

## **MINUTES OF THE BOARD OF SELECTMEN MEETING**

March 3, 2014

Meeting held at Town Hall

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

**PUBLIC ATTENDEES:** Lawrence White – FINCOM; Stuart L. Dalzell Sr. - Water Commissioner; Mark Griffin - Interim Water Superintendent

### **CALL MEETING TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Stuart L. Dalzell Sr. led the Pledge of Allegiance.

### **MOMENT OF SILENCE**

The Board observed a moment of silence for Marian Chase.

### **CHAIRMAN'S COMMENTS**

Vice Chairman Merry said Marian Chase lived in Rowley for about forty years, and was a sixth grade teacher at Pine Grove School, and the kids, including his daughter, loved her. He said Chase wrote the history of the Congregational Church and she handmade the first Rowley flag with Linda Williams. Merry read a poem that Chase authored titled "X Marks the Spot." Merry said we are lucky to have had her and her husband Hank in the community. Snow said her life is like a mosaic and she added a lot of things to the community.

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

Citizen's Query opened.

### **GENERAL BUSINESS**

1. Review ZBA special permit application for in-law apartment

The Board reviewed the ZBA special permit application for 21 Merrifields Road (COPY ATTACHED). Eagan said the ZBA routinely gives these applications to the Board of

Selectmen to see if they have any comments. Merry said this is a fairly routine and straight forward application. The Selectmen didn't have any comments or questions on the application.

## **OLD BUSINESS**

### 1. Discuss Fire Station lease

Chairman Snow said, "We need to designate one or two Selectmen to meet with the Rowley Volunteer Fire Protection to discuss a successor lease agreement for the Fire Station. Also, we need to look at the equipment lease as well."

Snow said he would like to participate if there are no objections. Petersen said he would prefer not to get involved; he was involved in the original lease and it wasn't always amicable. Perry said he would like to participate.

Dave Petersen made a motion to appoint Robert Snow and Joseph Perry as the Selectmen designated to discuss a successor lease agreement for the Fire Station, Jack Cook second, all in favor – aye (5-0).

### 2. Discuss Highway Department proclamation in memory of Scott Leavitt

Chairman Snow said, "The Board of Selectmen voted last week to issue a proclamation in recognition of the dedicated service that the Highway Department employees have provided to the Town since the passing of Scott Leavitt. As we approach the one year anniversary of Scott's passing we need to set aside a time at one of our upcoming meetings to invite the Highway employees in for the presentation. Should we do this on March 10th at 7:15 p.m.?"

The Board agreed to do this on March 10th at 7:15 p.m.

### 4. Discuss capital purchases and town meeting articles

Chairman Snow said, "We are still developing the list of capital items and will have a draft ready for next week."

### 5. Discuss memo to Community Preservation Committee re: Board of Selectmen projects

Petersen said the CPC is meeting on Thursday and he is going to present the Selectmen's projects. He read the first point on Eagan's memo (COPY ATTACHED). Petersen said the proposal for number one and number three on Eagan's memo is to move the remaining funds from the Town Hall second floor windows replacement project, and the unused money from the Town Hall first floor renovation account into a

new account named Town Hall Window Project so that the remaining second floor and all the first floor windows at Town Hall can be replaced.

Bob Merry made a motion to move and rename the accounts as outlined in points one and three on Eagan's memo, Joseph Perry second, all in favor – aye (5-0).

Petersen said the \$60,000 put aside for the first floor Town Hall renovations can't be used as intended due to the discovery of asbestos. He said the floors will need to be covered rather than torn up and replaced, and will have to be done with separate budget money.

Petersen read the second point on Eagan's memo. He said \$40,000 should be sufficient for the clock repair and any unused funds will then be turned back to the CPC. Petersen read the remainder of Eagan's memo.

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

Citizen's Query closed. There were no Citizen's Queries.

**7:15 p.m.** Appointment –Water Board Commissioner Stuart L. Dalzell, Sr. for an update on the water treatment plant construction

Water Board Commissioner Stuart L. Dalzell, Sr. said the plant is 90% complete, and the consent order has been extended, but the letter confirming this hasn't been received yet. He said tomorrow night they are meeting to vote to extend the contract with Weston & Sampson until April, which will cost an additional \$61,000. He said he is uncomfortable with this additional amount since the Town is not at fault for the hold-up.

Snow asked how many change orders there have been. Interim Water Superintendent Mark Griffin said there are two contracts involved. He said there is one contract for engineering design and oversight with Weston & Sampson and another contract with the builder. He said the schedule for the Water Treatment Plant changed, and since the contract with Weston & Sampson was for time and material and not a firm contract price, there are additional costs for oversight. He said the Water Treatment Plant is set to go on line in mid April, so another approximately \$62,000 is needed. He said this is the first change order for the engineering design and oversight contract.

Snow asked if the DEP has approved the deadline extension request. Griffin said they have through emails and the phone, but they haven't received the letter yet. Snow asked Griffin to check into this since we don't want this to drag out.

Eagan asked if the Water Board has looked into the possibility of having Hargreaves, the Town's Clerk of the Works, fulfill the oversight role and reduce Sykora's role to keep this cost down. Griffin said Weston & Sampson's hours will be reduced by 50% to 60% in mid April, and the work can be done in house at that point.

Petersen said according to Barbara Cook's email (COPY ATTACHED), the \$61,000 is for work through April 18, 2014, and if the project is not completed by that date, the cost will increase. He said the total additional cost may be \$75,000 to \$100,000 since it is likely the project will not be completed by April 18, 2014. Griffin said the cost is approximately \$3,100 to \$4,100 per week, the plant is 90% done, so it is possible that it may be completed before April 18<sup>th</sup>. Petersen asked if there is sufficient funding in the bonds to cover this increase. Griffin said he hasn't confirmed it yet, but Barbara Cook said the money is there and within the 5% allowed by the SRF. Stuart L. Dalzell Sr. said there is a construction meeting on Wednesday. Snow read the table of costs on Barbara Cook's email and asked what is entailed between the office and field work. Griffin said there are two onsite people, one of which is a Women's Business Enterprise person. Eagan said the use of minority groups, such as WBE, is a requirement to get state funding. Griffin said they have to pay prevailing wages, and the cost per week increases towards the end when the week-long training will be done, then the cost drops. Stuart L. Dalzell Sr. said he isn't happy that he will have to vote to extend the contract tomorrow night. Merry said we have to continue the project and there is a light at the end of the tunnel. Petersen asked if it is common to use time and material on a huge project like this. Griffin said they could have tried to get a fixed cost contract. Petersen said we don't have much choice, we are at the end of the project and we need to be prepared for \$90,000 of additional costs if all goes right. Griffin said he thinks the plant will be done sooner than the conservative estimate and it needs to be approved by the DEP before it goes online. Snow asked Griffin if he has any particular concerns. Griffin said his concern is being distracted, and ruining today's water. Perry said he is concerned about the end date and thinks April 18<sup>th</sup> is not a good date. Griffin said we will know better after Wednesday's construction update meeting.

## **OLD BUSINESS**

### **6. Sign Campbell construction contract**

Chairman Snow said the contract looks to be in order (COPY ATTACHED) and asked the Board if there are any questions. Perry asked if April 1<sup>st</sup> is the start date. Eagan said yes, weather permitting.

Joseph Perry made a motion to sign the contract with Campbell Construction, Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the contract. Petersen commended Eagan and her staff for the work in putting these specifications together. Eagan thanked the Selectmen for the expertise they bring to these projects.

### **3. Discuss and review FY 15 Budgets**

The Board reviewed 18 budgets (COPIES ATTACHED).

Chairman Snow said there are no changes to the Moderator's budget, and the Assessor's and Treasurer / Collector's budgets have increases in wages only, and are within the guidelines. Snow said Town Counsel is level funded. Eagan said there have been two and hopefully three union contracts settled this year, so hopefully the budget will be sufficient. Snow said the Personnel budget is level funded.

Eagan said there is an increase in the expense line for the Conservation Commission. She said this is a full time department that works forty hours per week. She said fifteen years ago the department handled primarily Wetlands Protection Act enforcement, but the role of the department has expanded and they handle unfunded Federal and State mandates such as the Federal Storm Water Mandate. She said the Conservation office acts as the Town's Environmental Affairs Office and of the \$1,622 appropriated in FY 14, the phone alone cost about \$1,000. She said the proposed FY 15 budget of \$2,050, and increase of \$428 is reasonable and not exorbitant. She said a lot of work is involved in administering the storm water mandate and this budget is justified and the Conservation Agent is frugal. Petersen said the Conservation Agent probably pays for some of the department's expenses out of his own pocket. Eagan said he attends many meetings, and some are paid for out of the Selectmen's budget. Merry said page three shows a breakdown of the expenses. Snow said the Storm Water Mandate is scary and it is coming. Eagan said the Conservation Department also is working on the flood plains and open space plan and notice of intent money cannot be used for these projects. Snow said the expense line is justified and Baeslack is a wealth of knowledge and the town is lucky to have him. Cook said the \$50 for mileage in his budget could be used in one month alone.

Dave Petersen made a motion to support the Conservation Commission budget, Jack Cook second, all in favor – aye (5-0).

Snow said the Zoning Board of Appeals and Agricultural Commission budgets are level funded.

Eagan said the Inspection budget requires review. Petersen said Building Inspector Ken Ward has talked to the Board about this in the past and annually he needs a transfer at the end of the year to cover his budget shortfall. He said we can either give him the additional money up front or fill the hole at the end of the year. He said the budget increase of \$1,800 is fully justified.

Dave Petersen made a motion to support the Inspection Department budget, Jack Cook second, all in favor – aye (5-0).

Snow said REMA, Shellfish Commissioners, and Shellfish Constables are level funded with wage increases in accordance with the budget guidelines.

Eagan said the Library's fixed costs have increased with the Merrimack Valley Library Consortium. She said they also have to maintain the new self check-out stations. Petersen said a 2.6% increase in expenses is reasonable. Perry said when the hours

were increased, the Library's required spending percentage was decreased. Eagan said the increase is less than \$2,500.

Dave Petersen made a motion to support the Library's budget, Jack Cook second, all in favor – aye (4-0). Joseph Perry – ABSTAINED.

Eagan said there is no increase in the Veteran's Assessment, but the Veteran's Benefits continue to expand with the number of Veteran's and their eligibility who reside in Town are growing. She said Veterans from World War II, the Korean War, the Gulf War and the War in Afghanistan live in Town. She said if the Veteran is a Rowley resident we have to pay their benefits, and the next year the state reimburses the Town 75% which goes into the General Fund. She said there is a high utilization of benefits in Town and they vary depending on the Veterans who move in and out of Town.

Dave Petersen made a motion to support the Veterans budget, Jack Cook second, all in favor – aye (5-0).

Snow said the Memorial Day / Veterans budget is level funded. Eagan said there has been discussion about purchasing new flags. Merry said there is federal government legislation requiring that all flags for Veterans be made in America, which could increase prices. Snow said there is a special material used to make all weather flags. Petersen said an all weather flag was purchased a few years ago, but didn't last any longer than the regular flags last. Petersen said \$600 should be added to this budget.

Dave Petersen made a motion to increase the Memorial Day / Veterans budget to \$1,800, Jack Cook second, all in favor – aye (5-0).

Snow said the Handicapped and Bradstreet Property Expense budgets are level funded. Eagan said the Bradstreet Property Expense budget would cover cutting the grass or any necessary road work on the road leading to the Affordable Housing parcel.

Eagan said the Debt budget was put together by Treasurer / Collector Karen Summit and will need to be changed if any new borrowing is done at the Special Town Meeting. Cook said the percentage decreased by 21%. Eagan said the refinancing helped and some debt was paid off. Snow said Rowley has a low percentage of debt compared to other towns. Merry said this looks good to the bonding agencies. Eagan asked the Board to wait until this year's borrowing is known before voting on this budget.

## **NEW BUSINESS**

1. Appoint Conservation Commission as "interim" Open Space Committee and request conservation agent to complete the update to the Town's Open Space Plan

Chairman Snow read the following:

*We need to complete the update of the Town's Open Space Plan. If we don't get this done, the Town will not be eligible for certain state grants.*

*The Conservation Commission is amenable to serving as the "Interim Open Space Committee" for the purpose of completing the update to this plan. Additionally, the Conservation Agent, Brent Baeslack, has agreed to oversee the completion of the plan.*

*Please see the attached memo.*

Petersen said updating the Town's Open Space Plan is essential in order to get state grants. He said the Conservation Commission has agreed to complete this so that the Town can apply for grants for projects such as the purchase of the Girl Scout land.

Joseph Perry made a motion to appoint the Conservation Commission as the "interim" Open Space Committee and request that they update the Town's Open Space Plan, Jack Cook second, all in favor – aye (5-0).

Eagan said we have a contract with MVPC and Snow is the Town's representative. She asked Snow if there are hours left. Snow said we have only used a fraction of our allotted hours.

Joseph Perry made a motion to authorize Conservation Agent Brent Baeslack to contact the MVPC for this project, Bob Merry second, all in favor – aye (5-0).

2. Discuss Triton FY 15 budget hearing and District Communications Committee meeting

Chairman Snow read the following:

*The Town's assessment under the tentative Triton budget increases by 6.27 percent or \$498,162. The Town cannot handle this type of increase without a Prop. 2 ½ override. The Town can handle no more than a \$300,000 increase. Does the Board of Selectmen wish to vote to submit a letter to the school committee?*

*The school committee is holding a public hearing on the budget Wednesday evening. Who will be attending?*

*The District Communications Committee is also meeting prior to the school committee meeting. Selectman Joe Perry will be attending and Peter Censullo from the FinCom.*

Perry said he is planning to attend this meeting. Petersen said he is also going to attend the public forum tomorrow and he is planning on speaking during the allotted three minutes. He said he filled in for Perry at a Saturday workshop and at that time the budget was \$400,000 and they said it could go down. He said at a later meeting it was

raised to \$440,000, and now it is almost \$500,000. He said with the 2.5% increase and new growth, the Town should have about \$600,000 in additional revenue, half of which could go to the school. He said if we give \$500,000 to the school, there would only be \$100,000 left to fund the rest of the Town. He said Town salaries are going up by 2.25% and expenses are being level funded, and the Town is being diligent in keeping costs down. He said the school is killing us and without an override the Town's budget will have to be cut more. He said it is critical that we make the School Committee aware of this, and their budget process this year has been very secretive with the lack of the District Communications Meetings. Snow said the economy hasn't turned around, the taxpayers are hurting and he doesn't see them stepping up to pay these increased costs. Petersen said hopefully Chapter 70 and Cherry Sheet funding will increase but it sounds like it will be level funded. He said we all have to do more with less and he would like to see the school pare the 6% increase down to something closer to what the town can afford. Perry said the House Speaker at the MMA Conference said he would do better than the Governor's budget, but he hasn't fulfilled that statement. He said at the February 8, 2014 School Committee meeting the increase was \$442,000, and Forget said contract negotiations were still being settled. He said we now have the final number and agrees that we cannot afford a 6% increase. Snow said the Town is in need of a ladder truck, it has been a brutal winter and snow and ice removal costs are high, and this school budget puts the Town in a perilous position. Petersen said the ladder truck will require an override and if the budget doesn't change we will need an override for the school. He said costs will increase for water once the water treatment plant goes online and we need a new fire station. Perry said we need people there to discuss the increase, it is way too high, and the Selectmen need to attend the meeting. Eagan said if a quorum on the Board attends the meeting, they cannot deliberate. She said they would need to decide who would read the letter, if the Board wants to send a letter, and comments would have to be directed to the School Committee in order to have no open meeting law issues.

Perry said there is a District Communications Meeting at 6:30 and the open meeting is at 7:30. Snow, Petersen and Perry said they will be attending the meeting.

Dave Petersen made a motion to authorize a letter to be prepared by the Town Administrator, and presented by Joseph Perry at the District Communications meeting and hearing, Bob Snow second, all in favor – aye (5-0).

Petersen said if an override is needed, we are behind the ball since there is no group fighting for an override. Snow read the operating budget for the three towns on the tentative budget summary (COPY ATTACHED). He said he has spoken to Joe Story, the Chairman of the Newbury Board of Selectmen and will speak to him again and update the Board.

## **MINUTES**

- January 27, 2014

Joseph Perry made a motion to approve the minutes from January 27, 2014, Jack Cook second, all in favor – aye (4-0). Bob Snow - ABSTAINED

- January 27, 2014 - Executive Session

Joseph Perry made a motion to approve the minutes from January 27, 2014 Executive Session, Jack Cook second, all in favor – aye (4-0). Bob Snow – ABSTAINED

- February 3, 2014 - Executive Session

Joseph Perry made a motion to approve the minutes from February 3, 2014 Executive Session, Jack Cook second, all in favor – aye (5-0).

- February 24, 2014

Joseph Perry made a motion to approve the minutes from February 24, 2014, Jack Cook second, all in favor – aye (4-0). Bob Snow - ABSTAINED

## **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - **Conservation Commission** – one seat;
  - **Finance Committee** – one seat;
  - **Fence Viewer**– two positions;
  - **Wood, Lumber & Bark Inspector**; and
  - **Zoning Board of Appeals Associate** – two open seatsFor more information on these positions, please contact the Selectmen's Office at 948-2372
- 375<sup>th</sup> Anniversary information and events are posted on the Town's website, [www.townofrowley.net](http://www.townofrowley.net)
- Battery recycling box located at the Town Hall and Library
- 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 will be held on Monday, May 5, 2014

Chairman Snow called for a motion to go into executive session to discuss strategies with respect to litigation because an open meeting may have a detrimental effect on the litigating and negotiating position of the Town and not to return to open session. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Jack Cook – aye, Joseph Perry – aye, Robert Snow – aye.

Open meeting adjourned at 8:37 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

ATTACHMENTS:

1. ZBA special permit application for 21 Merrifields Road
2. Memo from Deborah Eagan re: CPC Appropriations Update
3. Email from Barbara Cook to Mark Griffin regarding Weston & Sampson contract extension
4. Contract with Campbell Construction
5. Town department budgets discussed during meeting
6. Memo from Brent Baeslack to Board of Selectmen and Conservation Commission regarding status of open space and recreation plan update
7. Triton Regional School District Assessment Summary
8. Letter from Debbie Choate regarding District Communications Meeting scheduled for March 5, 2014