

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

October 5, 2015,  
Meeting held at Town Hall, 7:00 p.m.

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

**PUBLIC ATTENDEES:** Lawrence White, FINCOM; Bernard Cullen, 283 Wethersfield Street; Arthur Page, CONCOM; Stephen Comley, We the People; Henry Rolfe, Ind. Press; Carol Lloyd, ECTA; Patrick Snow, Highway Department.

### **CALL MEETING TO ORDER**

Vice Chairman Perry called the meeting to order at 7:00 p.m. He said the meeting is being audio and visually recorded digitally.

### **PLEDGE OF ALLEGIANCE**

Arthur Page led the Pledge of Allegiance.

### **GENERAL BUSINESS**

1. Request from the Agricultural Commission to extend the Farmers' Market on the Town Common through October 18

Vice Chairman Perry read the request.

Dave Petersen made a motion to extend the Farmer's Market through October 18, 2015, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

3. Request from the PTA to hang banner on Town Common backstop for the Annual Craft Fair

Vice Chairman Perry read the email request.

Bob Snow made a motion to allow the PTA to hang a banner on the Town Common backstop for the annual craft fair, Dave Petersen second, all in favor - aye (4-0). Robert Merry – ABSENT

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

Larry White from Central Street said he is the Finance Committee Chairman and on the Open Space Committee, and he is speaking as a member of the Finance Committee. He then read the statement attached to these minutes.

Steve Comley Sr. asked when he can expect to receive the letter from the Board as he wasn't allowed to discuss new information. Eagan said the letter was mailed today.

Citizen's Query closed.

**GENERAL BUSINESS**

2. Request from Pine Grove School PTA to use the Town Common for Annual Fall Fest on October 25

Vice Chairman Perry said, "This year they are seeking permission for a vendor, Chickadee Hill Farm, who is a generous Fall Fest sponsor, to sell pumpkins at the event. 20% of the profits will be donated to the Rowley Food Pantry. Does the Board wish to grant permission for this?" Fall Fest Coordinator Tara Gibbs said Jeff and Corey help each year with the transporting of tables, chairs and grills. She said each year, they try to expand the event so that people will want to attend. She said allowing this will add to the ambiance of the event and he has offered to donate 20% of the sale proceeds to the Rowley Food Pantry, and will put a sign up so that people are aware of this. Petersen said this may be opening a door and others may want to do something similar. He asked if they are stepping over a line if this is allowed. Gibbs said the Whoopie Pie Truck doesn't charge the \$200 truck fee, and Fat Belly gives a percentage of their proceeds to the Food Pantry. Petersen said this is a great community event and fundraiser, and he has no objections to it.

Dave Petersen made a motion to grant permission for Chickadee Hill to sell pumpkins at the Fall Fest, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

Bob Snow made a motion to authorize the use of the Town Common for the Fall Fest, provided that food trucks are not allowed to park on the Common and that the PTA provides the required certificates of insurance, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT

**APPOINTMENTS**

**7:15 p.m. Carol Lloyd of Essex County Trail Association to discuss new parking area at the state forest on Boxford Road**

Vice Chairman Perry read the following:

*Carol Lloyd of Essex County Trail Association has asked to meet with the Board of Selectmen to discuss a new parking area at the state forest on Boxford Road. The*

*contractor for this project, Arthur Page, will also be here to discuss the details of the project.*

*According to Highway Surveyor Patrick Snow, who has met with Ms. Lloyd at the site, the proposed parking area is in the Town's right-of-way.*

*Ms. Lloyd has provided the description of the work below. She has submitted pictures showing the proposed parking area. Conservation Agent Brent Baeslack has informed Debbie that this project does not need to be filed with the Conservation Commission because it appears to be out of the Conservation Commission's jurisdictional areas. Brent also said that it appears there is no discharge of stormwater onto the Town's right-of-way or wetland areas, so a stormwater permit is not necessary. The attached map shows the location of the existing parking area and the proposed parking area.*

#### *Mill River Parking Area*

##### *Scope of Work*

*The goal of this piece of the project is to create a parking area at the trail head in a place that is safe and provides easy access. It is point 051 on the attached trail map.*

*The parking area will be designed for 6 cars. It will be approximately 50' wide and 15' deep. The process will be:*

*Clear the area of rocks and trees.*

*Dig out 6" – 12" of soil. This will be trucked away.*

*Lay down geotechnic fabric.*

*Gravel tailings on top of the fabric. Approximately 10 yards.*

*¾" pack on top of the tailings. Approximately 20 – 30 yards.*

Carol Lloyd said she works as a consultant for the Essex County Trail Association and they are working on the Bay Circuit Trail. She said the area has been flooded for years due to beaver activity, and they are trying to coordinate a solution for this through the use of a boardwalk. She said the DCR also discussed parking and trail access, and this came up because there are no shoulders on this area of Boxford Road, so it is a dangerous walk. Arthur Page said cars currently park on the "s" curve and the proposed parking area for six spaces is on a straight part of the road and is safer. Lloyd said they have been working closely with the DCR, and the Notice of Intent was filed today. Pierce said the CPC met last week about the proposed boardwalk. Page said the Town owns the land where the proposed parking area would be, and a few trees and boulders need to be cleared out, and the area is expandable if needed. Pierce asked if signage is proposed. Lloyd said signage is not part of this first stage. Petersen

said he suggests that a couple of warning signs be placed on each side of the road. Highway Surveyor Patrick Snow said he can put the signs up.

Dave Petersen made a motion to approve this project, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT

### **GENERAL BUSINESS**

4. Road Opening Permit application from National Grid to open 7 Wethersfield Street for work on the gas main

Dave Petersen made a motion to approve the road opening permit for 7 Wethersfield Street, Bob Snow 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 40 Pleasant Street for new gas service installation

Bob Snow made a motion to approve the road opening permit for 40 Pleasant Street, Dave Petersen second, all in favor - aye (4-0). Robert Merry – ABSENT

The Selectmen signed the permit.

### **APPOINTMENTS**

**7:30 p.m. Water Board Chairman Timothy Toomey to request an attorney for the Board of Water Commissioners Executive Sessions per email dated 10/1/2015 and questions on litigation**

Tim Toomey said he is here about a question he had last week and is only here to get an answer to that question; he has no time tonight because he has to watch his child. He handed the Board a piece of paper and said he asked this question to the Town Administrator last week: if there is any litigation against the Municipal Water Department, the Town of Rowley or MaryBeth Wiser. He said he is here as a resident and not as the Chairman. Perry said we can take this under advisement and get a response. Toomey said he was told he would get an answer tonight. Eagan said she did not tell Toomey that he would get an answer tonight, but she told him he needed to ask the Board this question and not her. Toomey asked if there is a reason why he cannot get an answer to this question tonight. Petersen said unless it involves the Water Department, we have no information to give at this time. Toomey said he has seen documents, which are public records in the Essex Superior Court in Salem, that the Water Department, MaryBeth Wiser and the Town of Rowley are being sued. Petersen said if this involves Toomey, he will be informed, and Toomey is not on the agenda as a Citizen. Toomey said the question is clear: is the Water Department being sued? Eagan said the Water Department is not a separate legal entity, the Town of

Rowley is the legal entity and Departments come under the umbrella of the Town. She said Departments cannot be sued individually. Toomey said they are being sued, but haven't yet been notified as a Board. Petersen said we haven't been either and when we get the notice, we will notify you. Toomey left the meeting.

Petersen read Toomey's email to Eagan. He said this was supposed to be the topic of tonight's agenda item and to answer this, he said the Water Board's Executive Session on September 11, 2015 meeting was illegal, so any action taken place during the meeting was illegal. He said he wouldn't expect the Town Attorney to advise him on the illegal actions taken during that meeting. He said two of the Water Board members still believe this was a legal meeting, and the legal fees are building.

Bernie Cullen of 283 Wethersfield Street said the governance of the Water Board needs to be clarified, and maybe the Town Counsel can speak to the Water Board about this. Pierce said any Town Board can request legal counsel, but this request is very vague. He said he has been on the Planning Board for twelve years and has never had trouble getting legal assistance. Perry said they have been given legal opinions, and Manning presented Attorney Fair's opinion before they went into Executive Session on September 11, 2015. He said he heard Toomey state that they would meet with the Board of Selectmen. Petersen said they conducted an illegal meeting despite the legal opinion, and the complaint submitted by the Selectmen about this needs to be resolved by the Attorney General. Pierce said all members of Boards should know about the Open Meeting Law; it is not too complicated. Perry said when you are sworn in to office, you sign off on the receipt of Open Meeting Law information. Eagan said Attorney Mullen is holding an OML Training Session on a Tuesday evening when a regularly scheduled Water Board meeting is not taking place, and this is an opportunity to ask questions about the OML.

Cullen said the enabling legislation is clear to lawyers, but not to common people. Petersen said the Water Board is choosing to look at certain information, but not all of it. He said he is happy to meet with them to come up with specific questions for the lawyers, but he won't vote to bring the lawyers to the meeting. Snow said the Water Board should come under the Board of Selectmen since the Selectmen are dealing with their issues all of the time. Petersen said let's wait to see how their meeting goes tomorrow night, then this can be discussed further.

#### **7:45 p.m. Howard Vogel to discuss Conservation Commission vacancy**

Vice Chairman Perry said, "Mr. Vogel has submitted a letter and resume. Mr. Vogel met with the Board in 2014 to discuss his interest in being appointed to a vacancy on the Conservation Commission."

Perry asked Vogel, "Why do you want to be on the Conservation Commission?" Vogel said he will be a Rowley resident for two years in February, and his son moved to Rowley first. He said he moved here from Lexington, where he was very involved with the community and served for six years on the Parks & Recreations Committee. He

said he likes being part of the community and conservation has been a passion since he enjoys being outdoors and preserving it. He said Rowley feels similar to where he grew up in New York. He said he is impressed with the preservation efforts in Rowley and would like to see his grandchildren enjoy open spaces. He said he doesn't know all of the state and federal regulations, but will learn this as he gets involved.

Snow asked Vogel, "The Conservation Commission typically meets every three weeks on a Tuesday evening. Are you available to attend these meetings? (The calendar is set a year in advance every November.)" Vogel said yes.

Pierce asked Vogel, "Also, this appointment is for a three-year term, which expires June 30, 2017. Are you able to make this type of commitment?" Vogel said yes.

Petersen asked Vogel, "If you are appointed you will be required to take an online State Ethics Training test. This is required under the State Ethics Law. You will need to file a notice with the Town Clerk that you completed this test. Do you have any issues or concerns about this?" Vogel said he is willing to take the test.

Perry asked Vogel, "Do you have any questions of us?" Vogel said he is impressed with the Town's acquisition of the Girl Scout Property which says a lot about the priorities of the Town. He said he can contribute to the Conservation Commission.

#### **8:00 p.m. Michael Sabatini to discuss Conservation Commission vacancy**

Vice Chairman Perry said, "Mr. Sabatini has submitted a letter. The Conservation Commission has submitted a letter to the Board of Selectmen."

Perry asked Sabatini, "Why do you want to be on the Conservation Commission?" Sabatini said he grew up in North Beverly, has been involved in agriculture and horticulture for quite some time, and he enjoys the outdoors. He said he has raised cattle and trees.

Perry asked Sabatini, "The Conservation Commission's responsibilities have expanded over the past several years from strictly enforcing the state wetlands protection law to enforcing the Town's Wetlands Bylaw, Stormwater Bylaw and maintaining large tracts of conservation land. Additionally, the Conservation Commission is involved with a myriad of environmental regulations, including the National Pollution Discharge Elimination System under the Federal Clean Water Act. Please describe your knowledge of the responsibilities of the Conservation Commission as it relates to these laws and regulations." Sabatini said there are several different areas such as setting up hay bales and mitigating impacting the water during construction projects.

Snow asked Sabatini, "The Conservation Commission typically meets every three weeks on a Tuesday evening. Are you available to attend these meetings? (The calendar is set a year in advance every November.)" Sabatini said yes.

Pierce asked Sabatini, "If appointed you will be filling the unexpired term of Douglas Watson, who resigned in July. This appointment will be for approximately one year and nine months, with an expiration date of June 30, 2017. Are you able to make this type of commitment?" Sabatini said yes.

Petersen asked Sabatini what the status of the issue Sabatini had with the Conservation Commission last year. Sabatini said it is not fully mitigated or completed. He said he is repairing / restoring trees on the border of Town land.

Perry asked Sabatini: If you are appointed you will be required to take an online State Ethics Training test. This is required under the State Ethics Law. You will need to file a notice with the Town Clerk that you completed this test. Do you have any issues or concerns about this? " Sabatini said he has no issues with this and he is already on the Historical Commission.

Perry asked Sabatini, "Do you have any questions for us?" Sabatini said no.

### **NEW BUSINESS**

1. Discuss Water Board Chairman Timothy Toomey's responses to Selectmen's Open Meeting Law complaints

Vice Chairman Perry read the following:

*Timothy Toomey has responded to two of the three Open Meeting Law complaints filed by the Board of Selectmen.*

*The Board needs to review each of his responses and determine if they are either satisfied with the responses or unsatisfied with his responses.*

Snow read the following:

### **Complaint #1**

*Complaint about the Water Board (not including John Manning) for holding an illegal Executive Session against the advice of Attorney Joseph Fair.*

*Mr. Toomey signed a three-page response as the "Chairman" and there are no other signatures on the letter. The remedy the Board of Selectmen sought in this complaint is the following:*

- 1) *Board of Water Commissioners rescind all actions taken during the September 11, 2015 Executive Session*
- 2) *Board of Water Commissioners make full disclosure of what was discussed during the September 11, 2015 Executive Session*
- 3) *Board of Water Commissioners Chairman Timothy Toomey and Commissioner Stuart L. Dalzell, Sr. receive the highest civil penalties under G.L.c.30A for*

*intentionally not going into Executive Session, despite having a written legal opinion advising them not to do so.*

*At least with respect to the first two, does the Board feel that Mr. Toomey's responses address those two items? There was no vote of the Water Board to either rescind the actions taken during the Executive Session or to make a full disclosure of what was discussed during the Executive Session.*

*If the Board is not satisfied with the response, they can vote to authorize Debbie to submit a letter to the Attorney General that clearly states the reasons why the Selectmen are not satisfied with Mr. Toomey's response.*

Pierce said the Superintendent is back on the job, but the decision to place her on leave has not been rescinded, which is a black mark on her record. He said the Attorney and Weston & Sampson who were hired are not working, but that is different than them rescinding their decisions. He said there has been no disclosure of the Executive Session minutes. He said Toomey has not provided any real justification, and the response is just a diatribe against the Selectmen. Perry and Petersen agreed.

Dave Petersen made a motion to authorize Eagan to submit a letter to the Attorney General's Office clearly stating why the Board of Selectmen is not satisfied with Toomey's response, Bob Snow second, all in favor - aye (4-0). Robert Merry – ABSENT

Pierce said in order to rescind the illegal meeting, the minutes need to be drafted and made public. Perry said the two Water Commissioners didn't discuss what happened in that meeting with Commissioner Manning.

Perry read the following:

### **Complaint #2**

*Complaint about two Commissioners (T. Toomey and S. Dalzell) deliberating outside of a duly posted public meeting when they collaborated on a response to a grievance.*

*Mr. Toomey responded that the Board of Selectmen's complaint "is beyond the 30 day timeframe for an OML complaint. No response from Tim Toomey 9/30/15." However, a three-page unsigned letter was attached to the response titled "Water Board Response to Open Meeting Law Violation of September 11, 2015". It is unclear as to how that pertains to this complaint.*

*Debbie suggests the Board of Selectmen seek further review of the complaint by the Attorney General. According to the AG's OML manual, "The complaint must be filed within 30 days of the date of the violation, or the date the complainant could reasonably*



*have known of the violation.” The Water Board has failed to meet to address the grievances. These grievances have not been resolved due to the fact that the Water Board Chairman has not scheduled a meeting in which these grievances can be addressed.*

*The remedy the Board of Selectmen is asking for in this complaint is:*

- 1) Chairman Toomey and Commissioner Dalzell comply with the Open Meeting law*
- 2) Chairman Toomey and Commissioner Dalzell admit to the Board of Selectmen that they discussed the grievance issue outside of properly posted legal meeting.*

*Does the Board wish to authorize Debbie to submit a letter to the Attorney General asking for them to review the complaint?*

Bob Snow made a motion to authorize Eagan to submit a letter to the Attorney General's Office asking them to review this complaint, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT

Cullen said the thirty-day period starts from September 11, 2015 and this should be abided by. Eagan said Toomey did respond to Complaint #2 by saying this is "outside the thirty-day period." Pierce said the actions of this meeting were done in secret, so we had thirty days to file the complaint from when we could have reasonably known about it.

### **OLD BUSINESS**

1. Continued discussion on State Ethics Complaint filing against Water Board Chairman Timothy Toomey

Vice Chairman Perry read the following:

*Debbie has discussed the Board of Selectmen's desire to file a State Ethics Complaint against Water Board Chairman Timothy Toomey with Attorney Joseph Fair.*

*Joe is recommending that that Board wait until the Open Meeting Law Complaints have been adjudicated by the Attorney General's Office. We need to get more information about what was discussed in the August 25 Executive Session and September 11 Executive Session. The remedies in these complaints demand full disclosure of what was discussed and what actions were taken in these closed meetings.*

Pierce said this is good advice. Petersen said there is a Water Board meeting posted for tomorrow night with fifteen to twenty agenda topics, but at their meeting last week, they said a meeting would be posted for October 13th. He said their regular meeting

schedule is not being followed and this is confusing everyone involved and the citizens, and they need to get back into a regular schedule unless there is an emergency. Snow said there will be a new Chairman, but not until November 2, 2015.

## **DISCUSSION**

### **8:15 p.m. Filing of vacancy on Conservation Commission**

Vice Chairman Perry read the following:

*The Board has met two residents interested in filling the seat on the Conservation Commission left by Doug Watson. Since Doug Watson's departure, there has been a void on the Conservation Commission. We have a letter of support from Conservation Commission Chairman Arthur Page. Vice Chairman Perry will read this letter into the record.*

*The Board will then discuss their thoughts on who should be appointed to fill Doug Watson's unexpired term through June 30, 2017.*

Perry read the letter from Conservation Commission Chairman Arthur Page. Petersen said he supports the Conservation Commission's recommendation of Howard Vogel. He said there are two good candidates, and Vogel requested this appointment at an earlier time.

Dave Petersen made a motion to appoint Howard Vogel to the Conservation Commission to fill Doug Watson's unexpired term through June 30, 2017, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT

## **OLD BUSINESS**

### **2. Update on Triton Stadium project**

Vice Chairman Perry read the following:

*Joe Perry attended last week's District Communications Meeting and he will update the Board. Attached is the tentative agreement.*

Perry said there were twenty to twenty-five attendees at the District Communications Meeting including Petersen, Harrington from Salisbury with Salisbury Selectmen and Finance Committee representatives, Newbury Selectmen and Finance Committee representatives, all the School Committee members, the Superintendent and the Assistant Superintendent. He said there is a tentative agreement and Harrington was concerned about changing the excess and deficiency to \$350,000, so it was voted to \$500,000 with the ability to take money out of the excess and deficiency account. He said the first \$40,000 of revenue from the stadium goes into an escrow fund that will be

used to maintain the stadium, and any revenue above \$40,000 will be distributed to the three Towns based on their enrollments. He said the assessments to the Towns may be slightly higher due to inflation. He said when the excess and deficiency account is in the range of \$500,000 to \$590,000, the amount over \$500,000 can be used to pay down the stadium debt. He said when the excess and deficiency balance is above \$590,000, the money goes back to the Towns. He said these ideas were supported by the Towns, and he is looking for direction from the Board about signing this agreement, which will be done in a future Selectmen's meeting. Petersen said Rowley passed an override to fund this, Salisbury and Newbury are funding this through their annual budget. He said the assessments to the Towns may fluctuate based on enrollment, and up to \$90,000 can be given back to the Towns. He said once the School Committee signs the agreement, the Board of Selectmen from each of the three Towns will sign it. He said every seven to eight years the track will need to be resurfaced, and every fourteen years, the turf will need to be replaced. He said \$40,000 per year should cover these maintenance costs.

Dave Petersen made a motion to approve the agreement and sign it as submitted, Bob Snow seconded. This vote was not completed. Eagan said we are waiting for the School Committee to sign this and then they will provide us with the final agreement.

Dave Petersen made a motion to table this item until the next meeting, Cliff Pierce second, all in favor - aye (4-0). Robert Merry – ABSENT

### 3. Discuss recruitment process for police chief position

Vice Chairman Perry read the following:

*Debbie spoke with Robert Pomeroy of Badge Quest last week.*

*Mr. Pomeroy describes Badge Quest's interim chief services as follows:*

- *Interim chief is paid as a "Town employee", through the Chief's salary line with no benefits*
- *Interim chiefs usually work three months, but no more than five months*
- *Interim chiefs tend to be retired chiefs and therefore have a salary cap on what they can earn while they are receiving a pension*
- *Typical week is about 4 days per week and 32 hours per week*

*Badge Quest also provides services in the search for a permanent Chief.*

*The services include survey forms for citizen input; survey form for officers input (this is done anonymously); advertising, and a full day assessment center made up of police chiefs. The cost for the search can be up to \$11,900, of which the assessment center*

*can cost approximately \$6,800. An optional background check can run from \$2,500 to \$3,000.*

Petersen said he likes the idea of an outside firm handling the search for a Police Chief, he likes the idea of getting citizen's input, and this would be an opportunity to evaluate the Police Department. He said we will need to get money from Town Meeting to hire a firm to do this. Eagan said there are not funds to do this in the Police Department budget, and if this is considered an emergency or unforeseen expense, the Board could request the money from the Finance Committee. She said the assessment center would include intense interviews and role playing and would be tied into the feedback from the surveys. She said this would be an intense all-day assessment for the candidates. Petersen said we didn't know the Chief was retiring when the budget was set, so we can go to the Finance Committee. He said if an internal candidate served as the Interim Chief, we would need to backfill the gaps that would create in the Department and overtime costs would be incurred. He said retired Chiefs serve as interim Chiefs and they can only work 960 hours. He said if we have an outside interim Chief from January to May, that will allow time to work on budget issues with the Lieutenant. He said we should go to the Finance Committee for the \$12,000 as we had no prior knowledge of the need for this, this is a critical position within the Town, and then we can immediately put out a RFP for this and do the assessment center. He said he admits he has gone back and forth on this issue, but he believes we need a wide range of candidates to be assessed. Perry said the Chief is retiring in December, so we only have about three months and this process should be started as soon as possible. Eagan said that Pomeroy said that Mulligan, who is serving as the Interim Chief in Georgetown, will have an opening in the next calendar year, and is available for three months. She said the Interim Chief will work at the same time as the recruitment process is taking place.

Bernie Cullen of Wethersfield Street asked if the \$12,000 is for the search for an Interim Chief or the permanent Chief. He said if someone is hired, there is normally a 20 – 35% fee, and these numbers strike him as low, but he is not familiar with public sector recruiting. Pierce said this is for the permanent Chief. Eagan said the \$12,000 doesn't reflect any charges based on the salary of the position. She said the assessment center will cost approximately \$6,800. She said the Board could do the screening or hire a company to do so. Pierce asked if the firm would choose the Interim Chief. Eagan said they would make a recommendation. She said they mentioned Mulligan and one other possible candidate. She said we would have to get the price for the Interim Chief from the firm. Pierce said this seems to be a reasonable amount of money. Petersen said the Board doesn't have the expertise. Perry said he doesn't think we need to do a national search. Petersen said this is a long term position, the Town is growing and we need well qualified candidates to choose from, whether they are internal or external candidates.

Dave Petersen made a motion to request \$15,000 from the Finance Committee, Bob Snow second, all in favor - aye (4-0). Robert 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** – three 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
- Sanity for the Holidays on October 15, 2015 at 7:00 p.m. at the Rowley Public Library
- Artist of the Month – Karen Fitzgerald at the Rowley Public Library

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

Open meeting adjourned at 8:57 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Request from the Agricultural Commission to extend the Farmers' Market on the Town Common through October 18
2. Request to hang banner for Annual PTA Craft Fair 2015
3. Statement read by Larry White during Citizen's Query
4. Meeting Memo regarding General Business #2: Request from Pine Grove School PTA to use the Town Common for Annual Fall Fest on October 25
5. Email request from Pine Grove School PTA to use the Town Common for Annual Fall Fest on October 25 and completed Town Common Use Application
6. Meeting Memo regarding 7:15 p.m. Appointment: Carol Lloyd of Essex County Trail Association to discuss new parking area at the state forest on Boxford Road
7. Maps and photos related to new parking area on Boxford Road
8. Road Opening Permit application from National Grid to open 7 Wethersfield Street for work on the gas main

9. Road Opening Permit application from National Grid to open 40 Pleasant Street for new gas service installation
10. Meeting Memo regarding 7:30 p.m. Appointment - Water Board Chairman Timothy Toomey to request an attorney for the Board of Water Commissions Executive Sessions per email dated 10/1/15 and questions on litigation and related emails
11. Meeting Memo regarding 7:45 p.m. Appointment - Howard Vogel to discuss Conservation Commission vacancy
12. Email from Howard Vogel regarding his interest in the Conservation Commission and his resume
13. Meeting Memo regarding 8:00 p.m. Appointment – Michael Sabatini to discuss Conservation Commission vacancy
14. Letter of interest from Michael Sabatini regarding serving on the Conservation Commission
15. Meeting Memo regarding New Business #1: Discuss Water Board Chairman Timothy Toomey's responses to Selectmen's Open Meeting Law Complaints
16. Open Meeting Law Complaint filed by G. Robert Merry against Timothy Toomey and Stuart L. Dalzell, Sr. for alleged violation on September 11, 2015, and Timothy Toomey's response
17. Open Meeting Law Complaint filed by G. Robert Merry against Timothy Toomey and Stuart L. Dalzell, Sr. for alleged violation on August 17, 2015, and Timothy Toomey's response
18. Meeting Memo regarding Old Business #1: Continued discussion on State Ethics Complaint filing against Water Board Chairman Timothy Toomey
19. Meeting Memo regarding: Discussion 8:15 p.m. Filling of vacancy on Conservation Commission
20. Letter from Conservation Commission Chairman Arthur Page regarding Request for appointment to the Conservation Commission
21. Meeting Memo regarding Old Business #2: Update on Triton Stadium Project
22. Email from Brian Forget regarding Tentatively Agreed MOU on Stadium Funding and attached MOU
23. Meeting Memo regarding Old Business #3: Discuss recruitment process for police chief position