

MINUTES OF THE BOARD OF SELECTMEN MEETING

March 23, 2015

Meeting held at Town Hall

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

PUBLIC ATTENDEES: Bill DiMento - Harbormaster; Susan Bailey - Town Accountant; James Georgoulakos - Wild Pastures Estates; Laura Tilan - Regante Stuart and Osborne LLC for Wild Pastures Estates; Lawrence White - Finance Committee; Rhonda Ward; Jordan Ward; Patrick Snow - Highway Surveyor; Bill Jack; Matthew Carter - Wild Pastures Estates; Greg Bowden - Wild Pastures Estates; Chris Laird - Wild Pastures Estates; Brent Baeslack - Conservation Agent; Alan Roscoe - Cammet Engineering - Wild Pastures Estates; Joseph Cosgrove - MVPC

CALL MEETING TO ORDER

Chairman Robert Merry called the meeting to order at 6:05 p.m. He said the meeting is being audio and video recorded digitally.

Chairman Merry called for a motion to go into Executive Session for the following purposes: to discuss strategies with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Town; and to return to open session. Bob Snow so moved, Joseph Perry second, all in favor – roll call vote: Robert Snow – aye, Robert Merry – aye. Joseph Perry – aye. David Petersen – ABSENT

Executive session opened at 6:06 p.m.

Executive session closed and open session resumed at 6:41 p.m.

Bob Snow made a motion to recess until 7:00 p.m., Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT

Meeting resumed at 7:02 p.m.

PLEDGE

Bill Dimento led the Pledge of Allegiance.

7:00 p.m. Appointment - Town Accountant Sue Bailey to discuss FY 16 budget

Sue Bailey said the FY 16 budget reflects an increase in hours for the Assistant Town Accountant from 16 to 18 hours per week, so the 12.5% increase in wages reflects the additional hours. She said the Assistant's job is becoming more complicated with increased Veterans bills, more transactions, more vendors, more W-9s, misapplied payments and other projects. She said there are small increases in expenses for licensed software and postage.

Perry said Bailey does an awesome job and the extra hours will help and are a good idea.

Joseph Perry made a motion to accept the FY 16 Accounting Department budget, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT

OLD BUSINESS

2. Discuss Annual and Special Town Meeting warrant articles

Eagan said Harbormaster Bill DiMento is here to discuss a bylaw amendment which is on the STM draft on the last page of the packet. DiMento outlined the section 4 - 6 bylaw changes and discussed the increased fees. Eagan said DiMento is requesting the fee increases for the upcoming boating season. She said there were not sufficient funds for the wharf repair project, so as part of the capital plan they are working on an article to fund the remaining amount needed for the wharf project, the 25% for the state match program for the pump out boat and replacing the gangways.

Bob Snow made a motion to support these bylaw changes and to have the Town Attorney review the changes, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT

Chairman Merry read the following:

I. Annual Town Meeting

We have all the standard articles.

We have an article creating a new Tax Title Revolving Fund submitted by the Treasurer/Collector.

Vice Chairman Joe Perry would like to transfer the balance of the 375th Anniversary Revolving Fund to the following Revolving Fund as shown below and to merge it with the Selectmen's and Parks & Recreation Committee revolving fund (shown underneath it) and to rename it and amend the authorization to expend out of it, so it reads below (in italics)

<p><i>375th Anniversary Committee - into which donations and receipts from activities shall be deposited and which may be used by said 375th Anniversary Committee and the Board of Selectmen to pay for the expenses incurred to hold celebratory events and activities to mark the Town's 375th Anniversary [Beginning balance \$0; Income \$0; Expense \$0; Ending balance on 2/28/14 \$0]</i></p>	<p><i>Expenditures not to exceed \$20,000</i></p>
<p><i>Parks & Recreation Committee and Board of Selectmen-</i> into which receipts from donations and fees charged for recreational programs and community events shall be deposited and which may be used by said Board of Selectmen and Parks and Recreation Committee to pay for the expenses incurred to hold such community events and recreational programs. [<i>Beginning balance \$130; Income \$0; Expense \$0; Ending balance on 2/28/14 \$130</i>]</p>	<p><i>Expenditures not to exceed \$5,000.</i></p>

ARTICLE #. To see if the Town will vote pursuant to the provisions of Massachusetts General Laws Chapter 44 Section 53-E1/2 to authorize the use of a revolving fund by the Board of Selectmen for fiscal year 2016 into which donations, receipts and fees charged for recreational programs and community events and activities shall be deposited and which may be used by said Board of Selectmen to pay for the expenses incurred to hold recreational events and community activities and such expenditures not to exceed \$20,000 or take any other action relative thereto.

(Inserted by the 375th Anniversary Committee and the Board of Selectmen)

ARTICLES TO CLOSE OUT THE TWO REVOLVING FUNDS AND TO TRANSFER THE FUNDS TO THE NEW REVOLVING FUND ARTICLE.

An article amending the Town Meeting bylaw – to reduce the quorum to 70. Town Moderator Joan Petersen has asked for the Selectmen's consideration on this article.

II. Special Town Meeting

Harbormaster Bylaw amendment

Zoning bylaws

Street acceptances

Eagan said there are articles to Close the 375th Anniversary Revolving fund and combine the funds with the Board of Selectmen's activities revolving fund, and there is draft language in the packet. Perry said they would like to use the left over funds from the 375th Anniversary revolving fund to hold summer concerts on the Common.

Joseph Perry made a motion to accept these articles, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT

Eagan said the Moderator wants to reduce the quorum for Town Meeting from 100 to maybe 70. She said the Planning Board is waiting for the Selectmen to direct them to hold a public hearing on the overlay in the flea market district. Merry said the Zoning Review Committee did not vote for changing the outlying district to allow for flea markets, but suggested an overlay district which they think is more palpable. He said the Planning Board wants to hold a hearing and wants the Selectmen to vote to allow them to hold the hearing.

Bob Snow made a motion to allow the Planning Board to hold the public hearing for the flea market overlay district, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT

7:15 p.m. Street Layout Hearing - Wild Pastures Lane, Oak Ledge Circle and Arrowhead Circle

Chairman Merry read the hearing notice into the record.

Chairman Merry called for a motion to open the street layout hearing for Wild Pastures Lane, Oak Ledge Circle and Arrowhead Circle. Bob Snow so moved, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT

Public Hearing opened at 7:22 p.m.

Chairman Merry read the following:

Chairman Merry reads the notice on the Street Layout Hearing.

Chairman Merry calls for a motion to open the Street Layout Hearing on Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle.

The Planning Board has referred the roads in this development for acceptance by the Town.

The chairman will read a letter from Highway Surveyor Patrick Snow to the Planning Board into the record.

The Board reviews the Street Acceptance Plan (large plan on table).

Chairman Merry will ask if any one has any comments.

Chairman Merry will call for a motion to close the hearing.

Chairman Merry will call for a motion to lay out Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle as Town Ways (Motion is attached and must be read). The Selectmen need to vote and sign the vote. Debbie will file this with the Town Clerk and an article will be placed on the town meeting warrant to accept these roads.

Merry read Highway Surveyor Patrick Snow's letter. The Board reviewed the street layout plan. Merry asked if there were any comments from the audience.

Matthew Carter of 31 Arrowhead Circle said the seeding needs to be redone. Patrick Snow said he saw it in the fall and it looked fine, but it can't be seen now with the snow, but can look at in the spring. Carter said poor quality dirt was used. Patrick Snow asked if this seeding is on town or private property. Carter said that is the argument in question. Patrick Snow said he is not aware of an argument. Merry asked Carter to show on the map the area in question. Carter said it is over 95% of the development. Greg Bowden of 31 Arrowhead Circle said it is mostly where the curbing meets the sidewalks. Laura Tilan of Regante Stuart and Osborne LLC for Wild Pastures Estates showed the Board the areas being discussed on the map. Bowden said it needs re-seeding. Carter pointed out the areas on the map and said there is just dirt with sticks and rocks, it was quickly hydroseeded and grass didn't sprout. James Georgoulakos, the developer of Wild Pastures Estates said the areas were loomed and hydroseeded, and due to the timing and continuing construction some grass came up, but they can clean up the edges and re-seed if they don't sprout up in the spring. Laura Tilan of Regante Stuart and Osborne LLC for Wild Pastures Estates said the Planning Board is holding a \$25,000 bond for contingencies. Chris Laird of 6 Arrowhead Circle said the area in front of his property needs to be reseeded as well. Carter asked if this hearing was for the entire property. Merry said this just covers the acceptance of the road which will be voted on at Town Meeting.

Chairman Merry called for a motion to close the street layout hearing for Wild Pastures Lane, Oak Ledge Circle and Arrowhead Circle. Bob Snow so moved, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT

Hearing adjourned at 7:30 p.m.

Joseph Perry said, "I Joseph Perry, move that Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle, as described as follows, be laid out as Town ways, and I further move that the Town Administrator be directed to promptly file with the Town Clerk a copy of the vote to lay out Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle as Town ways. That the private ways known as Wild Pasture Lane, Oak Ledge Circle

and Arrowhead Circle, situated on Wethersfield Street and shown on a plan titled "Street Acceptance Plan Wild Pastures Estates A Definitive Open Space Residential Development off Wethersfield Street, Rowley, Ma" to be recorded herewith, this being the roadway shown on a plan titled "Wild Pasture Estates a Definitive Open Space Residential Development, Wethersfield Street, Rowley, Ma." recorded with Essex South Registry of Deeds as Plan 75 in Plan Book 386; and to authorize the Board of Selectmen to acquire by gift or deed, the land, easements, and rights therein located with the above-referenced Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle," Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT.

The Selectmen signed the motion.

7:30 p.m. Public Hearing - Multi-hazard Mitigation Plan

Chairman Merry read the following:

We need to hold a public hearing on the final draft of the Town's portion of the Multi-Hazard Mitigation Plan. We have been working with the Merrimack Valley Planning Commission on this plan for the past several years. It is finally ready to be sent into FEMA.

Conservation Agent Brent Baeslack will provide an overview of the plan.

We have a memo from Town Planner Kirk Baker that points out that two subdivisions – Residences at Rowley Country Club and Wild Pastures Estates needs to be updated.

Health Services Coordinator Frank Marchegiani has sent an email on the plan.

Joseph Cosgrove from the Merrimack Valley Planning Commission said the regional multi-hazard mitigation plan was done in 2008, which expired in 2013. He said in 2012/2013 they started updating it and it was just completed, which incorporates comments received during process. He said this is important because it makes communities eligible for FEMA / MEMA funds which is important, especially during a winter like this one. He said there are fourteen communities covered by the plan and it is important to get this approved given the damage from this winter. Conservation Agent Brent Baeslack said the local process involves various department heads to review areas that had storm damage, flooding and smaller natural disasters. He said we need to look at the bylaws and operations when responding and not just the paper plan, and the facilities and equipment need to be looked at. Cosgrove said the plan reviewed local communities and state emergency management, and once they approve with comments, which he expects in the next month, they submit it to FEMA once approved. He said they will go back to the local authorities for final approval and that will start the five year eligibility period.

Merry read the memos from Health Agent Frank Marchegiani and Town Planner Kirk Baker. Cosgrove said the suggested changes can be made easily. Eagan said there is

an email from Police Chief Barker endorsing the plan. Baeslack said he wishes the Board to consider voting to submit the draft. Snow thanked Cosgrove and Baeslack for their work on this project.

Joseph Perry made a motion to accept the draft Multi-hazard Mitigation Plan, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT.

7:45 p.m. Appointment: Mo Levasseur to discuss Eiras Park playground

Tim Southall spoke on behalf of Mo Levasseur who couldn't be present tonight because of a sick friend in the hospital. He said since 2010, Solstice for Stephanie has worked hard to update and clean-up Eiras Park playground in memory of Stephanie Jenkins, who was the original planner of the playground. He said since 2010, Solstice has spent \$50,000 on the renovations which include adding to the structures, cleaning up, improving the safety and handicapped accessibility. He said many structures need to be replaced and some posts are starting to rot. He said this will cost \$30,000, which is beyond the means of Solstice for Stephanie. He said they are looking for the Town to add this to the capital plan and the structure will be built by volunteers. He said this is a great community effort, and the Town's support is needed for the next phase.

Merry said the capital planning team reviews requests and we hope to get this on the spring special town meeting warrant so the funds will be available soon. Eagan said this has been added to the schedule, along with the work on the baseball diamond, and the Selectmen will finalize the capital plan next week.

GENERAL BUSINESS

1. Request from Board of Cemetery Commissioners to lift hiring freeze for seasonal laborer

Chairman Merry read the letter from the Board of Cemetery Commissioners.

Bob Snow made a motion to lift the hiring freeze so a seasonal laborer for the Cemetery can be hired, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

2. Letter from Fire Chief James Broderick re: email of appreciation from Christopher Vatalaro

Chairman Merry read the emails from Broderick and Vatalaro. Merry said it is nice to hear people's appreciation for the first responders.

Bob Snow made a motion to send letters of appreciation to the parties involved, Joseph Perry second, all in favor - aye (2-0). Dave Petersen - ABSENT. Bob Merry - ABSTAINED

3. Letter from Friends of the Rowley Public Library re: placing of Book Sale signs

Chairman Merry read the letter from the Friends of the Rowley Public Library.

Bob Snow made a motion to send approve the request to place Book Sale signs, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

Merry said we should ask them to make sure the signs don't block sight lines at intersections.

NEW BUSINESS

1. Letter from Board of Cemetery Commissioners regarding vacancy on Cemetery Board

Chairman Merry read the letter from Board of Cemetery Commissioners regarding vacancy on Cemetery Board.

Eagan said the election of a new Commissioner in May is separate from this and the Board can appoint someone to fill this vacancy, or post a vacancy notice and make an appointment jointly with the Cemetery Board. Perry said there will be a new opening in May and now there is an opening to fill Jack Cook's remaining two year term.

Bob Snow made a motion to post the vacancy notice, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

OLD BUSINESS

1. Discuss FY 16 Water Department Budget

Chairman Merry read the following:

We have Draft #7 of the Water Budget. The Water Board is meeting this week to go over the results of the recent rate study.

Once we receive the final Water Enterprise Fund Budget we will review it and make a recommendation for town meeting.

Eagan said the Board has draft #7 of the Water Department budget and she is not sure what else there is to discuss until the Water Board establishes the revenues. Merry said the Water Board is meeting Thursday at 7:00 p.m.

3. Discuss and evaluate Lease of Camp Area proposals

Chairman Merry said, "We need to hold off on this item because Dave Petersen is not here."

Bob Snow said he is recusing himself from this discussion since he is a member of the YMCA.

FY 16 BUDGETS

- **Finance Committee**

Eagan said wages have increased and expenses are level funded. She said the reserve fund has been increased because it is too low to cover an unforeseen expense for a \$14,000,000 budget. Finance Committee Chairman Larry White said there were two requests this year for the school's boiler and the air conditioner in the Selectmen's Office.

Joseph Perry made a motion to approve the Finance Committee budget, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Agricultural**

Bob Snow made a motion to approve the Agricultural budget, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Harbormaster**

Joseph Perry made a motion to approve the Harbormaster budget, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Shellfish Constable**

Merry said this budget increased by \$600 due to the cell phone stipend paid to the Constable.

Bob Snow made a motion to approve the Shellfish Constable budget, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Shellfish Commission**

Bob Snow made a motion to approve the Shellfish Commission budget, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Whittier Voc-Tech**

Merry said the total increase is 26.9%. Snow said three students were added.

Joseph Perry made a motion to approve the Whittier budget, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Essex Agricultural School**

Merry said this budget is level funded. Perry said there will not be final enrollment data until October. Eagan said they may need to do an adjustment at Town Meeting.

Bob Snow made a motion to approve the Essex Agricultural School budget, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Cemetery**

Joseph Perry specified that the budget is for \$20,200 in wages and \$5,000 in expenses.

Bob Snow made a motion to approve the Cemetery budget, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Board of Health**

Bob Snow made a motion to approve the Board of Health budget, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Veterans**

Merry said the budget increase is due to increases in services. Eagan said Veterans Services Director Ryan Lennon recommended an increase of 20% for benefits and 10% for the assessment.

Joseph Perry made a motion to approve the Veterans budget, Bob Snow second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Historical Commission and Historic District Commission**

Bob Snow made a motion to approve the Historical Commission and Historic District Commission budgets, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

- **Debt**

This budget was not ready.

ANNOUNCEMENTS

- Central Street Proposed Reconstruction Public Hearing with Highway Surveyor Patrick Snow and Norman Brown of Bayside Engineering is scheduled for March 30, 2015 at 7:30 p.m.
- The Town has the following vacancies:
 - a) **Fence Viewer**– three positions;
 - b) **Wood, Lumber & Bark Inspector**; and
 - c) **Zoning Board of Appeals Associate** – two open seats
 - d) **Historical Commission-Historic District Commission** - two seats
 - e) **Parks and Recreation Committee** - two seats
 - f) **Open Space Committee** is seeking membersFor 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.
- Town Meeting is scheduled for May 4, 2015 at 7:30 p.m. at the Pine Grove School
- Rowley Recycles - Sat. April 4 8:30 a.m. to 11:30 a.m. Textiles/Books/CDs
- Check out the Library's website and Rowley Community Media for news on the Rowley Reads Program

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Bob Snow so moved, Joseph Perry second, all in favor - aye (3-0). Dave Petersen - ABSENT.

Open meeting adjourned at 8:34 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Executive Session Motion
2. Town Accountant's budget
3. Meeting memo regarding Old Business #2: Discuss Annual and Special Town Meeting warrant articles and related backup
4. Meeting memo regarding 7:15 p.m. Street Layout Hearing - Wild Pastures Lane, Oak Ledge Circle and Arrowhead Circle

5. Notice from Rowley Board of Selectmen regarding street layout hearing
6. Signed Board of Selectmen motion to layout the Town Ways Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle
7. Letter from Highway Surveyor Patrick Snow to Planning Board regarding Acceptance of Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle
8. Street Acceptance Plan Map for Wild Pasture Lane, Oak Ledge Circle and Arrowhead Circle
9. Meeting memo regarding 7:30 p.m. Public Hearing - Multi-hazard Mitigation Plan
10. Email from Frank Marchegiani regarding Multi-hazard Mitigation Plan
11. Memo from Town Planner Kirk Baker regarding Multi-hazard Mitigation Plan
12. Email from Joseph Cosgrove at the Merrimack Valley Planning Commission regarding the Final Draft Plan of the Multi-hazard Mitigation Plan
13. Sign in Sheet and notice of meeting for the March 23, 2015 Public Hearing on the Multi-hazard Mitigation Plan
14. Presentation slides regarding the Multi-hazard Mitigation Plan
15. 5.12 Town of Rowley Natural Hazard Risk Assessment
16. Meeting memo regarding 7:45 p.m. Appointment - Mo Levasseur to discuss Eiras Playground
17. Request from Board of Cemetery Commissioners to lift hiring freeze for seasonal laborer
18. Letter from Fire Chief James Broderick re: email of appreciation from Christopher Vatalaro, including email from Mr. Vatalaro
19. Letter from Friends of the Rowley Public Library re: placing of Book Sale signs
20. Letter from Board of Cemetery Commissioners regarding vacancy on Cemetery Board
21. Meeting memo regarding Old Business #1: Discuss FY 16 Water Department Budget
22. Meeting memo regarding Old Business #3: Discuss and evaluate Lease of Camp Area proposals
23. Meeting memo regarding FY 16 Budgets
24. Proposed FY 16 Finance Committee budget
25. Proposed FY 16 Agricultural Commission budget
26. Proposed FY 16 Harbormaster budget
27. Proposed FY 16 Shellfish Constable budget
28. Proposed FY 16 Shellfish Commission budget
29. Proposed FY 16 Whittier Voc-Tech budget
30. Proposed FY 16 Essex Agricultural School budget
31. Proposed FY 16 Cemetery budget
32. Proposed FY 16 Board of Health budget
33. Proposed FY 16 Veterans budget
34. Proposed FY 16 Historical Commission and Historic District Commission budgets