

MINUTES OF THE BOARD OF SELECTMEN MEETING

November 18, 2013
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: Richard Gagnon - Chair Fire Station Committee, Larry White - FINCOM, Katherine Davis, Jennifer McGregor Kesner, Sean McFadden - Principal Assessor, Diane D'Angeli - Board of Assessors, Don Thurston – Board of Assessors, Brian Downey - Chairman Fox Meadows Condo Association, Karen Herrick - Secretary Fox Meadows Condo Association, Brenda Taylor - Fox Meadows Condo Association, James Brownell - Fox Meadows Condo Association, James Broderick - Fire Chief

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:01 p.m. He said the meeting is being audio and visually recorded.

PLEDGE OF ALLEGIANCE

Richard Gagnon led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

Chairman Snow said the Red Cross is sponsoring a blood drive next Tuesday, November 26, 2013 from 2:00 to 6:00 at the Rowley Veterans Association.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen query was opened.

GENERAL BUSINESS

1. Memo from Treasurer Karen Summit re: electronic mail billing for motor vehicle excise bills and boat excise bills

Chairman Snow said, "We have an opportunity to offer electronic billing for motor vehicle and boat excise bills to our taxpayers. We already offer this method of billing to our real estate property taxpayers. In order for Treasurer/Collector Karen Summit to move forward with this, the Board of Selectmen needs to vote to authorize e-bills for motor vehicle and boat excise bills. Karen will attend a meeting in December to demonstrate e-billing."

Perry said this is a good idea, Snow said it is an excellent idea. Merry said he heard in the news today about a police department who lost all of their electronic files and had to pay a ransom to get them back. Merry said we should check with Summit to make sure these electronic files are appropriately protected. Perry said off-site backup is a requirement. Petersen asked if e-billing is available for the light bills to reduce paper and postage. Merry and Snow will look into this question.

Jack Cook made a motion to authorize e-bills for motor vehicle and boat excise bills, Joseph Perry second, all in favor – aye (5-0).

2. Letter of resignation from Carolyn Peabody

Chairman Snow read the resignation letter from Carolyn Peabody (COPY ATTACHED).

Joseph Perry made a motion to accept Carolyn Peabody's resignation, with regrets, and to send her a thank-you letter, Jack Cook second, all in favor – aye (5-0).

Petersen said Carolyn was an excellent face for the Council on Aging, she was truly a great asset and she will be missed.

3. Review application from Grenier Associates to the ZBA for nonconforming special permit for dog day care facility

Chairman snow said, "The ZBA has sent the attached application to the Board of Selectmen for review. Does the Board of Selectmen have any comments regarding this application that they want forwarded to the ZBA?"

Petersen said this is a tough location for retail businesses and may be a good fit for a dog day care facility. He said they need to make sure dog waste is disposed of properly and not allowed to go into the nearby stream.

Joseph Perry made a motion to inform the ZBA of Petersen's recommendation, Jack Cook second, all in favor – aye (5-0).

OLD BUSINESS

1. 375th Anniversary Committee update from Joe Perry

Chairman Snow said, "Joe Perry is the selectmen representative to the 375th Anniversary Committee. He will give the Board an update."

Joseph Perry said they are still in the planning stages and are discussing having concerts every other week over the summer, finishing September 7, 2014 which is the weekend that the celebration will be officially commemorated. He said events to be held that weekend include a parade and a panoramic picture to be taken on the Town

Common. He said they are trying to publish a commemorative booklet with the schedule of events that will hopefully be published in the spring.

Snow said hopefully all the new light fixtures will be installed by then, and gave accolades to the Town Common restoration Committee and the Water, Light and Highway Departments for their work on this project.

Petersen said the cemetery fence looks great and suggested that walking tours of the cemetery be considered as an event during the celebration. He said information on the historic graves in the cemetery should be documented and maybe filmed and shown periodically on the cable stations.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's query was closed. There were no Citizen's Queries.

7:15 p.m. JOINT MEETING with the Board of Assessors - Tax Classification Hearing

Chairman Snow called for a motion to open the joint meeting of the Board of Selectmen and the Board of Assessors. Joseph Perry so moved, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Diane D'Angeli - aye, Donald Thurston - aye. Bill DiMento - ABSENT

Snow read the public hearing notice into the record (COPY ATTACHED).

Chairman Snow called for a motion to open tax classification hearing. Dave Petersen so moved, Bob Merry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Diane D'Angeli - aye, Donald Thurston - aye. Bill DiMento - ABSENT

Principle Assessor Sean McFadden said the Board of Assessors met and voted to recommend a flat tax rate. He said the value of an average single family home in Rowley increased slightly by \$8,300. He said this year was a revaluation year and the assessments went up between 2.5% and 3%. He said with proposition 2.5 and what was voted at Town Meeting, the tax rate is increasing by \$.24 per \$1,000 for a new rate of \$14.74 up from \$14.50. He said this increase would cause the average single family tax bill to increase by \$209 per year, with some homes increasing more and others decreasing since this estimate is based on the average single family house value. He said growth was lower than they would like to see at 9.7 million versus the target of 10 million or more, but the growth will provide an additional \$140,000 in tax revenue. He said he expects substantial changes in growth next year with the upcoming new

condominium developments in Town. He said sales are steadily increasing, so he expects to see values increasing, which will cause the tax rate to be reduced which looks good for the Town.

McFadden said page three of his handout (COPY ATTACHED) shows the impact of shifting the tax burden onto the businesses in Town. He said a 5% shift would save the average single family \$49 in taxes, but cost the business \$390. He said this would penalize businesses. Snow said the Town wants to attract businesses and not repulse them. There were no other comments from the Board or the audience.

Chairman Snow called for a motion to close the tax classification hearing. Joseph Perry so moved, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Diane D'Angeli - aye, Donald Thurston - aye. Bill DiMento - ABSENT

Eagan said the Board can vote to accept the recommendation of the Board of Assessors for a flat tax rate across all property types.

Joseph Perry made a motion to accept the recommendation of the Board of Assessors for a flat tax rate across all property types, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Diane D'Angeli - aye, Donald Thurston - aye. Bill DiMento - ABSENT

Petersen said he receives positive feedback regarding the staff in the office and it is much appreciated, and often times the Board only hears complaints. Thurston said that is nice to hear, they think very highly of McFadden, who does an excellent job.

Jack Cook made a motion to adjourn the joint meeting of the Board of Selectmen and the Board of Assessors, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Diane D'Angeli - aye, Donald Thurston - aye. Bill DiMento - ABSENT

Joint meeting adjourned at 7:23 p.m.

OLD BUSINESS

2. Request from Water Department to place antenna on Smith Lane cell tower

Chairman Snow said, "See attached letter from Water Superintendent John Rezza. If the Board of Selectmen is in agreement, then the Board needs to vote to approve the Water Department's request and to send a letter to SBA/Sprint informing them that the Town will be placing an antenna on the tower. The lease with Sprint authorizes the Town to place an antennae on the tower."

Snow read the request letter from John Rezza (COPY ATTACHED). Perry said he is glad the test was positive and said we should go ahead and install the permanent antenna. Merry said this is part of the process of building the Water Treatment Plant, and due to the topography with Prospect and Hunsley Hills, the Town has always had an issue with signals.

Joseph Perry made a motion to approve the placement of the antenna on the Smith Lane cell tower and notify SBA/Sprint, Jack Cook second, all in favor – aye (5-0).

NEW BUSINESS

1. Discuss and sign CIC Grant Application for NPDES compliance assistance

Chairman Snow read the following:

Highway Surveyor Ron Keefe and Conservation Agent Brent Baeslack have attended Merrimack Valley Planning Commission meetings on compliance with the National Pollution Discharge Elimination System. The Environmental Protection Agency will be issuing the new permit, which will require municipalities to make significant upgrades in the discharge of stormwater.

Rowley has an opportunity to receive grant funds towards NPDES compliance. The Merrimack Valley Planning Commission is submitting a state "Community Innovation Challenge" Grant Application on behalf of the MVPC cities and towns. The Board of Selectmen needs to vote to participate in the grant application and sign the grant application. (There are signature lines for all the selectmen.) We will then send it to MVPC.

Joseph Perry made a motion to participate in and sign the grant application, Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the grant application. Merry said this is another benefit of belonging to the Merrimack Valley Planning Commission. Snow said he is an advocate of the Merrimack Valley Planning Commission, and said they are a great resource.

Snow announced to the audience that there is a sign in sheet, and said the meeting is being video and audio taped.

7:30 p.m. APPOINTMENT – Brian Downey to discuss street name change for Fox Meadows Condominium development

Chairman Snow called Brian Downey forward. Downey introduced Karen Herrick, the Secretary for the Fox Meadows Condominium Association to the Board.

Snow read the following:

Representatives from the Fox Meadows Condominium Association have requested a street name change. The Fox Meadows units are accessed through a driveway off Route 1 (Newburyport Turnpike). The street address for Fox Meadows is 545 Newburyport Turnpike. There is another house located on this driveway, 531 Newburyport Turnpike. The home at 531 Newburyport Turnpike does not have direct frontage on Newburyport Turnpike.

Fox Meadows was authorized under a Site Plan Approval with Conditions and an OSRD- Open Space Residential Development Special Permit approved by the Planning Board in 2004. Changes to the legal frontage and the accessway via the current driveway will most likely require a change to the permits and site plan. Attached are copies of the approved site plan and OSRD permit. The Planning Board needs to review the Fox Meadows Condominium's request.

The following town departments have provided the Board of Selectmen with comments: Health Department (no concerns); Assessors; Police Chief; Fire Chief and ZBA.

Downey said the biggest issue they are having is people find it difficult to locate the Fox Meadows Condominiums and have to go back and forth several times. He said initially there were issues with response from the Fire and Police, but those issues have been worked out. He said other condominium communities located off of major roads have different street names and they would like the name of the street to be Fox Meadows Drive. He said once the name is approved, it would go to the Post Office and then be populated into GPS. He said this is the last issue that the condo association wants to work on.

Petersen asked if the owner of the 531 Newburyport Turnpike objects to this name change. Downey said he does object. He said this homeowner doesn't abut Newburyport Turnpike and people were having difficulties finding his home. He said this homeowner put a handmade sign on the land owned by the condominiums and was upset when the condo management reached out to him to discuss the sign, which was later taken by someone. He said the homeowner was upset by this and has put up another sign on his own property. Petersen said he isn't sure what jurisdiction the Board of Selectmen has over this issue and the Board deals with public roads, and the Town doesn't plow or maintain the existing road into the condominium complex. He said the Board doesn't have the authority to change that street name and recommended that they go back to the Planning Board as they authorized the original subdivision plan. Downey said the Post Office directed him to Eagan, who has been very helpful , and they are happy to go to the Planning Board with this request. Snow said this request is out of the Board's venue and said they need to go to the Planning Board who issued the

original OSRD. Petersen said he agrees that it would be nice to name the entry Fox Meadow Drive and the Board would probably be supportive of this change.

Eagan said she will forward this to Curtis Bryant, the Chair of the Planning Board, since the Town Planner position is vacant. She said a modification of site plan needs to be approved by the Planning Board and needs to be recorded at the Registry of Deeds, and the homeowners need to modify their deeds. Downey said he doesn't believe the homeowners need to change their deed since the legal description equals the book and page. Merry said any change should be checked against the 911 emergency system. Eagan said the Police Chief reviewed this request and supports the name change. She said once the Planning Board approves the name change, they will disseminate the information to Town departments.

MINUTES

- August 26, 2013

Joseph Perry made a motion to approve the minutes from August 26, 2013, Jack Cook second, all in favor – aye (5-0).

- August 26, 2013 Executive Session

Bob Merry made a motion to approve the minutes from August 26, 2013 Executive Session, Jack Cook second, all in favor – aye (5-0).

- October 28, 2013 Executive Session

Joseph Perry made a motion to approve the minutes from October 28, 2013 Executive Session, Jack Cook second, all in favor – aye (5-0).

- November 4, 2013

Joseph Perry made a motion to approve the minutes from November 4, 2013, Bob Merry second, all in favor – aye (4-0). Jack Cook - ABSTAINED

ANNOUNCEMENTS

- The 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.
- The Town has the following vacant seats: Board of Library Trustees, Zoning Board of Appeals Associate 3 open seats; two fence viewer positions; and wood lumber bark inspector.
- Battery recycling box located at the Town Hall and Library

- Household Hazardous Waste Collection Day – Saturday, Nov. 23 from 8:30 a.m. to 12:30 p.m. Rowley Highway Department facility at 40 Independent Street
- U.S. Marine Corps Reserve – Toys for Tots drop-off box is at Town Hall – Unwrapped toys can be dropped off on or before Friday, December 6, 2013
- Rowley Girl Scouts Caroling on the Common and Tree Lighting – Sunday, December 8 – 4 p.m. to 5 p.m. on Rowley Town Common

Joseph Perry made a motion to recess until 8:00 p.m., Jack Cook second, all in favor – aye (5-0).

Open meeting recessed at 7:53 p.m.

Joseph Perry made a motion to reconvene the meeting in open session, Jack Cook second, all in favor – aye (5-0).

Open meeting reconvened at 8:00 p.m.

8:00 p.m. APPOINTMENT – Richard Gagnon, Chairman, Fire Station Committee for update

Chairman Snow said, "Fire Station Committee Chairman Richard Gagnon will be updating the Board of Selectmen on the Fire Station Committee's work in locating a suitable site for a new fire station."

Gagnon thanked the Board of Selectmen for the opportunity to serve on this committee and said the committee was formed several years ago. He said the committee was comprised of eight members and the charter was to look into the need for a new fire station in Rowley. He said the eight committee members went above and beyond, and performed due diligence, and he commended the committee members. He said the committee defined criteria for suitable land such as response time; geographic area; size restrictions; access; highway and traffic patterns. He said they went so far as per testing one property, but were unable to locate land in Town that met the suitability requirements. He said they also issued a RFQ for privately owned land using the same suitability requirements and had to reject all of them for a variety of reasons.

He said the Committee recommends, with the Board of Selectmen's approval, revisiting the land behind the Police Station, which has been looked at a few times. He said this land meets all of the suitability requirements, and they have exhausted all other land options.

Snow commended Gagnon as the Chairman of this Committee. He said they have exhausted every piece of property in Town and this has been a long difficult process. He said the land the Committee is recommending is to the right of the Police Station, has been explored in the past, and we need to go to the DEP for approval. Eagan said

there was an article at Town Meeting from 1980 or so and the land was to be used for municipal water purposes. She said the land is now used for general municipal purposes, and Eiras Park is located on this land. She said to use this land for the Fire Station, the article would need to be re-voted and Town Counsel would need to be involved. She said the Zoning By-laws for municipal watershed land outline what is permitted within a certain distance of the well. Gagnon said Senator Tarr and Representative Hill have expressed their complete support and said they will give any support they can lend.

Perry asked if the land proposed for the fire station is far enough away from the well. Gagnon said there are three zones of land around the well and the parcel in question is almost completely outside zone two, and is now being used as a parking lot. Snow said the Police Station is there now. Cook asked if the Committee has gone to the Water Board and said there are also three test wells in that area, but there should be ample room there, the committee has done a great job and that is the right location for the fire station. He asked if the committee has discussed a public safety building. Gagnon said that is the next step, and they have come before the Selectmen before approaching the Board of Water Commissioners or the DEP.

Petersen said the Town Administrator should confirm with Town Counsel exactly what steps need to be followed for us to build on the land, which needs to be done quickly before the Spring Town Meeting. He said the Police Station is on its third four year lease, these are temporary buildings that need to be replaced. He said the Town spends \$30,000 per year on the lease and the buildings are inadequate and not energy efficient. Petersen suggested that the Fire Chief, Police Chief and Chair of the Board of Selectmen meet and agree about how to develop the site and plan out how the two departments can work together. He said this is a critical move that needs to be done as soon as possible. Snow said we need to take the recommendation of the committee and move forward and find out the legal requirements to build on this land. Snow said we need to move forward with the land and then as a board discuss the building; and request the Fire and Police Chief to meet with the Board of Selectmen Chair to discuss common ground and move forward with the project. Merry said we need to look at the cost of the project and if it is cheaper to build one building instead of two, we can sell it to the community.

Snow said if the vote had passed in 1999 for the public safety building, the building could have been constructed at a lower price and we could have refinanced to today's lower interest rates. Gagnon said the Town cannot go on much longer with the current fire station and it is our responsibility to resolve this problem. Petersen said the recent weather patterns with floods, storms and tornadoes are getting worse and both the Fire and Police Stations are inadequate and vulnerable to the weather. He said it is critical for the Town to have a facility it can use in a public safety situation. Cook said the Town is facing many changes and we cannot even fit a ladder truck in the current fire station. He said we need a public safety building and the public will support it now with the low interest rates.

Fire Chief Broderick said they did find a brand new ladder truck that will fit in the building if the kitchen is changed, but it will be a tight fit. Perry said the Town cannot work on the existing Fire Station any further.

Snow thanked Gagnon for his leadership on the Committee which had many talented people such as architects and financial people.

Jack Cook made a motion to look at the land next to the Police Station as a site to build the Fire Station, Joseph Perry second, all in favor – aye (5-0).

Dave Petersen said at the same time, the Fire Chief, Police Chief and Chairman Snow should meet to discuss what they want in a new facility. Eagan said this is a good idea.

There being no further business before the Board, Chairman Snow called for a motion to adjourn. Dave Petersen so moved, Jack Cook second, all in favor – aye (5-0).

Open meeting adjourned at 8:35 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Email from Karen Summit regarding e-billing dated 11/06/13
2. Letter of resignation from Carolyn Peabody
3. Application from Grenier Associates to the ZBA for nonconforming special permit for dog day care facility
4. Public Hearing Notice for Tax Classification Hearing, and newspaper excerpt of hearing notice
5. Three page packet from Board of Assessors regarding the fiscal year 2014 tax classification hearing
6. Letter from John Rezza dated November 15, 2013 regarding monopole testing
7. Grant application for the Community Innovation Challenge Grant
8. Two letters from Brian Downey dated October 21, 2013 regarding street name change for Fox Meadows Condos
9. Comments from the Health Department, Assessor's Office, Police Department, Fire Department, and Zoning Board of Appeals regarding the proposed street name change for Fox Meadows Condos
10. Certificate of vote amended site plan approval with conditions 545 Newburyport Turnpike Rowley, MA
11. Certificate of vote amended OSRD special permit approval with conditions 545 Newburyport Turnpike Rowley, MA
12. Certificate of vote OSRD special permit approval with conditions 545 Newburyport Turnpike Rowley, MA

13. Certificate of vote site plan approval with conditions 545 Newburyport Turnpike
Rowley, MA
14. Assessors' property cards for 531 and 545 Newburyport Turnpike
15. Assessor's map 22 showing 531 and 545 Newburyport Turnpike