The Board of Directors is meeting in January, February and March. Joe Perry is requesting that the Board of Selectmen vote tonight to ask the MSBA Board of Directors to schedule their vote on the Pine Grove School project for their January 27, 2016 meeting because the override will be on May town meeting warrant and election ballot.

Eagan said the Selectmen received the good news from Assistant Superintendent Brian Forget that Pine Grove School met favorable for the requirements. She said Joe Perry is not here tonight due to illness, but he conveyed his opinion that the Board of Directors of the MSBA take this up in their January meeting.

Bob Snow made a motion to ask the MSBA Board of Directors to schedule their vote on the Pine Grove School project at their meeting in January, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry - ABSENT.

6. Discuss Cable Advisory Committee

Chairman Merry read the following:

The Board of Selectmen is the Local Franchising Authority (LFA) for the cable television licenses with Comcast and Verizon. In the absence of a Cable Advisory Committee (CAC), Debbie recommends that the Board of Selectmen work on the Verizon license renewal. Town Counsel Judy Pickett agreed with Debbie that the Board of Selectmen can perform this function, as the CAC is an advisory committee that would be assisting the LFA/Board of Selectmen in the renewal process. Debbie has spoken with Town Counsel Tom Mullen and he has experience in renewing cable licenses in other Towns and will be available to assist the Board in this process. We will need to start the renewal process soon.

Eagan said in the past special counsel has been appointed to assist the Town in renewing Comcast and the new cable license, and we need to start the process new with Verizon. She said she believes the Board of Selectmen needs to perform the function of the Cable Advisory Committee, and the Committee would have ultimately just presented to the LFA, which is the Board of Selectmen. She said if the Board agrees, we can start the process with Verizon. Snow said he is a former employee and retiree of Verizon, and he receives health insurance through them. Eagan said Snow will probably need to recuse himself from discussions involving Verizon. Petersen asked if the process consists of having public hearings and getting public input. Eagan said at this point, we would follow the informal process under the regulations. Petersen said that during this process, the Town has no control over the rates charged for cable, and the cable companies set these rates themselves. Pierce asked what the Board will be reviewing. Petersen said the last time the Town went through this, there were a series of public hearings and public information meetings. Merry said it is a negotiation process. Petersen said they determine how much the Town can charge the companies to bring cable into the Town so that we can run the local access programming. Pierce asked if there is a packet of information that he can review to get up to speed. Eagan said she can get information to the Board, and Attorney Mullen can update Pierce as well. Eagan asked for permission to remove notices of vacancies about this committee, and to allow her to begin working on behalf of the LFA and contact Verizon and set the schedule, working with Tom Mullen.

Bernie Cullen asked if there is a third player that has been putting up cables. Petersen and Eagan said no. Merry said another company has been putting up fiber optic only cables, and the two cable television franchises in Rowley are Comcast and Verizon.

Dave Petersen made a motion to approve the Board of Selectmen acting as the LFA for the cable television licenses with Comcast and Verizon, Cliff Pierce second, all in favor - aye (3-0). Joseph Perry – ABSENT Bob Snow – RECUSED.

7. Discuss police chief recruitment process and screening committee

Chairman Merry read the following from the memo from Deborah Eagan to the Board of Selectmen RE: Police Chief Recruitment Process:

Chairman Robert Merry asked me to provide the Board of Selectmen with a recommendation on the Police Chief position recruitment process.

I recommend that the Board of Selectmen form a "Screening Committee." The Screening Committee would be given the charge of working with BadgeQuest, Inc. in screening eligible applicants for the position and recommending the top three applicants to the Board of Selectmen. This process could take a few weeks depending upon the number of applicants. I recommend that this committee be made up three individuals –

the Chairman of the Board of Selectmen, Robert Merry; MaryAnn Levasseur, a member of the Personnel Board; and Dennis Roy, a member of the Finance Committee. Chairman Merry has served as a Selectman for many years and has extensive public sector professional management experience. Mrs. Levasseur is a private detective and has professional investigatory experience. Mr. Roy has had a long career in management positions in the public sector and served as the Department of Public Works Director in Lynnfield, and other municipalities on the North Shore. These three individuals have informed me that they will have the time available to serve on the Screening Committee, which will be very busy during the middle of February. Under my plan, the Screening Committee will present the top three ranked candidates by February 26, 2016. At that point, I recommend that the Board of Selectmen, working with BadgeQuest, interview the top three finalists and identify the best candidate for the Town.

I discussed this plan with BadgeQuest, Inc. President Robert Pomeroy and he agreed that this is a good course of action to follow. He agreed with me that we would need to keep this timeline firm in order to have the position filled on a permanent basis by early April. My proposed tentative timetable is as follows:

January 6 – finalize job posting and place advertisements (This is contingent upon the Board of Selectmen finalizing key components of the job posting.)

January 11 – BadgeQuest, Inc. President Robert Pomeroy meets with the Board of Selectmen to go over the recruitment process

February 3 – Application Deadline

February 9 - Screening Committee and BadgeQuest, Inc. meet and select Step 2 candidates

February 22 (Week of Feb 22) Screening Committee and BadgeQuest, Inc. conduct screening interviews and identify top 3 candidates

February 29 – March 11 – Board of Selectmen and BadgeQuest, Inc. interview the finalists. Debbie and staff work on background checks.

March 14 – Board of Selectmen makes decision and offers the position to the finalist.

March 15 – Job offer letter is transmitted to finalist.

April 4 – Start date for new chief

Bob Snow made a motion to appoint a Screening Committee with the tentative timetable as outlined above, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

Petersen said Bob Merry has a lot of experience, and he has faith in him. He said he knows Mo Levasseur, and is confident in her and thinks she will make an excellent interviewer. He said Dennis Roy has a long career within DPW positions, and he helped interview the current Water Superintendent, and he is an excellent interviewer. He said this is a very competent committee, none are police officers and offer a civilian perspective to be added to BadgeQuest, which is a police perspective. He said this will be a thorough process, the Chief will have a huge burden on their shoulders, and they are trying to work for the best interest of the Town of Rowley.

Eagan reviewed the items in the rest of her memo as follows:

Mr. Pomeroy and I are working on the job notice, which we would like to post on Wednesday, January 6, 2016, if we are to keep on schedule. We are seeking clarification from the Board of Selectmen on some of the key elements of the job posting.

- 1) Salary - Is it the Board's intent to post the starting salary of the police chief at Pay Grade #15 - \$89,712? The salary range for the position is - \$89,712 - \$96,695. Pay Grade #15 is the job grade assigned to the Police Chief position in the Classification Schedule, though in the past, the salary was contractually negotiated with the last two police chiefs. Mr. Pomeroy strongly suggests listing a salary range or a salary amount "up to". For example, if the Board provides an educational incentive benefit commensurate (#2 below) with the benefit in the union contract, that amount can be inclusive of the salary. If not, is there specific language or a salary range that you would like in the posting? Mr. Pomeroy indicated that he is seeing salaries advertised up to approximately \$110,000. The FY 16 Police Chief salary and other benefits budget line is \$117,024.*
- 2) Educational incentive pay – Does the Board wish to include language in the posting on educational incentive pay? This was a negotiated benefit with prior chiefs and tied to the educational incentive benefit amount in the union contract. If so, would the educational incentive pay be on top of the salary or included in the salary? Under the union contract a Bachelor's Degree is \$5,593.23 and Master's Degree is \$7,200.71.*
- 3) Residency – Does the Board wish to include a residency distance limit in the job notice, such as no further from 10 miles of the border of Rowley?*
- 4) Mass. Police Training Council – Will the Board consider out of state officers who obtain a waiver from the Mass. Police Training Council? (See attachment from Mr. Pomeroy.) The job description currently requires candidates to be a certified graduate from a full time MCJTC Recruit Academy with current certificates of training mandated by Mass. General Laws. Mr. Pomeroy believes that Rowley may receive a number of applications from New Hampshire due to the Town's close proximity to the New Hampshire border. He also pointed out nearby towns*

also hired chiefs from Connecticut. In order for the candidates to be eligible for this position, the Board of Selectmen will need to include a "waiver."

In order to get the job notice posted and advertised on Wednesday, we need answers from the Board on these items.

Thank you.

She asked the Board if they wish to negotiate the Chief salary and have a contract. She said if so, what should the salary cap be and asked the Board if they wish to offer educational incentives. Pierce said a Master's Degree is already being asked for, so the candidates will probably already have the degree. Eagan said the Town does not have the Quinn bill, but there is an educational incentive equivalent in the union contract. Pierce said maybe he is missing something, but he thinks they should stick with the range for the position of \$89,712, with amount up to \$96,695. The Board discussed various options of pay ranges and educational incentives and the fact that health and dental insurance is expensive in Rowley relative to other towns who pay a greater share. Eagan said a perk is that the Rowley is not a civil service community, and that can be added to the job posting. Bernie Cullen asked what BadgeQuest said about the pay in the market for Police Chiefs. Eagan said they said the ideal would be up to \$110,000.

The Board discussed having a residency requirement. Merry said he thinks we should have a requirement that the Chief live within a certain distance from Rowley. Petersen said he disagrees, and a candidate from Southern New Hampshire won't pick up and move. He said the Chief doesn't respond to emergency calls, the Officers do, and he's not sure how many Officers live in Rowley. Pierce said this can be a consideration when evaluating candidates.

Merry said it should be fine for out of state officers who obtain a waiver from the Mass. Police Training Council. Petersen agreed. Eagan said the Board could consider reassigning the Police Chief position a Grade 16 on the compensation schedule, which would be a salary range of \$98,699 to \$106,362. Pierce asked if the educational incentive would still be offered. Petersen said we have to keep the educational benefit, it is past practice, and the Chief gets the same incentive as the Union gets. Pierce said he likes the original ranges discussed, unless he knows for a fact that that range is too low. He said it would be nice to know what the surrounding towns pay. Petersen said most of the surrounding towns are higher, and he is willing to increase the range a few thousand to get the right person who will hopefully work for the Town for several years. Merry said he thinks moving the position to pay grade 16 is the way to go. Petersen said he has no problem with this. Merry said the not to exceed amount can be \$106,362. Pierce said with the incentive for the Master's Degree, the total would be approximately \$113,000.

Dave Petersen made a motion to set the maximum pay for the Police Chief at \$106,362.72; offer additional educational incentives of \$5,593.23 for a Bachelor's Degree and \$7,200.71 for a Master's Degree; not to have a residency requirement; and to either have the credentials as outlined in the job description, or obtain a waiver from the Mass. Police Training Council, Bob Snow second, all in favor - aye (4-0). Joseph Perry – ABSENT

Dave Petersen made a motion to require applicants to have a current minimum rank of Lieutenant, Bob Snow second, all in favor - aye (4-0). Joseph Perry – ABSENT

MINUTES

- May 26, 2015

Bob Snow made a motion to approve the minutes from May 26, 2015, Dave Petersen second, all in favor - aye (3-0). Joseph Perry – ABSENT Cliff Pierce - ABSTAINED.

- December 21, 2015

Bob Snow made a motion to approve the minutes from December 21, 2015, Dave Petersen second, all in favor - aye (3-0). Joseph Perry – ABSENT Cliff Pierce - ABSTAINED.

Henry Rolfe asked if the Police Chief does police detail work. Petersen said the Chief does not do detail work or receive overtime.

ANNOUNCEMENTS

- Recall Election - February 2, 2016 from noon to 8:00 p.m. at St. Mary's Hall
- Last day to register to vote for the February 2, 2016 Recall Election is January 13, 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 memberFor 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.

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

Open meeting adjourned at 8:17 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Request from Library Director Pam Jacobson to lift hiring freeze for Substitute Library Page position
2. Resignation letter from Nicole Rogers from the Library
3. Letter from William A Moschella, Sr. Esquire Re: Appointing Authority for Water Department Employees
4. Letter from Henry Rolfe to Selectmen dated January 4, 2016
5. Letter from Mary Hardy requesting streetlight on School Street
6. ZBA Special Permit Application from Jeff Antonelli for 524 Newburyport Turnpike
7. Meeting memo regarding New Business #3: Set date for Annual and Special Town Meetings
8. Meeting memo regarding New Business #4: Stable License Application from Roland and Deborah Tyler for 15 Leslie Terrace
9. Stable License Application package from Roland and Deborah Tyler for 15 Leslie Terrace
10. Signed Stable License for Roland and Deborah Tyler for 15 Leslie Terrace
11. Meeting memo regarding New Business #5: Stable License Application from Deborah Rosse for 532 Wethersfield Street
12. Stable License Application package for Deborah Rosse for 532 Wethersfield Street
13. Unsigned Stable License for Deborah Rosse for 532 Wethersfield Street
14. Meeting memo regarding Old Business #1: Flea Market Renewal Application from Sandra Hamel
15. Flea Market Renewal Application package from Sandra Hamel
16. Signed Flea Market License for Sandra Hamel
17. Meeting memo regarding Old Business #2: Stable License Renewal Application from Sandra Hamel
18. Signed Stable License for Sandra Hamel
19. Meeting memo regarding Old Business #3: Stable License Renewal Application from Dennis Pellechia
20. Signed Stable License for Dennis Pellechia
21. Meeting memo regarding Old Business #4: Stable License Renewal Application from Anne Coan Belka / Winthrop Farm

22. Signed Stable License for Anne Coan Belka / Wintrop Farm
23. Meeting memo regarding Old Business #5: Update on Pine Grove School renovation project
24. Email from Joseph Perry Re: BOS Meeting
25. Email from Brian Forget Re: Good News – Pine Grove School
26. Meeting memo regarding Old Business #6: Discuss Cable Advisory Committee
27. Memo from Deborah Eagan to Board of Selectmen RE: Police Chief Recruitment Process
28. Draft Board of Selectmen minutes: May 26, 2015; December 21, 2015