

MINUTES OF THE BOARD OF SELECTMEN MEETING

October 19, 2015,
Meeting held at Town Hall, 6:15 p.m.

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

PUBLIC ATTENDEES: Lawrence White, FINCOM; Henry Rolfe, Ind. Press Patrick Snow, Highway Department; Bernard Cullen 283 Wethersfield Street; Russ Leibe, Intervale Circle; Janice Kindler, Intervale Circle; Robert Tebou, Intervale Circle; Steve Kreticos, Intervale Circle; William Fiers, Intervale Circle; Brandy Schlesinger, Intervale Circle, Anne Fournier, Intervale Circle; Nancy A. Leibe, Intervale Circle; Steven Kindle, Intervale Circle, Brenda Feirs, Intervale Circle.

CALL MEETING TO ORDER

Joseph Perry called meeting to order at 6:15 p.m.

PLEDGE OF ALLEGIENCE

John Davis led the Pledge of Allegiance.

6:15 p.m. EXECUTIVE SESSION

Vice Chairman Perry called for a motion to go into Executive Session for the purpose of discussing strategies with respect to litigation on the Carmine Federico v. Town et al, case because an open meeting may have a detrimental effect on the litigating position of the Town and to return to open session. Bob Snow so moved, Cliff Pierce second, all in favor – roll call vote: Robert Snow – aye, Joseph Perry – aye, David Petersen – aye, Cliff Pierce – aye. Robert Merry – ABSENT

Executive session opened at 6:17 p.m.

Executive session closed and open session resumed at 7:58 p.m. Vice Chairman Perry said the meeting is being audio and video recorded digitally.

GENERAL BUSINESS

1. Request from Police Chief Robert Barker to lift the hiring freeze for the reserve dispatcher position

Vice Chairman Perry read the letter from Police Chief Barker.

Bob Snow made a motion to lift the hiring freeze, Dave Petersen second, all in favor - aye (4-0). Robert Merry – ABSENT

2. Road Opening Permit application from the Water Department to open 230 Central Street for water line repairs and replacement

Dave Petersen made a motion to approve this road opening permit, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

3. Road Opening Permit application from the Water Department to open 531 Wethersfield Street to replace a fire hydrant

Dave Petersen made a motion to approve this road opening permit, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

4. Road Opening Permit application from the Water Department to open 101 Bennett Hill Road to replace a fire hydrant

Bob Snow made a motion to approve this road opening permit, Dave Petersen second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

5. Road Opening Permit application from National Grid to open 256 Main Street to install 2-wire test station and anodes

Bob Snow made a motion to approve this road opening permit, Dave Petersen second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

6. Road Opening Permit application from National Grid to open 18 Brook Street to install 2-wire test station and anodes

Bob Snow made a motion to approve this road opening permit, Dave Petersen second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

7. Road Opening Permit application from National Grid to open 6 Bradford Street for valve replacement

Bob Snow made a motion to approve this road opening permit, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

8. Letter from MassDOT re: Salting at Commuter Rail "Highway/Railway Crossing"

Vice Chairman Perry read the following:

The Board of Selectmen has received a letter from MassDot reminding the Town to refrain from placing salt on the roadway areas in the vicinity of the Town's two railway crossings.

The Rowley Highway Department complies with this policy and does not salt the railway crossing and the areas in the immediate vicinity of the crossing.

Perry read the letter from MassDOT.

CITIZEN QUERY 7:05-7:10 p.m.

Henry Rolfe of Plantation Drive said there was a 911 called placed for a very severe medical emergency in building #1 at the Plantation. He said it was an end unit on the ground floor, and a young police officer ran to the scene, but he took a slightly longer route. He said a ten minute response time is way too long. He said there have been two other instances when fire trucks or ambulances have been unsure where to stop or which building to go into. He said these are a couple of complaints to be worked on.

OLD BUSINESS

1. Update on Triton Stadium project update and sign MOU

Vice Chairman Perry read the following:

Vice Chairman Perry attended last week's Triton School Committee, during which the Committee voted to approve the Stadium MOU.

Debbie distributed the MOU last week to the selectmen so that the Board members had a chance to review it prior to tonight's meeting.

The Board needs to vote to approve MOU and to authorize Vice Chairman Perry to sign the attached FOUR (4) originals.

The signed MOUs will be distributed by Triton to the other Towns for their signatures and subsequently each Town and the District will have its own fully-executed original MOU on file.

Perry said he was the only person in the audience during last week's meeting, changes were voted and incorporated into the MOU. He said this gives us a clear idea of the funds that the Town may receive from stadium revenues. Pierce asked what the logic of this is. He said there are two ways that the Town can have their assessments reduced: either through stadium revenues or through the use of the excess and deficiency fund. He said per the agreement, if the excess and deficiency is larger than the rental revenues, we get both, but if it is lower, we don't get any.

Petersen said the excess and deficiency fund is the school's equivalent of free cash, which they don't want to fall below a certain level. He said they have come up with a combination of these fund sources to give as much money back to the Towns to lower the assessment without depleting the excess and deficiency account. Perry said the typical balance in the excess and deficiency account is \$600,000. He said the first \$40,000 in rental revenue will be put into an escrow pool to pay for maintenance of the stadium, and anything over \$40,000 will be shared amongst the district towns. Pierce said hypothetically, if the rental revenue is \$89,000 and the excess and deficiency balance is \$90,000, the Towns would get money from both sources, but if the excess and deficiency balance was \$87,000, the Towns wouldn't get money from either source. He said he doesn't understand this logic. Petersen said this was proposed by Neil Harrington, and originally the Towns were just going to be charged for the stadium and not receive a reduction in the assessment.

Dave Petersen made a motion approve the MOU and to authorize Perry to sign it, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

Perry signed the MOU.

APPOINTMENTS

1. 7:15 p.m. COA Chairwoman Mary Bright to present new COA Director Brienne Walsh

Mary Bright said she is here tonight to present Brienne Walsh, the new COA Director. She said Walsh is an addition to an already great staff at the COA. Walsh said hello to the Board and said she is looking forward to getting to know everyone better. She said she is getting her feet wet and it's going well so far. She said they have a few new things coming up, which will continue into the new year. She thanked Mary Bright, the other COA Board members, and the seniors for their support. Perry said he met Walsh at cribbage and she is a wonderful addition. Petersen said Walsh seems to be fitting in nicely. Pierce welcomed Walsh. Walsh welcomed the Board members to stop into the Senior Center any time.

OLD BUSINESS

2. Discuss recruitment of the police chief position and interim chief

Vice Chairman Perry read the following:

Police Chief Recruitment

The Finance Committee approved the \$15,000 transfer from the Reserve Fund to the Selectmen's Expense to cover the recruiting costs of the new police chief. This contract is subject to Chapter 30B. Debbie is recommending that we use the Request for Proposals process for this contract, so that the Board can make a "quality-based" decision on which firm offers the most advantageous proposal.

Debbie needs to know if the Board of Selectmen wants to serve as the "search committee" and work with the consulting firm or if the Board wants to appoint a Search Committee to work with the firm. If the Board forms a search committee, Debbie recommends that at least one selectman serve on the committee. The Board can also appoint a member of the Personnel Board, Finance Committee, etc.

Debbie would like to have the consulting firm under contract no later than the first Selectmen's meeting in January.

After the Board reviews and discusses the draft RFP and makes any changes, they can vote to authorize to Debbie to release it on October 21, subject to any changes or edits made by the Board.

Perry asked the Board how they feel about a search committee. Petersen said when Barker was appointed as Chief, he had served as Deputy Chief for a number of years. He said Lieutenant May has been a Lieutenant for about a year, and was a Sergeant for many years. He said it seems like they should look at outside sources as well. Perry said his personal feeling is that the Board of Selectmen shouldn't serve as the search committee, rather the committee should be made up of one or two Selectmen, and representatives from the Finance Committee, Personnel Board and a resident. Bernie Cullen of Wethersfield Street said he has a fair amount of experience with recruiting and he would argue that Barker or another Police Chief should be part of the Committee if there is no legal conflict. Perry said that is a good point. Eagan asked if the RFP is acceptable and if the Board has any questions on it. She said she would like to release it on Wednesday, the Selectmen will select the firm and then the committee would work with the firm.

Dave Petersen made a motion approve the RFP, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

Perry said a vote can be taken at a later date to form a search committee.

Vice Chairman Perry read the following:

Interim Chief

After Chief Barker leaves on December 24, the Board will need to appoint an interim chief. Debbie recommends that the Board designate two selectmen to work with her on recruiting an interim chief.

Petersen said the two choices are to appoint May as Acting Chief or to hire an interim from the outside. Eagan said she can call Badge Quest to see if they will have anyone available or we can use an internal person. Perry said we don't want to be without a police chief. Petersen said he spoke to Barker about this today and he is working with May to acquaint him with the paperwork and budget. He said he is leaning towards an outside interim chief since May will be busy with his other duties, but May can help acquaint the interim chief. He said this will also allow us to get an outsiders view and the interim can make suggestions for the department. He said the building project will also be on the Annual Town Meeting. He said the interim chief can be paid out of the Chief's salary line.

Perry said he sees an advantage to having an interim chief, but they would likely be able to serve no more than six months due to retirement constraints. Petersen said hopefully they would only serve for three months. Cullen asked if Barker would be willing to push out his retirement or if anyone has asked him this question. Petersen said his retirement letter stated his last day was December 24th, and he would have to come forward and volunteer to push that date out. Perry said he thinks interim chiefs will be available and he doesn't think it will be difficult to get someone on board in a short period of time. Petersen said he didn't directly ask Barker this, but he didn't seem interested in pushing his retirement out. Larry White said if they use May, there will be a domino effect, and an outside interim will accustom the staff to working with an outside source and he is in favor of an outside interim chief.

Bob Snow made a motion for Dave Petersen and Bob Merry, both former Policemen, to work with Debbie to recruit an interim chief, Cliff Pierce second, all in favor - aye (3-0). Robert Merry – ABSENT Dave Petersen - ABSTAINED

7:30 p.m. Appointment - Nancy Leibe to discuss Intervale Circle street acceptance

Perry said according to Fire Chief Broderick and Building Inspector Ward, we can only seat 14 people in the audience. Patrick Snow moved to the Selectmen's table.

Vice Chairman Perry read the following:

Debbie has been working with Town Planner Kirk Baker and Town Counsel Judy Pickett in the eminent domain taking of Intervale Circle. Debbie has set a tentative date for a

street layout hearing for February 22, 2016. It may be held earlier, as long as we don't run into any title issues.

Judy has completed her research on the lots and has found that the developer retained his rights in the road, with the exception of the lot owned by the Town, 15 Intervale Circle; 19 Intervale Circle; and 26 Intervale Circle.

Debbie has contacted Meridian Engineering to do the plan and metes and bounds description for the deed. Judy and Debbie used Meridian for the Christopher Road plan and deed, so they are familiar with this development.

Judy has contacted Attorney Angela Harkness to do the title work.

Nancy Leibe has submitted the attached letter on behalf of the residents of Intervale Circle. The road is on target to be accepted and has been open to the public for decades, so the snow plowing issue for this winter season should not be a concern. The Board may want to have a general discussion on snow plowing of private roads with Highway Surveyor Patrick Snow at another upcoming meeting, since that topic is not on the agenda.

Eagan said Liebe has submitted a letter, this road has been open for decades and is on target to be accepted, and asked the Board if they wish to consider plowing Intervale Circle as has been done in the past. Patrick Snow said he has no problems with plowing it if the Board of Selectmen approves this. Petersen said this is being worked on for the special town meeting and should go through as long as the residents agree to the takings. Perry said we can resolve this for the winter then work on getting the road accepted in the spring. Perry read an excerpt from Liebe's letter.

Dave Petersen made a motion to authorize the plowing of Intervale Circle, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT.

Eagan said title work is needed of lot numbers 15, 19 and 26.

OLD BUSINESS

3. Discuss Water Board Chairman Timothy Toomey's response to the Selectmen's Open Meeting Law Complaint concerning August 25, 2015 Executive Session

Vice Chairman Perry read the following:

Water Board Chairman Timothy Toomey has responded to the Board of Selectmen's Open Meeting Law Complaint filed September 23, 2015. The complaint alleges that the Board of Water Commissioners violated the Open Meeting Law when they convened an Executive Session meeting on August 25, 2015.

The Water Board's posted meeting agenda states the following:

"Executive session: to discuss and take necessary action relative to potential litigation and legal strategy/representation of the board relative to allegations (discrimination/hostile work environment) made by a water department employee against two board members"

The Board of Selectmen and the Town Administrator are responsible for overseeing and administering all litigation matters that come before the Town, with the exception of the Rowley Municipal Lighting Plant. The Board of Water Commissioners is not party to any litigation involving allegations by a Water Department employee on discrimination/hostile work environment. The Water Board discussed an employee grievance during this meeting, as our evidence shows via an email from Chairman Toomey to Town Counsel Judith Pickett dated August 27, 2015.

The response from Mr. Toomey is typed and handwritten and has a number of inaccurate statements. On the handwritten portion of the response, Mr. Toomey states that the superintendent refused to attend. Witnesses at this meeting stated that Chairman Toomey asked Superintendent Wisner to leave the meeting after the Water Board voted to go into executive session. Also, it is unclear as to when the Board of Water Commissioners discussed the Board of Selectmen's complaint. Apparently this response has been written solely by Chairman Toomey.

Is Chairman Toomey's response acceptable to the Board of Selectmen, or, is Chairman Toomey's response not acceptable to the Board of Selectmen? If it is not acceptable, the Board of Selectmen should vote to authorize Debbie to submit a request to the Attorney General's Office to review the complaint.

Dave Petersen made a motion to not accept the response from Timothy Toomey and to have the Town Administrator submit the complaint to the Attorney General for review, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT.

NEW BUSINESS

1. Discuss Certificate of Occupancy for Selectmen's Office and Town Hall Auditorium

Vice Chairman Perry read the following:

Fire Chief James Broderick and Building Inspector Ken Ward have issued the attached Certificate of Occupancy for the Selectmen's Office and the Town Hall Auditorium. We are still waiting for a detailed breakdown regarding the allowable occupant load of 27 in the Selectmen's Office.

Perry said he was here when they did the measurement and they discussed different zones of the room and he said we would like to get a breakdown. He said the auditorium upstairs holds 174, and we were prepared to move tonight's meeting upstairs if needed. Eagan said the Board can follow up on this once we get the memo from the Building Inspector.

2. Award heating oil contract for Town Hall and Highway Department

Vice Chairman Perry read the following:

We received the following two bids for heating oil for the Town Hall and the Highway Department:

- *Mike & Sons Oil Service, Inc. - 8 Stafford Street, Ipswich: Discounted price per gallon of \$.35*
- *Donald F. Knowles, Inc. - 36 Main Street, Rowley: Discounted price per gallon of \$.30*

This contract should be awarded to Mike & Sons Oil Service, Inc. of Ipswich as the responsive and responsible company offering the needed supply and service, submitting the highest price per gallon discount. The office staff will issue a purchase order once the contract is awarded.

Bernie Cullen asked whose posted price is the discount based on. Eagan said the vendor's price on the day of delivery, we just solicit this from local vendors, and the oil can be purchased through Commbuys if the Board wishes. She said this was set up this way years ago. She said the Annex and the Highway Department use primarily gas, so we just need to use sound business practices for this contract. Cullen suggested looking at Mike's prices versus another vendor to see if there is a material difference. Pierce said this is something that the Board can look into next year.

Dave Petersen made a motion to award the contract to Mike & Sons Oil Service, Inc. of Ipswich and to look at this more in depth next year, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT.

3. Discuss complaints on "President Obama Protect U.S. Democracy" signs

Vice Chairman Perry read the following:

We have been receiving complaints about signs scattered throughout Town stating: "President Obama Protect U.S. Democracy". (See attached pictures.)

Highway Surveyor/Tree Warden Patrick Snow has taken down signs that were attached to Town trees or Town light poles. Also, Sara Bourque from the Historic District

Commission had to get assistance from Patrick to remove a sign that was “bolted” on to the Rowley Historic District Commission sign on Main Street. After she removed it, it re-appeared shortly after and needed to be taken down again.

Patrick told Debbie he had a recent conversation with Mr. Steve Comley, the individual who owns these signs, about the complaints the Town is receiving about signs on Town property. Patrick explained that the signs cannot be placed on the road or on Town property. Patrick indicated that Mr. Comley appeared to understand that he cannot place his signs on Town property.

Pierce said it seems that Comley is agreeing to this, so we can wait to see if the signs reappear. He said there is no action required. The other Board members did not have any further comments.

4. Read letter from Attorney William Moschella regarding claim against Town

Vice Chairman Perry read the following:

Debbie received a letter from Attorney William Moschella in which he “presents” a claim against the Town of Rowley. Vice Chairman Joe Perry will read the letter into the record.

There is no action required by the Board of Selectmen to this letter. Debbie has sent it to the Town’s insurance carrier.

Perry read the letter from Moschella. Perry said this letter was sent to the Town's insurance company. Petersen said so the public understands, this contract was voted on during an illegal meeting. He said Moschella is an attorney and the Water Board has no legal authority to hire attorneys. He said the contract was for \$5,000 and he is claiming \$100,000, and does that mean that the Board of Water Commissioners was planning to give Moschella more work in the future. He said in his opinion this is a joke, and let him sue because he doesn't think a Superior Court judge will support this. He said this is frivolous. Pierce said he agrees with Petersen.

5. Discuss October 13, 2015 email from Water Board Chairman Timothy Toomey to Treasurer/Collector Karen Summit and other Water Board members and Debbie Eagan re: General Fund Question regarding comp time

Vice Chairman Perry read the following:

Water Board Chairman Timothy sent an email to the following individuals on Tuesday, October 13, 2015 at 9:33 a.m.

- *Treasurer/Collector Karen Summit*
- *Town Administrator Debbie Eagan*

- Board of Water Commissioners Vice Chairman John Manning
- Board of Water Commissioner Member Stuart L. Dalzell Sr.

There are few issues that are of concern to some of the recipients of this email message and they are outlined below. Also, please see attached memo from Treasurer/Collector Karen Summit.

Oct. 13 Email is a Violation of the Open Meeting Law

Debbie feels that Chairman Toomey's October 13, 2015 email violates the Open Meeting Law, because Chairman Toomey expresses his opinion on matters that should be discussed at a duly-posted Water Board meeting, to a quorum of the Water Board. Vice Chairman John Manning contacted Debbie and Karen and asked them to remind Mr. Toomey that he cannot be sending emails expressing his opinion and copying the other two members of the Water Board. Mr. Manning feels that Mr. Toomey should be discussing these matters in a Water Board meeting. We have several examples of where Mr. Toomey has sent emails out expressing his opinions and copying the other two commissioners, and in fact, he has received an OML complaint from Ms. Summit for doing the exact same thing. (Attached is a copy of the September 23, 2015 OML Complaint.) Does the Board of Selectmen wish to file an Open Meeting Law Complaint, and if so, does the Board authorize Vice Chairman Perry to file the complaint on behalf of the Board of Selectmen?

Bob Snow made a motion to file an Open Meeting Law Complaint and to authorize Joseph Perry to sign it, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT.

Perry read the following:

Compensatory Time

In his October 13th email Chairman Toomey discusses the Town of Rowley's Compensatory Time policy for non-union employees. Chairman Toomey claims in his email that because the superintendent is a salaried position, there is no comp time. However, non-union salaried employees are entitled to receive compensatory time under the Town's Personnel Plan. The Board of Selectmen authorized Ms. Wisner to carry over the compensatory time that she had accrued in Fiscal 2015 into Fiscal 2016. Compensatory time, like sick leave time, cannot be "cashed out". Only vacation time can be "cashed out" upon separation of service with the Town pursuant to federal labor laws.

Petersen said the Personnel by-law has been accepted by a Town Meeting Vote and read Section 2 and then Section 1. He said the non-union Water Department employees fall under the personnel plan and the Superintendent is a Town employee and cannot be denied these privileges.

Bernie Cullen asked what the Comp Time policy is. Petersen said he doesn't have that in front of him, but it allows an accumulation of up to eighty hours of comp time, that cannot be carried over to the next fiscal year. He said Wiser accumulated comp time at the end of the fiscal year and the Board of Selectmen authorized her to carry it over to the next fiscal year. He said she was doing two jobs, and couldn't use it by the end of the fiscal year. He said the Personnel Plan is being revised to all comp time to be carried over. Larry White said Wiser was working on the budget and bringing the water treatment plant online, so it behooved the Town to keep her working during this crunch time, and to let her use this comp time when it is not as busy.

Perry read the following:

Mileage for Tax Purposes

It appears that Chairman Toomey has uncovered information on the superintendent's files concerning her mileage calculations for commuting purposes. It appears that Chairman Toomey, while conducting his "investigation", found Superintendent Wiser's information for the Town of Rowley's IRS Commuting Rule Policy. Attached is a copy of the Town's IRS Commuting Rule Policy. The Town is required to have such a policy pursuant to IRS Regulations and as such, the water superintendent, among other Town of Rowley employees, must submit a log documenting the days he or she commuted to work in a town-owned vehicle. The Board of Selectmen, as the Town of Rowley Employer, is responsible for making sure that the Town follows all relevant federal, state and local laws and regulations, such as the Internal Revenue Service's requirement that the Town adopt and administer the "Commuting Rule Policy." The Water Board is not involved, nor has any jurisdiction, with this employment policy.

Petersen said Wiser documented the mileage because she has to pay income tax based on it. Eagan said this is considered income and the log isn't for her personal use of the vehicle, but just to track her commute back and forth to work. Petersen said Wiser was given the truck as part of her employment since she is on call. She said Wiser tracks her mileage, but the previous Superintendent did not.

Perry read the following:

Enterprise Fund

Chairman Toomey doesn't seem to understand that the Water Enterprise Fund is simply an accounting procedure under Mass. General Laws Chapter 44 §53F 1/2. All bills payable, receivables and payroll follows the same process as bills payables, receivables and payroll as any other budget in the Town.

Eagan said this is in response to the statement Toomey made to Summit, "The Water Commissioners have control of all operating expenses paid through the enterprise

fund." She said the enterprise fund follows the same process as all other Town budgets - the bills are submitted to accounting, the Town Accountant has statutory authority to reject bills for certain reasons. She said an Enterprise Fund is a glorified revolving fund and Summit provided a memo to the Board responding to this.

Petersen said Toomey seems to think this is his money to spend any way he wants to. He said the Enterprise Fund is clear, the Superintendent puts the Water Department budget together, the Water Board approves it, and they are required by law to send the budget to the Board of Selectmen, who is required to make a recommendation on it, and then under Town regulations, the Finance Committee also makes a recommendation on it. He said the budget is then authorized by the voters at Town Meeting and it needs to be spent in accordance with the Town Meeting vote. He said the Water Department receives money from rates and fees, so they are put in a separate accounting fund. Bernie Cullen asked what happens if they spend less than what is in the budget. Petersen said it rolls into the Water Department free cash and Town Meeting approves any spending of it. He said it can be used in the next year's budget once it is certified. Cullen asked if it can be used to reduce rates. Petersen said yes, but hopes that it would be put towards needed pipe replacements.

6. Discuss Water Department missing property - laptop, keys, and cellphone, during Water Superintendent's administrative leave

Vice Chairman Perry read the following:

Laptop

The Water Superintendent's missing computer laptop re-appeared on a Monday morning after the Police Department began an investigation into its disappearance. IT Coordinator Karen Summit checked the computer and found malware on it.

Keys

During a meeting on September 29, 2015, when asked by Attorney Nicolas Halks when Water Superintendent MaryBeth Wiser would get her keys returned, Chairman Timothy Toomey said he was not sure where the keys were and asked MaryBeth, "Where are the keys." However, back on September 22, 2015, Chairman Toomey sent an email message to Treasurer/Collector Karen Summit stating that: "the lock box key is not on superintendent Wiser's key chain. I was hoping to address this today in the absence of the Interim Superintendent but no key works." (See attached email message dated September 22, 2015.) The keys were delivered to the Town Administrator on Wednesday, September 30, 2015 by a Rowley police officer who was asked by Chairman Toomey to deliver them to MaryBeth Wiser. The cell phone was returned at that time.

We have also discovered that MaryBeth is missing documents from her desk blotter, and operating manuals. Also, the building was found unsecured one evening by the Rowley Police Department.

Does the Board of Selectmen wish to form a task force to investigate the chain of custody?

Snow said he has served on several task forces to investigate Water Department related issues and he would like to be appointed as the Selectmen's representative to this task force, and he recommended appointing Karen Summit as the IT Coordinator. Petersen recommended appointing three members to the task force and the Board of Water Commissioners should name their member. He said they have an item on their agenda for tomorrow night to discuss the chain of custody, so maybe we should hold off on this until after their meeting. Snow said he is very disturbed by this issue, and the task force should be formed, and if the Water Board deals with it sufficiently, the task force can be disbanded. Pierce asked if the task force will be interviewing people. Snow said they are going to investigate this to get to the bottom of this issue. Petersen said he has no objection to this and the Water Board is supposed to discuss this tomorrow.

Bob Snow made a motion to form a task force to investigate the chain of custody of missing Water Department property, and appoint Bob Snow as the Selectmen's representative, Karen Summit as an IT representative, and Mo Levasseur as the Personnel Board representative, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT.

7. Discuss email from Water Board Vice Chairman John Manning re: Joint Meeting

Vice Chairman Perry read the following:

This meeting will need to be put off for a while. Chairman Merry is not present this evening and Debbie is not sure what his schedule will be for the next few weeks. Selectman Snow will not be here next week.

Also, Superintendent Wiser sent the attached email and a 3 1/3 page letter from Chairman Toomey. Ms. Wiser indicates in her email that the Water Board wants to discuss this at the joint meeting, though it is unclear if the Water Board voted on this letter.

Debbie recommends that if there is a joint meeting of both boards, that the items listed for discussion be developed and approved by the Board of Selectmen well in advance of the scheduled meeting.

Perry said this needs to be put off until November. Petersen said this should be put off until we receive a legal opinion on the Open Meeting Violations. He said there is such a divergence between Toomey and the Board of Selectmen that a meeting before that legal opinion won't be productive.

MINUTES

- March 30, 2015
- April 9, 2015

These minutes were not voted on because a quorum was not present from the date of these meetings.

- April 6, 2015

Dave Petersen made a motion to approve the minutes from April 6, 2015, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - recused. Bob Merry - absent.

- April 6, 2015 Executive Session

Dave Petersen made a motion to approve the minutes from April 6, 2015 Executive Session, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - recused. Bob Merry - absent.

ANNOUNCEMENTS

- The Town has the following vacancies:
 - a) **Shellfish Commissioners** - two seats
 - b) **Cable Advisory Committee** - seeking five members
 - c) **Fence Viewer**— three positions;
 - d) **Wood, Lumber & Bark Inspector**; and
 - e) **Zoning Board of Appeals** - one seat
 - f) **Zoning Board of Appeals Associate** – two open seats
 - g) **Historical Commission-Historic District Commission** - two seats
 - h) **Parks and Recreation Committee** - two seats
 - i) **Open Space Committee is seeking members**For 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.
- Tax title property auction - October 20, 2015 at noon in Town Hall, second floor
- Water Department will be flushing hydrants throughout Town starting on October 26 through November 12.

There being no further business before the Board, Vice Chairman Perry called for a motion to adjourn. Dave Petersen so moved, Cliff Pierce second, all in favor - aye (4-0). Bob Merry - ABSENT

Open meeting adjourned at 8:41 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written motion to go into Executive Session
2. Request from Police Chief Robert Barker to lift the hiring freeze for the reserve dispatcher position
3. Road Opening Permit application from the Water Department to open 230 Central Street for water line repairs and replacement
4. Road Opening Permit application from the Water Department to open 531 Wethersfield Street to replace a fire hydrant
5. Road Opening Permit application from the Water Department to open 101 Bennett Hill Road to replace a fire hydrant
6. Road Opening Permit application from National Grid to open 256 Main Street to install 2-wire test station and anodes
7. Road Opening Permit application from National Grid to open 18 Brook Street to install 2-wire test station and anodes
8. Road Opening Permit application from National Grid to open 6 Bradford Street for valve replacement
9. Meeting memo regarding General Business # 8: Letter from MassDOT re: Salting at Commuter Rail "Highway/Railway Crossing"
10. Letter from MassDOT re: Salting at Commuter Rail "Highway/Railway Crossing"
11. Meeting memo regarding Old Business # 1: Update on Triton Stadium project update and sign MOU
12. MOU between The Triton Regional School Committee and The Towns of Newbury, Rowley, and Salisbury
13. Meeting memo regarding 7:15 p.m. Appointment: COA Chairwoman Mary Bright to present new COA Director Brienne Walsh
14. Meeting memo regarding Old Business # 2: Discuss recruitment of the police chief position and interim chief
15. Draft Request for Proposals Executive Recruitment for Police Chief
16. Meeting memo regarding 7:30 p.m. Appointment - Nancy Leibe to discuss Intervale Circle street acceptance
17. Letter from Nancy Liebe to Board of Selectmen dated October 15, 2015
18. Meeting memo regarding Old Business # 2: Discuss Water Board Chairman Timothy Toomey's response to the Selectmen's Open Meeting Law Complaint concerning August 25, 2015 Executive Session
19. Water Board Chairman Timothy Toomey's response to the Selectmen's Open Meeting Law Complaint concerning August 25, 2015 Executive Session
20. Statement from John Manning regarding Toomey asking Wisner to leave the August 25, 2015 Water Board Executive Session

21. Statement from MaryBeth Wiser regarding Toomey asking her to leave the August 25, 2015 Water Board Executive Session
22. Meeting memo regarding New Business # 1: Discuss Certificate of Occupancy for Selectmen's Office and Town Hall Auditorium
23. Certificate of Occupancy for Selectmen's Office and Town Hall Auditorium
24. Meeting memo regarding New Business # 2: Award heating oil contract for Town Hall and Highway Department
25. Request for #2 Heating Oil dated October 8, 2015
26. Heating Oil Quote Form submitted by Mike & Sons Oil Service Inc.
27. Heating Oil Quote Form submitted by Donald F. Knowles Inc.
28. Meeting memo regarding New Business # 3: Discuss complaints on "President Obama Protect U.S. Democracy" signs
29. Photos of "President Obama Protect U.S. Democracy" signs
30. Email complaints on "President Obama Protect U.S. Democracy" signs from Phil Terpos, Rick Laferriere, Appy Chandler
31. Meeting memo regarding New Business # 4: Read letter from Attorney William Moschella regarding claim against Town
32. Letter from Attorney William Moschella regarding claim against Town
33. Meeting memo regarding New Business # 5: Discuss October 13, 2015 email from Water Board Chairman Timothy Toomey to Treasurer/Collector Karen Summit and other Water Board members and Debbie Eagan re: General Fund Question regarding comp time
34. Memo from Karen Summit to Board of Selectmen regarding email from Tim Toomey dated October 12, 2015
35. Email from Tim Toomey dated October 12, 2015 and email forwarded by John Manning to Karen Summit and Deborah Eagan
36. Town of Rowley IRS Commuting Policy and transmittal memo to Town Accountant and Treasurer Collector dated September 9, 2014
37. Open Meeting Law Complaint filed by Karen Summit against Tim Toomey dated September 23, 2015, including exhibit
38. Meeting memo regarding New Business # 6: Discuss Water Department missing property - laptop, keys, and cellphone, during Water Superintendent's administrative leave
39. Email between Karen Summit and Tim Toomey regarding payments
40. Email from Debbie Eagan regarding missing cell phone and keys
41. Email from MaryBeth Wiser regarding missing documents
42. Town of Rowley Personnel Bylaw
43. Meeting memo regarding New Business # 7: Discuss email from Water Board Vice Chairman John Manning re: Joint Meeting
44. Email from Water Board Vice Chairman John Manning re: Joint Meeting
45. Email from John Manning regarding Toomey's statement read into the record on October 6, 2015, including attached statement
46. Draft March 30, 2015 minutes
47. Draft April 6, 2015 minutes
48. Draft April 9, 2015 minutes
49. Announcement regarding Household Hazardous Waste Collection Day

