

**MINUTES OF THE BOARD OF SELECTMEN MEETING**

July 27, 2015

Meeting Held in Selectmen's Office, Rowley Town Hall

**MEMBERS PRESENT:** Chairman G. Robert Merry; Vice Chairman Joseph Perry; Clerk Robert Snow; David Petersen; and Clifford Pierce (Town Administrator Deborah Eagan)

(Assistant Town Administrator Amy Lydon – absent)

**PUBLIC ATTENDEES:** Henry Rolfe, IND. Press; Robert R. Barker; Karen Tyler

At 7:00 p.m. Chairman G. Robert Merry called the meeting to order. Merry declared that the meeting was being audio and video digitally recorded.

**PLEDGE OF ALLEGIANCE**

Chairman Merry asked Robert Snow to lead the meeting in the Pledge of Allegiance. The Board stood and said the Pledge of Allegiance.

**GENERAL BUSINESS**

1. Request from Coast to Cure to have a rest stop on the Town Common during the Coast to Cure bike race on September 12

Chairman Merry read the following:

*The Neurofibromatosis Northeast is holding its 5<sup>th</sup> annual Tour de Cure bike race on Saturday, September 12. The Board of Selectmen had previously given them permission to have the race go through various streets in the Town. The bike ride starts and finishes at Stage Fort Park in Gloucester. The ride consists of three prescribed routes that include Rowley and 18 other cities and towns.*

*They are now revising their request to include the placement of a rest stop on the Town Common. The rest stop will include a portable toilet, Gatorade, water and snacks, such as granola bars, crackers and trail mix. Health Services Coordinator Frank Marchegiani has reviewed this request and, based upon the type of food that is being provided does not have any concerns. Frank is recommending that any trash be removed from the rest stop by the end of the day and that the portable toilet be removed within a day or two.*

*Does the Board wish to give them permission to set up a rest stop on the Town Common, and if so, is there any special location on the Town Common that you prefer, such as near the backstop, etc.? Does the Board wish to incorporate Frank's recommendations?*

Merry said that the rest stop should be set up near the backstop so that it is away from the funeral home. Merry said that he agreed with Frank's recommendations. Merry called for a motion to approve the request from the Neurofibromatosis Northeast to have a rest stop on the Town Common during their Annual Coast to Cure Bike Race on September 12 with the condition that the rest stop and portable restroom be located near the backstop with the stipulation that Frank Marchegiani's recommendations be required as part of the approval, Robert Snow so move, Cliff Pierce, second, all in favor, aye, 5-0.

### **GENERAL BUSINESS**

2. Letter of resignation from Shellfish Commissioner Michael Cook

Chairman Merry read the letter into the record. Merry called for a motion to accept the resignation with regret, Joseph Perry so move to accept the resignation with regret and to send a letter of thanks, Cliff Pierce, second, all in favor, aye, 5-0.

### **GENERAL BUSINESS**

3. Letter of resignation from Shellfish Commissioner John E. Grundstrom

Chairman Merry read the letter into the record. Merry called for a motion to accept the resignation with regret, Joseph Perry so move to accept the resignation with regret and to send a letter of thanks, Robert Snow, second, all in favor, aye, 5-0.

### **7:05 – 7:15 p.m. CITIZEN QUERY**

At 7:05 p.m. Chairman Merry said that Citizen Query is open.

Henry Rolfe said that people are parking cars on the sidewalk on Central Street near the wood working shop. He said that a lot of people walk on this area of Central Street. He said that as many as 30 people a day that walk on Central Street. Merry said that there is a cross walk and sidewalks on the other side of the street. Merry said that he would contact the Highway Department about his concerns.

### **NEW BUSINESS**

1. Sign MassDOT Title VI Nondiscrimination Assurance Requirement Form

Chairman Merry said that Massachusetts Department of Transportation (MassDOT) is requesting signatures on the MassDOT Assurance Requirement Form.

Merry read the following:

*Mass. Department of Transportation is requesting the signatures of the Town's chief elected officials on the attached document, which states that the Town, as a sub-recipient of any federal funding, does not discriminate in accordance with Title V of the Civil Rights Act. MassDOT wants a clear record of the Town's commitment not to discriminate in any program, service or activity supported by federal financial assistance.*

*The Board of Selectmen needs to vote to sign the document.*

*The Selectmen's five signatures need to go on the top line at bottom of the page.*

Merry asked if there was any discussion and said this is a standard required document. Hearing no discussion from the Board, Merry called for a motion to sign the document. Robert Snow made a motion to sign, Cliff Pierce, second, all in favor, aye, 5-0.

## **NEW BUSINESS**

2. Invitation from Newburyport Yankee Homecoming Parade organizers inviting the Town of Rowley to have the Town Cannon "Old Nancy" in the upcoming parade

Chairman Merry read the following:

*Chairman Bob Merry has been contacted by the Newburyport Yankee Homecoming Parade organizers inviting the Town to have the "Old Nancy" Town Cannon in the parade. Chairman Merry is seeking the Board's approval.*

Merry said that he was contacted last week by the vice chairman of the Newburyport Yankee Homecoming who oversees the parade portion of the events. Merry said that the vice chairman lives in Rowley. Merry said that he asked him to bring the "Old Nancy" cannon back for this year's parade. Merry said that last year, the Town applied to have "Old Nancy" in the Yankee Homecoming parade. Joseph Perry said that last year we passed out flyers at the parade inviting people to Rowley's 375<sup>th</sup> celebrations. Merry said that the Town Cannoneer would accompany the cannon in the parade. Cliff Pierce asked, "Who is the Town's Cannoneer?" Merry responded that he is the Town's Cannoneer. He said that under State law only a licensed cannoneer can actually fire the cannon. Robert Snow made a motion to authorize the Town's cannon, Old Nancy, to be in the Yankee Homecoming Parade accompanied by the Town Cannoneer, Perry, second, all in favor, aye, 5-0.

## **APPOINTMENT 7:15 p.m.- Police Chief Robert Barker to discuss his planned retirement in December**

Chairman Merry called Chief Robert Barker forward. Barker said that it is getting to be time to think about retirement. Barker said it has been 35 years that he's been with the Police Department. Chairman Merry read the letter submitted by Barker into the record. (A COPY OF THE LETTER IS ATTACHED TO THESE MINUTES.) Merry said that it is his personal opinion only, but that he doesn't want to lose him as chief. Barker said, "I am not going anywhere. Thank you for your support." The Board members offered their thanks to Barker for all of his years of service. Joseph Perry said you have done a great job. Robert Snow said, "Thank you Chief." Snow said making the decision to retire is a

difficult decision to make, but once you make it, retirement is wonderful. Merry said that he understands the difficulty in making the decision to retire. Merry called for a motion to accept Robert Barker's retirement notice, Snow so moved with regret, Perry, second, all in favor, aye, 5-0. The Board members thanked Barker for his service to the Town. David Petersen said that we need to look at the procedures on how we replace Chief Barker and suggested that the Board discuss this at the next meeting.

## **NEW BUSINESS**

1. Discuss North Shore Alliance for Economic Development's request for support of the Route 1 Improvement Project

Chairman Merry called upon Deborah Eagan to explain this agenda item.

Eagan said that the North Shore Alliance for Economic Development contacted her last week asking her to support and sign on to a letter that was being sent to the Massachusetts Department of Transportation (MassDOT) and the Metropolitan Planning Organization (MPO) requesting them not to remove the Route 1 Improvement Project from their Long Range Transportation Plan (LRTP) and the FY 16-19 Transportation Improvement Plan (TIP). Eagan said the Route 1 Improvement Project is focused on making traffic lane improvements, including making a third lane on Route 1 in the Revere/Saugus/Malden stretch of Route 1. Eagan said the traffic bottlenecks in this area when the lanes go from two to three, causing significant traffic backups on both sides of the highways during the morning and evening commutes. Eagan said she explained to the Alliance that she needs guidance from the Board of Selectmen prior to endorsing their request and that the Board was not meeting until tonight. Eagan said that the Alliance's consultant, Gary Barrett, understood the situation. Eagan said Barrett wanted to know if the Selectmen were interested in sending a follow-up letter indicating its support for the Alliance in this matter to the MassDOT and MPO. Eagan said that she told the Alliance that the Town has a good relationship with MassDOT. Eagan said that the Board of Selectmen has been working with MassDOT in trying to have a traffic light installed on Route 1 and Central Street and that MassDOT has been helpful to the Town in working to get this much-needed traffic light.

Eagan asked if the Board of Selectmen wanted to consider sending follow up letters to MassDOT and MPO supporting the Alliance's request as shown in the attached letter in their packet. Eagan said there are many Rowley residents who travel into Boston on a regular basis for work, school, appointments, etc. and any improvements made to Route 1 to make travelling on this highway easier and safer, would be considered beneficial to the Town. David Petersen said he couldn't believe that this project would be taken off the list. Petersen said for years there has been a huge bottleneck in this area. Petersen said he understands the problem because he worked in Boston for many years. He said

for years and years they have said they were going to be doing something about this. He said it is a disgrace. He said the bottleneck is constant. Robert Snow said when you come in from the north on Route 93 and the west from the Mass Pike there are straight shots into the city, but when you come in on Route 1, it goes from three lanes to two lanes to three lanes. Eagan said she agrees with Snow, but that also North Shore drivers have to pay a toll. Eagan said North Shore drivers get hit hard with a toll whether they go over the bridge or the tunnel and we presume that both of these structures have been paid many times over by the drivers using them. Eagan said that drivers using the Zakim Bridge do not have to pay a toll. Petersen said we should send a strongly worded letter and copy Senator Tarr and Representative Hill. Joseph Perry said that his wife taught school for 35 years in Revere and was stuck in that bottleneck traffic on the Revere Saugus line. Merry called for a motion to send a letter. Snow made a motion to send a strongly worded letter in support of the Alliance's request, Perry, second, all in favor, aye, 5-0.

**APPOINTMENT 7:30 p.m.- Eastern Essex Veterans Services District Director Karen Tyler to welcome her to the position and to discuss her goals for the Veterans District**

Chairman Merry called Karen Tyler forward. Merry welcomed her to the position and asked her to tell the Board about her background and what she sees as her goals for the Eastern Essex Veterans Services District.

Tyler said that she was a mental health specialist while enlisted in the Army. She said that she was in basic training during September 11, 2001 and that she provided mental health services and counseling to officers and their families during this time. She said that she was stationed in Germany. She said that she is happy to be working as a civilian now and that most recently she worked for the Town of Saugus in Human Resources. She said that she is happy to be here. David Petersen said as a veteran himself, he is concerned about making sure veterans get what is due for all of the service they have given. Petersen told Tyler that he is happy to have her on board and that she has huge shoes to fill. Tyler said that on her first day of work she had to go to the State House to accept an award on Terry Hart's behalf. Petersen said "We certainly hope that you will be staying on board for a while." Petersen wished Tyler the best of luck in her new job. Tyler said she appreciated being invited to the meeting and that if they see veterans in need, to please refer them to her for assistance. Joseph Perry said that it is important that we give to the veterans as much as they need. Robert Snow said that he represents the Town of the Veterans District Board and that Karen "rose to the top" of the applicant list. Snow said that Tyler specialized in mental health services.

Snow said that when he was in the Marine Corps many years ago that he had to go to a military hospital and saw many World War II veterans suffering from mental illness. Snow said that many veterans come home and don't want to bring up mental health issues, but that he is hopeful that with Karen in this position that many veterans watching tonight's meeting will reach out to Karen for assistance. Tyler said that there are many resources available now for mental health issues. Snow said to Tyler, "If there is anything we can do to help you, please reach out to us." Tyler asked the Selectmen if they hear of any veterans who are coming home to let them know that they should come to see her. Snow said that the Council on Aging holds a Veterans Dinner in November each year and that all veterans in the Town are invited. Tyler said that she would be available to assist with that. Tyler thanked the Board for the invitation to be at tonight's meeting. Eagan told Tyler that she welcomes her to the Town and that when she has time during the day, to please come by Town Hall to meet the staff. The Board thanked Tyler for coming in.

### **OLD BUSINESS**

1. Review and sign The Carell Group contract for Public Safety Building Feasibility Study

Chairman Merry read the following:

*Greg Carell has signed two originals of the Agreement Between the Town of Rowley and the Carell Group, Inc., Architects for the Public Safety Building Feasibility Study. The changes requested by Town Counsel Judy Pickett and Debbie have been incorporated into this final version.*

*The Board needs to vote to sign both originals. We will retain one copy and Greg Carell will retain the other for his files.*

David Petersen asked Deborah Eagan if The Carell Group has indicated when they plan to start working on this project. Eagan said they started working almost a month ago. Eagan said that Greg (Greg Carell) told her that his style was to "jump in" and that he didn't mind starting work without the signed contract. Eagan said that he has met with both Police Chief Robert Barker and Fire Chief James Broderick to start getting the preliminary information for the study. Merry called for a motion to sign the contract, Robert Snow so moved, Joseph Perry, second, all in favor, aye, 5-0.

**OLD BUSINESS**

2. Memo from Conservation Agent Brent Baeslack regarding completion of the Smith Lane Trail

Chairman Merry read a memo from Conservation Agent Brent Baeslack into the record. (A COPY OF THE MEMO IS ATTACHED TO THESE MINUTES.) Deborah Eagan said that Conservation Agent Brent Baeslack did this work on his own time. Eagan said he spent a significant amount of time out on Smith Lane clearing the area with his own tools. Eagan said that while Brent really enjoys this work, that once again, he has gone above and beyond. Merry suggested that we send a letter to the Conservation Commission thanking Brent for his work on Smith Lane. Robert Snow made a motion to send a letter to the Conservation Commission thanking Brent for all of his work on this project, Joseph Perry, second, all in favor, aye, 5-0. Snow said that Brent does things like this all the time. Snow said we are very lucky to have him. Perry said that Brent makes an outstanding contribution to the Town.

**OLD BUSINESS**

3. Discuss State Ethics Disclosures filed by Deborah Eagan

Chairman Merry asked Deborah Eagan to present this agenda item. Eagan said that she recently filed a ***Disclosure of Appearance of Conflict of Interest*** as required by Mass. General Laws Chapter 268A §23(b)(3) because she had a family membership at the Ipswich YMCA. Eagan said that the filing of the 23(b)(3) Disclosure was necessary because the Board of Selectmen was in the process of executing a lease with the YMCA of the North Shore. Eagan said that her circumstances have changed in her family because her son, who previously served as volunteer swim instructor at the Ipswich YMCA, has been hired by the Ipswich YMCA as a paid employee to the positions of swim instructor and lifeguard. Eagan said that he is now a paid employee. Eagan said she contacted Town Counsel Judy Pickett and asked her to review this because she wanted to make sure that it was properly presented to the Board of Selectmen. Eagan said that Pickett contacted the State Ethics Commission and they advised that she should file the Section 19 Disclosure and to present it to the Board of Selectmen for a determination on whether this particular matter and the financial interest identified in the Disclosure are not so substantial as to be deemed likely to affect the integrity of the services which the Board of Selectmen and Town may expect from her. Eagan said the Board of Selectmen needs to review the Disclosure in the context of what her role is in connection to the relationship between the Town and the North Shore YMCA and then make the determination in accordance with Mass. General Laws Chapter 268A section 23(b)(3). Eagan said that now that the Town has a lease with the Y, she as the Town Administrator, is responsible for administering the

provisions of the lease agreement and advising the Board of Selectmen on any matters or situations that may arise during the term of the lease. Eagan said that the relationship between the Town and the Y is essentially a “landlord-tenant” relationship. Eagan said she serves in an administrative capacity and that she has no executive authority in any matters or issues involving the lease. Eagan said she does not sign or vote on the lease. Eagan said that the financial interest in this matter, is that her son has transitioned from a volunteer to a swim instructor and life guard and currently earns approximately \$9.30 per hour and works on a part-time basis in the Ipswich Y facility. David Petersen said he doesn’t see a problem. Joseph Perry said that he doesn’t see a problem. Merry called for a motion as appointing official, as required by G.L. c.268A, §19, that the Board has reviewed the particular matter and the financial interest identified above by a municipal employee. The Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, Petersen so moved, Robert Snow, second, all in favor, aye, 5-0. The Board members signed the disclosure. (A COPY OF THE DISCLOSURE IS ATTACHED TO THESE MINUTES.)

## **MINUTES**

- February 9, 2015

Chairman Merry called for a motion to approve the February 9, 2015 meeting minutes, Joseph Perry so moved, David Petersen, second, all in favor, aye, 4, Cliff Pierce, abstain.

- February 17, 2015

Chairman Merry said that on page one at the bottom there was a typo on the last sentence the word “so” should be “do”. Merry called for a motion to approve the minutes with this change, David Petersen, so moved, Robert Snow, second, all in favor, aye 4, Cliff Pierce abstain.

- February 23, 2015

Chairman Merry called for a motion to approve the February 23, 2015 meeting minutes, Joseph Perry so moved, David Petersen, second, all in favor, aye, 3, Robert Snow and Cliff Pierce abstain.

- March 2, 2015

Chairman Merry said that on page four in the middle section under the discussion on Wild Pastures Estates on the second sentence the word “subdivision” is missing the letter “n”. Eagan said that she will correct that. Merry called for a motion to approve the minutes with the correction to the typographical error, Robert Snow so moved, Joseph Perry, second, all in favor, aye, 3, Cliff Pierce and David Petersen abstain.

## **ANNOUNCEMENTS**

Chairman Merry read the following announcements:

- Rowley Public Library Vehicle Night at the Pine Grove School parking lot at 6:30 p.m. on Thursday, July 30, 2015
- Rowley Concert on the Common – Sunday, August 23, 2015 from 4:00 p.m. to 6:00 p.m. featuring the Senior Tones

Joseph Perry said that we are looking forward to seeing the Senior Tones again and that they were the closing band at last year's 375<sup>th</sup> Celebration. Robert Snow said that the Senior Tones are a lot of fun and that they are a group of men that sing songs from the 1960s and 1970s. Merry encouraged people to bring a picnic and enjoy the concert.

- The Town has the following vacancies:
  - a. **Shellfish Constable**
  - b. **Cable Advisory Committee** – seeking five members
  - c. **Fence Viewer** – three positions;
  - d. **Wood, Lumber & Bark Inspector**; and
  - e. **Zoning Board of Appeals Associate** - two open seats
  - f. **Historical Commission-Historic District Commission** – two seats
  - g. **Parks and Recreation Committee** – two seats
  - h. **Open Space Committee** is seeking two members

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.
- Rowley Public Library is offering discounts to Lowell Spinners baseball games. For more information contact the Rowley Public Library at 978-948-2850

## **ADJOURN**

At 7:58 p.m. David Petersen made a motion to adjourn, Robert Snow, second, all in favor, 5-0.

Respectfully Submitted:

Deborah Eagan

Town Administrator

## **ATTACHMENTS:**

1. Letter from Police Chief Robert Barker on his planned retirement in December
2. Meeting Memo on Eastern Essex Veterans Services District Director Karen Tyler

3. Meeting memo on request from Coast to Cure to have a rest stop on the Town Common during the Coast to Cure bike race on September 12
4. Letter of resignation from Shellfish Commissioner Michael Cook
5. Letter of resignation from Shellfish Commissioner John E. Grundstrom
6. MassDOT Title VI Nondiscrimination Assurance Requirement Letter, Form and Meeting Memo
7. Meeting memo on Invitation from Newburyport Yankee Homecoming Parade organizers inviting the Town of Rowley to have the Town Cannon "Old Nancy" in the upcoming parade
8. Meeting memo and letter on North Shore Alliance for Economic Development's request for support of the Route 1 Improvement Project
9. Meeting memo on The Carrel Group contract and copy of signed contract
10. Memo from Conservation Agent Brent Baeslack regarding completion of the Smith Lane Trail
11. Meeting memo on D. Eagan's G.L. c.268A§19 Disclosure and copy of signed Chapter 268A§19 Disclosure form
12. Minutes of February 9, 2015
13. Minutes of February 17, 2015
14. Minutes of February 23, 2015
15. Minutes of March 2, 2015
16. Flyer on the Concert on the Common – Senior Tones, Aug. 23, 2015
17. Rowley Public Library Flyer on Vehicle Night