

MINUTES OF THE BOARD OF SELECTMEN MEETING

July 25, 2016

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

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

PUBLIC ATTENDEES: Lawrence White - FINCOM; Henry F. Rolfe – Independent Press; Bernard Cullen - 283 Wethersfield Street; Walter Pomerleau - 115 Newbury Road

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 7:00 p.m. He said the meeting is being audio and visually recorded digitally.

PLEDGE OF ALLEGIANCE

Bernie Cullen led the Pledge of Allegiance.

GENERAL BUSINESS

1. Road Opening Permit Applications from the Water Department to open the following streets for hydrant replacements: 22 Main St. at Prospect St., 52 Main St., 272 Central St., 330 Central St., 10 Pleasant St., 40 Pleasant St., 134 Glen St., 178 Haverhill St., 143 Haverhill St., and 1000 Haverhill St.

Eagan said there are no permits for the Central Street locations since we were informed by Water Superintendent MaryBeth Wiser that road opening permits will not be required at these two locations because they are replacing hydrants which are not in the road.

- 22 Main St. at Prospect St.

Dave Petersen made a motion to approve the road opening permit for 22 Main St. at Prospect St., Bob Merry second, all in favor - aye (5-0).

Snow noted there were no maps of the locations attached to the requests and said the gas company normally includes a sketch. Eagan said we usually get a sketch and said there is an inter-departmental memo from Jonathan Carey to the Water Superintendent that the Selectmen were cc'd on. Perry read the memo. Eagan said we have never requested engineered plans, just a sketch to get an idea of the location of the request. She said many years ago there was an issue with erosion control, and sediment got into a stream, which resulted in the Conservation Agent becoming a signatory on the permit.

Snow said when he worked for Verizon, he used to go before Town Counsel and present a map of the area.

The Selectmen signed the permit for 22 Main St. at Prospect St.

- 52 Main St.

Dave Petersen made a motion to approve the road opening permit for 52 Main St., Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the permit.

- 10 Pleasant St.

Bob Snow made a motion to approve the road opening permit for 10 Pleasant St., Dave Petersen second, all in favor - aye (5-0).

The Selectmen signed the permit.

- 40 Pleasant St.

Bob Snow made a motion to approve the road opening permit for 40 Pleasant St., Dave Petersen second, all in favor - aye (5-0).

The Selectmen signed the permit.

- 134 Glen St.

Bob Snow made a motion to approve the road opening permit for 134 Glen St., Dave Petersen second, all in favor - aye (5-0).

The Selectmen signed the permit.

- 178 Haverhill St.

Bob Snow made a motion to approve the road opening permit for 178 Haverhill St., Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the permit.

General Business #1 was not completed until after the 7:15 p.m. Appointment.

APPOINTMENT 7:15 P.M. Walter Pomerleau to discuss request to use Town Common for a Pro-Police Rally on Saturday, August 13, 2016

Chairman Perry read the following:

Walter Pomerleau is here tonight to discuss a request to use the Town Common on Saturday, August 13, 2016 from 2:00 p.m. to 4:00 p.m. for a Pro-Police Rally. Mr. Pomerleau is from the Mass. State Police and is a Town resident. (Request is attached.)

If the Board grants this request, we will need to work with the Police, Fire and Highway Department on logistics for this event, such as parking and walking access to the Town Common.

Pomerleau introduced himself and Reverend Bob Hagopian, who is helping to put this event together, and thanked the Board for fitting them in at tonight's meeting. Pomerleau said he lives at 115 Newbury Road, worked for the State Police for 23 years, he and Petersen worked together out of the Topsfield barracks, and they retired on the same day. He said he has been watching the terrible news regarding Police Officers and is heartbroken. He said he is only a spectator since he is retired, and he wished he was back on the job. He said he contacted Reverend Bob and they discussed the best way to show support and they would like to hold a rally on August 13, 2016 from 2:00 to 4:00. He said it is their intent to invite the Rowley Police Department and all of the surrounding area Police Departments, and ask them to show up in their summer uniforms with their families. He said police families are going through the same stuff as military families go through. He said the purpose of the rally is to honor and show appreciation for our policemen. He said they will extend the invitation to the Essex County Sherriff's Department and the Massachusetts State Police. He said Reverend Bob, the Priest from Saint Mary's Church (Father Richard Burton), and the State Police Chaplain will also be invited to attend. He said he used to play the drum for the Police Band, and they are trying to get a piper to play Amazing Grace. He said the Board of Selectmen, Senator Tarr and Representative Hill are invited, as well as the State Police motorcycles and canines. He said he doesn't want the event to be a political platform, but it will be an event where people can reach out to the Officers and take pictures, and bring their kids. He said he is open to suggestions from the Board.

Reverend Bob Hagopian said he thinks this is important, and he serves as the Police Chaplain for Rowley and Newbury. He said law enforcement professionals are near and dear to his heart, and he does death notifications with them. He said he knows them all as incredible individuals and important members of the community. He distributed lapel pins to the Selectmen and said the sales of these pins benefit the survivors of law enforcement deaths. He said the pin has a black and white flag with a thin blue line through it. He said he believes the black and white colors represent the

old cruisers, and the blue line represents law enforcement. He welcomed the Board and their families and neighbors to attend the rally.

Pomerleau said they plan to get the word out through the Newburyport Daily News, the Ipswich Papers, the Town Common, Rowley Community Media and Fox 25 News. Perry said it will be great to have positive news, he's proud of the men and women in law enforcement, they do an awesome job and this will compliment them as well as the State Police Officers and the retired Officers. Snow said that he appreciates Pomerleau and Hagopian putting this together. He said he is a Policeman's son, who thought the profession was cool until he was ten or eleven years old, but then he realized how dangerous it is. He said his father then worked hard as a desk sergeant, and passed away one month before his retirement. He said people don't realize the stress the position has on families, and the current news brings back memories.

Petersen said there was an incident this weekend in Town that could have been fatal for the Police Officer involved. He suggested calling the event Support for our Police Department in Rowley, rather than Pro-Police. He said this is a great way to recognize all first responders. Pomerleau said the event will be held rain or shine. Merry said this is a great idea and as a former Rowley Officer for ten years, he will go. Hagopian said retirees will be honored as well. Pierce said he has no personal connection, but he supports this and commends the organizers.

Cliff Pierce made a motion to approve the request to use the Town Common for this event, Dave Petersen second, all in favor - aye (5-0).

7:10 – 7:15 P.M. CITIZEN QUERY

There were no Citizen Queries.

GENERAL BUSINESS

1. Continued: Road Opening Permit Applications from the Water Department to open the following streets for hydrant replacements: 22 Main St. at Prospect St., 52 Main St., 272 Central St., 330 Central St., 10 Pleasant St., 40 Pleasant St., 134 Glen St., 178 Haverhill St., 143 Haverhill St., and 1000 Haverhill St.

- 143 Haverhill St.

Bob Snow made a motion to approve the road opening permit for 143 Haverhill St., Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the permit.

- 1000 Haverhill St.

Bob Snow made a motion to approve the road opening permit for 1000 Haverhill St., Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the permit.

2. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Reserve Dispatcher

Chairman Perry read the request.

Bob Snow made a motion to lift the hiring freeze for the position of Reserve Dispatcher, Bob Merry second, all in favor - aye (5-0).

Petersen said he is happy to see the Chief separating the positions, and this is long overdue.

3. Sign State Primary Election Warrant for September 8, 2016

Bob Snow made a motion to sign the eight copies of the State Primary Election Warrant for September 8, 2016, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the warrants.

OLD BUSINESS

1. Sign contract with SBE, Inc. for Highway Department Emergency Generator

Chairman Perry read the following:

The contract for the Highway Department emergency generator is ready to be signed by the Board of Selectmen. The Board needs to vote to sign the contract with S.B.E., Inc. of 295 Newburyport Turnpike, Rowley, MA in the amount of \$21,475.00. There are two originals.

Dave Petersen made a motion to sign the two copies of the contract with SBE, Inc. for the Highway Department Emergency Generator, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the contracts.

2. Discuss delegating a selectman to attend a meeting with the Essex County Greenbelt, Conservation Agent Brent Baeslack and representatives of the Mehaffey family to discuss a conservation restriction

Chairman Perry read the following:

Debbie suggested to Essex County Greenbelt Association Assistant Director of Land Conservation Vanessa Johnson that the Chairman of the Board of Selectmen or another Selectman if the Chairman could not attend, along with Conservation Agent Brent Baeslack visit with the Mehaffey family at the proposed site for the conservation restriction. During this visit the group can look at the potential location of the parking area.

Vanessa will try to schedule a meeting soon. She is looking at possibly Wednesday afternoon or Thursday afternoon after 2:30 p.m. If the designated Selectman isn't available during those times, Debbie will get some other dates and times.

Pierce said he is willing, but is unavailable those days. Perry said he is available.

Dave Petersen made a motion to nominate Joe Perry as the Selectman to attend the meeting to discuss the conservation restriction, Bob Snow second, all in favor - aye (5-0).

Perry said he has concerns about the project and the Town should have been involved earlier. He said he will take this opportunity to discuss this face-to-face. Bernie Cullen of Wethersfield Street asked what the status is on the Grant application. Eagan said it was filed on July 13th. She said the State's questions are being addressed by Brent Baeslack and Vanessa Johnson. She said it is in the queue and being reviewed and processed. Perry said we need Town Counsel involvement to look at the conservation restriction and the process.

NEW BUSINESS

1. Award contract to Cassidy Corporation for Annex Parking Lot project

Chairman Perry read the following:

Six bids were received in response to the Town Hall Annex Parking Lot Expansion Invitation for Bids.

Cassidy Corporation of Woburn, MA offered the lowest base bid price of \$17,900.00. The references have been checked. Debbie is recommending the Board of Selectmen award the contract to Cassidy Corporation for the base bid in the amount of \$17,900 because they are the responsive and responsible bidder offering the lowest price.

Petersen said he has been involved in this project and this was the third bid because the prices came in higher than expected. He said the Highway Department will be removing three to four trees, and the Highway Surveyor will oversee the project since he has the expertise. He said he hopes the project is complete by September 1, 2016. Eagan said the Board of Selectmen can sign the contracts at the August 8, 2016 meeting once the payment bond and insurance certificates are received. She said then the work can be scheduled.

Dave Petersen made a motion to award the Town Hall Annex Parking Lot Expansion contract to Cassidy Corporation for the base bid amount of \$17,900, Cliff Pierce second, all in favor - aye (5-0).

2. Discuss request from Rowley Board of Water Commissioners to have the Board of Selectmen and Highway Department issue blanket road opening permits for the Water Department

Chairman Perry read the following:

Attached is the written request from Water Superintendent MaryBeth Wiser on behalf of the Water Board and a compilation of the responses from the department head signatories on the Road Opening Permit applications.

John Manning, Water Board Chairman, was informed that Chairman Perry would allow him or another Commissioner in attendance tonight to speak about this request.

Water Commissioner Bernie Cullen said the discussion on this topic began before he became a Commissioner and he is not prepared to speak about this. He said the current procedure draws out the process without a great deal of sense. He said they should have put in diagrams, but hydrant replacement is a simple process. He said Commissioner Emery was involved in earlier discussions about this. Perry read the following excerpt from Wiser's email,

"It makes it difficult to schedule work if we have to wait to be on the Selectmen's agenda for approval every time. We have to call dig safe to provide the ticket number."

Perry said there is a difference between the State issuing a blanket permit for just two roads, versus the Town issuing a permit with many roads. Merry said Rowley has forty miles worth of roads. Perry read the second paragraph from Conservation Agent Brent Baeslack's response to this request. He said with the new laws regarding stormwater, it is important to get input from the Conservation Department. He said the Fire Department has no issue, they just want to be notified of digging so they can alter their response route if necessary. He said there is a need for cooperation and passing the information along to those who need it. Merry said all road opening permits requested are not just for hydrants, and there is a State law that trenches of a certain size require a permit and inspection. Pierce asked what the legal basis is for these reviews. He asked if it is a statute or a Town By-law. Snow said the most important part is the dig safe. He said when he was an engineer for a telephone company, they did drawings and went before Town Counsel or the Board of Selectmen to present the project so that the Town could plan accordingly. Merry said years ago, there would be issues within months of work being completed, and the Town didn't know who did the work since there was no record of it, and as a result developed this permitting process. Snow asked when planning to replace hydrants, how far in advance is the planning started. Cullen said he isn't too familiar, but said there are two types of road openings. He said there are openings for hydrants, where there is minimal disruption, and the other types

of openings create big disturbances. He said given the reactions of the Selectmen, he can take the issue back to the Water Board to ask for a more conditional request rather than a blanket request which seems too broad. Merry said the Water Board seems to have confusion about what the State issued permit actually is. He said the State permit is renewable annually and allows the parking of a vehicle on the State Highway. He said if a trench needs to be dug, there is a separate permit that needs to be filed.

Petersen said he doesn't recall any permit requests being turned down, and if there is no requirement for the Board of Selectmen to approve these, then the Town Administrator or the Assistant Town Administrator could sign the permit and then the Selectmen could be informed of the permits issued to have a record of them in the meeting minutes. Snow said the hydrants to be replaced should be known at the beginning of the year, and it is good for the Board to know about them in case someone asks them a question. Cullen said according to Carey's letter, these seemed to be scheduled, so they could plan ahead for the permit process. He said Petersen's point about the office staff signing the permit gives them increased flexibility. He said he will bring this back to the Water Board to approach this in a more thoughtful way based on their need. Perry said he has no problem with expediting the process by having the office staff sign them, along with the other departments still being required to sign off on the application. Eagan said there is no by-law, this is a policy that was instituted by the Board of Selectmen with the former Highway Surveyor, due to the deficiencies by utility contractors in patching the roads. She said this policy tightened the process and road openings were only allowed during the April to November season. She said the Board of Selectmen oversee the roads and wanted to be part of the process. She asked if the process will be amended for all vendors. Snow said he thinks the Board should know about roads being opened. Pierce said the information will still be on file and he doesn't see the value in the current procedure of the Selectmen signing off on the permit. Perry said he agrees and he would like to see the permits issued as an item on the Selectmen's agenda. Eagan said she respects the Board's wishes on this and asked if this new process is for all contractors, if the same form will be used and if a sketch will still be required. Perry said the same form should be used. Merry said it makes things more complicated with two different processes. Petersen said just change the signatory section on the last page. He said the Water Department can submit a cover letter request with all of the hydrants listed to save paper. Pierce said that isn't really a blanket permit since they are identifying all of the locations. Cullen said a diagram, but not an engineering level drawing, is important. Eagan said for the sketch, Departments can plug the address into the MVPC map system and an aerial view map is available which can be used for this purpose.

Perry said the form should be amended to remove the Selectmen signatures, and replace them with the Town Administrator/Assistant Town Administrator; a sketch is required; and the other existing Departments will continue to sign off on the permit application. He said this applies for all road opening permits.

Dave Petersen made a motion to make the changes summarized by Chairman Perry, Cliff Pierce second, all in favor - aye (5-0).

MINUTES – June 20, 2016

Bob Snow made a motion to approve the minutes of June 20, 2016, Cliff Pierce second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

ANNOUNCEMENTS

- Rowley Public Library is accepting nominations for people in the community who are “Human Libraries” – people who are full of stories and cultures and places that we can experience without leaving Rowley. Nomination forms are available at the Town Hall and the Library. The deadline for nominations is July 29.
- 3 Blocks East Concert on the Town Common – Saturday, August 6 at 6:00 p.m.
- The Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted during the hours of 9:00 a.m. to 5:00 p.m.
- The Town has the following vacancies:
 1. **Fence Viewer** – three positions;
 2. **Wood, Lumber & Bark Inspector**;
 3. **Zoning Board of Appeals Associate** – two seats
 4. **Parks and Recreation Committee** – one seat;
 5. **Open Space Committee** – one seat; and
 6. **Deputy Shellfish Constables** – two positionsFor 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.

EXECUTIVE SESSION

- Collective bargaining strategy AFSCME Local 2905, Teamsters Local 170, Massachusetts Coalition of Police (MCOP) Local 360

Chairman Perry called for a motion to go into Executive Session for the following purpose: To discuss collective bargaining strategy - AFSCME Local 2905, Teamsters Local 170, Massachusetts Coalition of Police (MCOP) Local 360 because an open meeting may have a detrimental effect on the negotiating position of the Town; and to not return to open session. Bob Snow so moved, Dave Petersen second, all in favor – roll call vote: Robert Merry - aye, Joseph Perry - aye, David Petersen -aye; Cliff Pierce – aye; Robert Snow – aye.

Executive session opened and open session closed at 8:24 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting Memo regarding General Business #1: Road Opening Permit
Applications from the Water Department to open the following streets for hydrant replacements: 22 Main St. at Prospect St., 52 Main St., 272 Central St., 330 Central St., 10 Pleasant St., 40 Pleasant St., 134 Glen St., 178 Haverhill St., 143 Haverhill St., and 1000 Haverhill St.
2. Email from Jonathan Carey regarding Roan Opening Permit Request
3. Memo from Jonathan Carey to MaryBeth Wiser regarding Road Opening Permits
4. Signed Road Opening Permit Applications from the Water Department to open the following streets for hydrant replacements: 22 Main St. at Prospect St., 52 Main St., 10 Pleasant St., 40 Pleasant St., 134 Glen St., 178 Haverhill St., 143 Haverhill St., and 1000 Haverhill St.
5. Meeting Memo regarding 7:15 p.m. Appointment: Walter Pomerleau to discuss request to use Town Common for a Pro-Police Rally on Saturday, August 13, 2016
6. Email from Walter Pomerleau to Debbie Eagan regarding Selectmen Meeting on Monday, July 25, 2016
7. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Reserve Dispatcher
8. State Primary Election Warrant for September 8, 2016
9. Meeting Memo regarding Old Business #1: Sign contract with SBE, Inc. for Highway Department Emergency Generator
10. Signed contract with SBE, Inc. for Highway Department Emergency Generator
11. Meeting Memo regarding Old Business #2: Discuss delegating a selectman to attend a meeting with the Essex County Greenbelt, Conservation Agent Brent Baeslack and representatives of the Mehaffey family to discuss a conservation restriction
12. Meeting Memo regarding New Business #1: Award contract to Cassidy Corporation for Annex Parking Lot project
13. Meeting Memo regarding New Business #2: Discuss request from Rowley Board of Water Commissioners to have the Board of Selectmen and Highway Department issue blanket road opening permits for the Water Department
14. Memo from Deb Eagan to MaryBeth Wiser regarding Request for Blanket Road Opening Permit
15. Water Board's email request regarding road opening permits
16. Conservation Department's comments regarding Water Department Request for Blanket Road Opening Permit
17. Fire Chief's comments regarding Water Department Request for Blanket Road Opening Permit
18. Highway Department's comments regarding Water Department Request for Blanket Road Opening Permit
19. Treasurer's comments regarding Water Department Request for Blanket Road Opening Permit

- 20. Police Chief's comments regarding Water Department Request for Blanket Road Opening Permit
- 21. Draft Minutes from June 20, 2016
- 22. Written Executive Session Motion