

MINUTES OF THE BOARD OF SELECTMEN MEETING

May 23, 2016

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

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

PUBLIC ATTENDEES: Brett Alger - Open Space Committee; Lawrence White – FINCOM & OSRC; Stephen Comley, Sr. - We the People; Catherine Turner, Henry F. Rolfe – Independent Press; Brent Baeslack - Conservation Agent; Libby Tucker - Agricultural Commission; Sonja Vincola - Open Space Committee; Bernard Cullen

CALL MEETING TO ORDER

Chairman Merry called meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Libby Tucker led the Pledge of Allegiance.

GENERAL BUSINESS

1. Read letters of Commendation from Police Chief Scott Dumas to Dispatcher Pam Lutes and Lieutenant Steve May

Chairman Merry read the letters of Commendation for each.

Dave Petersen made a motion to send thank-you letters to the four employees who received commendations, Bob Snow second, all in favor - aye (5-0).

2. Road Opening Permit Application from National Grid to open 235 Main Street to install a new gas permit

Dave Petersen made a motion to approve the road opening permit from National Grid, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the road opening permit.

7:10 – 7:15 P.M. CITIZEN QUERY

Steve Comley Sr. read a letter he wrote to the Rowley Board of Selectmen to give them one more opportunity to resolve their differences by doing the following:

1. The Board of Selectmen to write a letter to the Chairman of the NRC Steven Burnes to request a hearing to give an opportunity for the first responders to testify.
2. Review and address his letter to the Board dated October 27, 2015.
3. Board of Selectmen apologize for not acting on his motion on May 4, 2015 under Article 2.
4. Board of Selectmen to follow up on the letter to Moulton sent on June 15, 2015.

He requested that the Board vote on this during a meeting, and if not, there will be a legal action for selective enforcement. He gave each Board member a sealed envelope.

Chairman Merry said this item is not on the agenda for tonight. Comley asked if letters from residents being read into the record is discretionary. Petersen said it is discretionary. Comley said that is incredible and said there are more issues at Seabrook detailed in the packet.

7:15 p.m. APPOINTMENT: Conservation Agent Brent Baeslack and Open Space Committee members Sonia Vincola and Brett Alger to provide an update on the Open Space Plan and Open Space Committee goals

Chairman Merry read the following:

Representatives of the Open Space Committee will be discussing the Open Space Plan status and goals, including planning for future projects, updating the trail maps, updating the website, access to Town properties.

Larry White left the meeting room at 7:15 p.m.

Brett Alger said the Open Space Committee has been reinvigorated and they would like to provide an update to the Board of Selectmen. He reviewed the sheet outlining the Committee's goals and members. He thanked Brent Baeslack and Larry White for steering the Committee and slowing the Committee down when necessary. He reviewed the current projects on the update sheet. Petersen said Baeslack does a great job with the trail maps and asked if it would be possible to put a map on the kiosk off of Boxford Road. Merry said the maps are important so people don't get lost. Baeslack said there is a faded map in the kiosk. He said he recently found the land management plan and the Boxford Road parcel is the only area for parking and later in the plan there was to be an effort to look into adding a footbridge across the Mill River. He said the west area of the Conservation Land is restricted from having parking

spaces. Pierce asked if parking is available along Pingree Farm Road. Baeslack said he is working with the Water Department on a potential issue there.

Petersen said he is excited that the Open Space Committee is established again, they are doing a lot of work, and if they need guidance they should go to the Town Administrator. He said the Town has a lot of Open Space parcels and the information should be added to the Town's website, and kiosks should be installed so people can enjoy the parcels. Vincola said some of the Open Space parcels are owned by the Greenbelt and Mass Audubon, so people can use their maps too.

Libby Tucker asked if the trails can be used to walk dogs. Baeslack said the land management plans for both Hunsley Hills and Pingree Farm call for dogs to be on leashes. He said the Conservation Commission hasn't looked at prohibiting dogs, but keeping them on leashes seems reasonable. Alger said rules such as this can be listed on the kiosk. Petersen said there is a maroon sign at the Boxford Road area that needs to be re-stained, and he is happy to do it. Baeslack said he has a Scout looking for a project, and they have discussed that. Pierce asked what the process is once the consultant completes the work on the Open Space Plan. Baeslack said the plan is re-submitted to the Division of Conservation Services for their review. Alger said the consultant is under a three month contract, so the work should be completed by the end of August / beginning of September.

Larry White returned to the meeting room at 7:35 p.m.

7:30 p.m. APPOINTMENT: Agricultural Commissioner Libby Tucker to discuss request to raise FY 16 Agricultural Commission Revolving Fund spending cap

Chairman Merry read the following:

The Agricultural Commission is requesting the Board of Selectmen raise the \$1,000 spending cap on their Revolving Fund. The fund has a balance of \$2,283. Pursuant to Massachusetts General Laws Chapter 44 Section 53-E ½, the cap can be raised by vote of the Board of Selectmen and the Finance Committee. Agricultural Commission Chair Libby Tucker is here tonight to discuss the reason for her request.

Libby Tucker said they didn't realize there was a cap on the spending, and they submitted bills to pay for the water line to the Community Garden. She said there were bills for roughly \$2,000 for Ti-Sales and \$200 for Ipswich Plumbing Supplies. She said the Agricultural Commission received a \$2,000 donation from Bella Lesinski, in addition to donations from the community gardeners and farmer's market vendors. She said they paid \$1,000 in water bills last season, and have instituted a fee this year to cover

this expense. She said they are asking to increase the cap now so that they can pay these bills, but they may want to raise the cap permanently in the future.

Eagan said when the revolving account was set up, the Agricultural Commission had a modest spending plan, but this has grown with the Community Gardens and the Farmers Market. She said the FY17 budget has been set and the revolving fund cap has been set, but in FY18, they can look at raising the cap. She said she recommends that the Selectmen approve this, and this will also require Finance Committee approval. Petersen said we should raise it to \$4,000, and look at a permanent increase in the next budget.

Larry White said he is the Finance Committee Chairman and he supports raising the limit. He said he instigated having people pay for the water they use at the Community Garden, and he uses water himself. He said the increase in the spending cap is overdue. Merry said without water, there won't be a community garden, and he pushed for the gardens to be implemented. He said the current location is a perfect spot and the extra vegetables grown are left at the Council on Aging, which is fantastic. Tucker said the people who use it really enjoy it. She said the Water Department has put the water line in place and will be connecting it to the water main. She said they will have a service line with a meter, the line is eighteen inches down, and it will be disconnected and blown out in the fall.

Dave Petersen made a motion to increase the cap on the Agricultural Commission Revolving Fund to \$4,000, Bob Snow second, all in favor - aye (5-0).

OLD BUSINESS

1. Sign Order of Taking for Intervale Circle

Chairman Merry read the following:

The May 2, 2016 Special Town Meeting voted to accept Intervale Circle as a Town way. Because this is an eminent domain taking by the Town, the Board of Selectmen needs to vote and sign the Order of Taking. Principal Assessor Sean McFadden will notarize the Selectmen's signatures.

Debbie will get the Order of Taking recorded at the Registry of Deeds and then, she will follow through with the final step in the process, which is to issue the Notice of Taking to the property owners who abut Intervale Circle.

Joseph Perry made a motion to sign the Order of Taking for Intervale Circle, Bob Snow second, all in favor - aye (5-0).

The Board of Selectmen signed the Order of Taking and Sean McFadden notarized it.

2. Discuss Memorial Day parade and ceremonies

Chairman Merry read the following:

The Memorial Day parade is forming at 1:00 p.m. at the VFW Parking Lot.

The Selectmen are invited to walk in the parade and to speak during the Ceremony.

The Selectmen need to discuss who on the Board will be walking in the parade and who will be making remarks during the ceremony.

Snow, Merry, Petersen and Perry said they will all walk in the parade. Pierce said he will be away. Merry said the remarks are made by the Chairman, and the re-organization of the Board is on tonight's agenda. Petersen asked if the canon will be present for the parade. Merry said it doesn't look like it. Petersen asked why and said if not at the Memorial Day Parade, when else will it be brought out. He said it gives a chance for the kids and citizens to see the canon and it will be disappointing if we can't have it. Snow said the canon is a historic part of the Town and is on the Police badges. He said the canon dates back to 1775 and this should be passed on to the younger people and he would like to see the canon in the parade. Merry said it is quite a lot of work to get the canon ready and to the event and back. He said the canon is no longer fired. He said the Board of Selectmen is in charge and the Board can make the decision. Merry said it needs to be brought from its resting place to the Town Common and back again, and someone needs to be with it the whole time. Snow asked if it can be mounted to a Town vehicle. Petersen said maybe a trailer from the Highway Department can be used. He said an employee from the Town can be paid to stay with the canon. He said he thinks this should be a tradition, it is important to the Veterans. He said it is important to see the canon once a year, and it isn't wise to keep it hidden away. He said he is happy to help the Highway Department load the canon, and he can talk to Pat Snow. Perry said it was quite a lot of work to get the canon ready and put it in the parade for the Town's 375th Anniversary.

Dave Petersen made a motion to put Old Nancy in the Memorial Day Parade on May 31, 2016 and to contact the Highway Department to see if Old Nancy can be transported using a Highway Department vehicle and if a Highway Department employee can accompany Old Nancy for the event, Bob Snow second, all in favor - aye (4-0). Bob Merry – RECUSED.

NEW BUSINESS

1. One Day Liquor License application submitted by Catherine Turner

Chairman Merry read the following:

Catherine Turner is requesting a one-day liquor license for a wedding reception on Friday, June 17, 2016 at Todd Farm. Chief Dumas has approved this request. The application is attached.

If the Board votes to grant this request, they will need to sign the One-Day Liquor License.

Catherine Turner said an adjustment is needed on the application. She said the Police Chief approved this with suggestions for liquor liability insurance and that a second TIPS certified person be present. Gordon, Turner's fiancé, said this has already been taken care of.

Bob Snow made a motion to approve the one day liquor license application submitted by Catherine Turner, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the license.

2. Request from Neurofibromatosis Northeast for 6th Annual Coast to the Cure Bike Ride on September 10, 2016

Chairman Merry read the following:

Please see the attached request from Neurofibromatosis Northeast for their 6th Annual Coast to the Cure Bike Ride to come through Rowley on Route 1A, September 10, 2016, and to set up a rest stop on the Town Common.

The Police Chief, Fire Chief, Health Agent and Highway Surveyor have reviewed this request. The Police Chief and Fire Chief did not have any questions or concerns.

The Health Agent had the following comments:

Hi Amy,

The Health Department recommends any trash be removed from the rest stop at the end of the event and any portable toilets (if applicable) be removed the next day.

Thanks,

Frank

The Highway Surveyor had the following comments:

Hi Amy,

The only request the Highway Department has is all trash produced by the event be removed by the event holder. Other than that we have no concerns or objections.

Patrick Snow

Highway Surveyor / Tree Warden

Merry said this is an annual event.

Bob Snow made a motion to approve this request, Cliff Pierce second, all in favor - aye (5-0).

3. MGL Ch. 44 § 33B(b) transfer to Library Wages

Chairman Merry read the MGL Ch. 44 § 33B(b) transfer to Library Wages form.

Joseph Perry made a motion to approve this transfer, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the form.

4. Review Gateway II Conservation Commission Notice of Intent application for 414 Haverhill Street

Chairman Merry read the following:

The Conservation Commission has sent the Board of Selectmen a copy of the Notice of Intent application filed by Gateway II for the development of two commercial buildings at 414 Haverhill Street.

The package was distributed to the Board last Wednesday for the Board to review. Does the Board have any comments they wish to send to the Conservation Commission for their May 31st hearing?

Eagan said the Chairman's packet has the complete Notice of Intent Application and the Selectmen do not usually provide comments on these applications. She said this is in Zone 2 of Well 2. Pierce said the Planning Board's public hearing on this project opens Wednesday, and he expects it to go on for several meetings. He said there are a lot of issues, including traffic concerns from Chief Dumas. He said they need to make sure there will be no adverse impacts to the Town. Pierce said they will be one-story buildings. Petersen said this is a good sized project for the size of the land.

5. Review application from Gateway II Trust of 1997 for development of a one-story medical office building and daycare building on 414 Haverhill Street

Chairman Merry read the following:

The Board briefly discussed this during the April 25th meeting. The Planning Board is holding its first public hearing on this application this upcoming Wednesday evening (May 25 at 7:45 p.m.)

Does the Board have any comments that they wish to send to the Planning Board on this application?

Petersen said there is a traffic problem coming eastbound on 133 towards the intersection of Route 1 between 7:30 and 8:30 a.m. He said the traffic backs up to Daniels Road, and this didn't happen until the State changed the traffic light sequence. He said we should request that the Police Chief look at this light again and keep it green on the 133 eastbound for an extra 15 to 20 seconds. Snow said he went to this location with the MassDot District 4 representatives, and the arrow was requested on Route 133 traveling westbound. He said the arrow has helped a lot with traffic heading west bound. He said this route is used as a cut through from New Hampshire to Cape Ann and he isn't sure what we can do about traffic concerns in this location. Petersen said this development will impact that traffic, and the rest of the day there may be a small backup. Pierce said the westbound traffic may also begin to backup if the development is constructed due to cars trying to turn left into the development through backed up eastbound traffic. Snow said we should ask Police Chief Dumas to look into the traffic pattern. Eagan said there is more traffic on 133 than on Route 1 due to cars exiting from Interstate 95. Bernie Cullen of 283 Wethersfield Street said he travels often on Route 1 and traffic often backs up to Market Basket. Cullen said a traffic study needs to be done by the State, and this is a very dangerous intersection. Henry Rolfe said this is the highest rated accident place in five surrounding towns. Snow said the Merrimack Valley Planning Commission has not listed this intersection as one with a high incident of accidents, and suggested that MVPC look at the traffic at this location. Petersen said we should give a heads up to the Police Chief and ask either the State or MVPC for a traffic study. He said the study should be done regardless of this project. Pierce said the engineering consultant for this project has given a lengthy report on the traffic.

FY 17 RE-APPOINTMENTS

- Agricultural Commission

Dave Petersen made a motion to appoint Barry Moore, Peter Lomas and Barrett Bacall to the Agricultural Commission through June 30, 2019, Joseph Perry second, all in favor - aye (5-0).

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- Board of Health

Joseph Perry made a motion to appoint Charles Costello to the Board of Health through June 30, 2019, Dave Petersen second, all in favor - aye (5-0).

- Police Department

Dave Petersen made a motion to appoint the following to the Police Department, all through June 30, 2019:

David P. Sedgwick, Sergeant
John J. Raffi, Patrolman
Matthew Doucet, Reserve Patrolman
Paul E. Polonsky, Reserve Dispatcher
Rachel Enaire, Reserve Dispatcher
Melissa Alleruzzo, Reserve Dispatcher

Bob Snow second, all in favor - aye (5-0).

Joseph Perry made a motion to appoint Scott A. Dumas as the Keeper of the Rowley Police Station Lockup facility through June 30, 2017, Cliff Pierce second, all in favor - aye (5-0).

- Cultural Council

Dave Petersen made a motion to appoint Nancy Hill, Carolyn Bartlett and Sally McRae to the Cultural Council through June 30, 2017, Bob Snow second, all in favor - aye (5-0).

- Sandy Point Committee

Dave Petersen made a motion to appoint John Manning to the Sandy Point Committee through June 30, 2017, Bob Snow second, all in favor - aye (5-0).

- Town Counsel

Bob Snow made a motion to appoint Thomas A. Mullen and Judy Pickett as Town Counsels through June 30, 2017, Cliff Pierce second, all in favor - aye (5-0).

MINUTES

- April 25, 2016

Bob Snow made a motion to approve the minutes from April 25, 2016, Cliff Pierce second, all in favor - aye (5-0).

- May 16, 2016

Bob Snow made a motion to approve the minutes from May 16, 2016, Dave Petersen second, all in favor - aye (4-0). Joseph Perry – RECUSED.

RE-ORGANIZATION OF THE BOARD

- Chairman

Chairman Merry said he is not a candidate for Chairman. Snow said he nominates Joseph Perry to be Chairman. He said Perry has done a great job the past several years working with Triton and the Schools and keeping the Board informed.

Bob Snow made a motion to nominate Joseph Perry as Chairman of the Board of Selectmen, Dave Petersen second, all in favor - aye (5-0).

Petersen said Merry has served as the Chairman for the past two years, and the Town has done wonderful things under him such as acquiring the Girl Scout land, the Police and Fire Station project and the Pine Grove School renovation project. He said it has been a very active couple of years, and he appreciates and commends Merry for the work he has put in. Perry said he has his hands full following in Merry's footsteps. Snow said Merry has been a steady hand on the rudder of the Town. He said there have been some very difficult issues, but Merry guided the Town to keep moving forward. Merry said it is a lot of work, he enjoyed it, and is ready to give himself and his wife a break. Snow said as the Chairman you get phone calls all day, you spend time in meetings, such as budget meetings, and he gave Merry accolades for being the quiet hand behind everything. Perry echoed the comments made and said Merry has done an outstanding job and he has appreciated working with him as the Vice Chairman. Petersen said this is a great Board and the office staff is great. Merry said each Selectman brings something to the table. Pierce said there is no acrimony on this Board, and that hasn't always been the case. He said the Board members all work together.

- Vice Chairman

Joseph Perry made a motion to nominate Bob Snow as Vice Chairman of the Board of Selectmen, Dave Petersen second, all in favor - aye (4-0). Bob Snow - RECUSED.

- Clerk

Dave Petersen made a motion to nominate Cliff Pierce as Clerk of the Board of Selectmen, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSTAINED.

ANNOUNCEMENTS

- Rowley Police Association to hold a Red Sox Alumni Softball game fundraiser on June 25, 2016 at Eiras Park

- Annual Independence Day Celebration – Children’s Parade starts at 8:30 a.m. at the VFW Parking lot and proceeds to the Town Common for awards. Races, food and music start at 9:00 a.m.
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – one seat
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals Associate** - three seats
 - e. **Parks and Recreation Committee** – one seat; andFor 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.
- Salem State University Alumni of the North Shore Global Day of Service on June 4, 2016 from 9 a.m. to 1 p.m. at the Rowley Market Basket food drive for the Acord Food Pantry

ADJOURN

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Joseph Perry so moved, Bob Snow second, all in favor - aye (5-0).

Open meeting adjourned at 8:33 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter of Commendation from Police Chief Scott Dumas to Police Lieutenant Steve May
2. Letter of Commendation from Police Chief Scott Dumas to Dispatcher Pam Lutes
3. Road Opening Permit Application from National Grid to open 235 Main Street to install a new gas service
4. Meeting Memo regarding 7:15 p.m. Appointment- Conservation Agent Brent Baeslack and Open Space Committee members Sonia Vincola and Brett Alger to provide an update on the Open Space Plan and Open Space Committee goals
5. Document listing the Goals of the Open Space & Recreation Committee; Committee Members; and Current Committee Projects
6. Meeting Memo regarding 7:30 p.m. Appointment – Agricultural Commissioner Libby Tucker to discuss request to raise FY 16 Agricultural Commission Revolving Fund spending cap

7. Email from Libby Tucker dated May 18, 2016 regarding Spending increases for Agenda(s)
8. Meeting Memo regarding Old Business #1: Sign Order of Taking for Intervale Circle
9. Order of Taking for Intervale Circle
10. Meeting Memo regarding Old Business #2: Discuss Memorial Day parade and ceremonies
11. Meeting Memo regarding New Business #1: One Day Liquor License application submitted by Catherine Turner
12. One Day Liquor License application submitted by Catherine Turner
13. Signed one day liquor license for Catherine Turner
14. Meeting Memo regarding New Business #2: Request from Neurofibromatosis Northeast for 6th Annual Coast to the Cure Bike Ride on September 10, 2016
15. Email from Diana Flahive regarding: Coast to the Cure - Rowley Route and Stop
16. MGL Ch. 44 § 33B(b) transfer to Library Wages
17. Meeting Memo regarding New Business #4: Review Gateway II Conservation Commission Notice of Intent application for 414 Haverhill Street
18. Gateway II Conservation Commission Notice of Intent application for 414 Haverhill Street
19. Meeting Memo regarding New Business #5: Review application from Gateway II Trust of 1997 for development of a one-story medical office building and daycare building on 414 Haverhill Street
20. Application from Gateway II Trust of 1997 for development of a one-story medical office building and daycare building on 414 Haverhill Street
21. FY 17 Re-Appointment summary for May 23, 2016