

MINUTES OF THE BOARD OF SELECTMEN MEETING

October 6, 2014
Meeting held at Town Hall

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

PUBLIC ATTENDEES: Lawrence White - Finance Committee; Robert Barker – Police Chief; Tara Gibbs – Pine Grove School PTA

CALL MEETING TO ORDER

Vice Chairman Joseph Perry called the meeting to order at 7:03 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Larry White led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:00 p.m. Town Administrator Deborah Eagan to discuss disclosures filed by Jack Cook

Jack Cook recused himself from this discussion and left the Selectmen's room at 7:04 p.m.

Vice Chairman Perry read the following:

Debbie will discuss the following:

Jack Cook has completed and signed MGL Chapter 268A, §20(d) three disclosures, which are broken out as follows:

- *Water*
- *Library*
- *Highway*

for his rubbish removal "contracts" for the above cited departments.

Eagan read the following:

I am here tonight to discuss these disclosures with the Board of Selectmen. The Board of Selectmen must review these disclosures, consider and vote on the following requirements, which will be written on each pertinent disclosure form:

- *Mr. Cook, as a selectman, shall not sign any **Water Department** bills payable warrants that contain invoices from Cook's Rubbish.*
- *Mr. Cook, as a selectman, shall recuse himself from discussions and votes on the Water Department expense budget because he is a **Water Department** vendor.*
- *Mr. Cook, as a selectman, shall not sign any **Library** bills payable warrants that contain invoices from Cook's Rubbish.*
- *Mr. Cook, as a selectman, shall recuse himself from discussions and votes on the Library expense budget because he is a **Library** vendor.*
- *Mr. Cook, as a selectman, shall not sign any **Highway Department** bills payable warrants that contain invoices from Cook's Rubbish.*
- *Mr. Cook, as a selectman, shall recuse himself from discussions and votes on the Highway Department expense budget because he is a **Highway Department** vendor.*

If the Board of Selectmen is satisfied, it must vote to authorize Vice Chairman Joseph Perry to sign the three disclosures. I will then promptly file them with the Town Clerk.

Eagan read each of the three disclosures prepared by Jack Cook for the Water Department, Library and Highway Department (COPIES ATTACHED).

Snow said everything seems to be in order and is ready to be signed.

Bob Snow made a motion to sign the disclosures, Dave Petersen second, all in favor - aye (3-0). Bob Merry – ABSENT. Jack Cook – RECUSED AND NOT PRESENT IN THE ROOM

Joseph Perry signed the three disclosures. Eagan left the room to have the Town Clerk date stamp the disclosures. Snow left the room to let Cook know the discussion was complete. Snow and Cook returned to the Selectmen's table at 7:11 p.m.

7:05 – 7:15 p.m. CITIZEN QUERY

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

GENERAL BUSINESS

1. Request from Library Director Pam Jacobson to lift the hiring freeze for the position of Library Technician

Vice Chairman Perry read the letter from Library Director Pam Jacobson (COPY ATTACHED).

Bob Snow made a motion to lift the hiring freeze for this position, Jack Cook second, all in favor - aye (4-0). Bob Merry – ABSENT.

2. Letter of resignation from Fence Viewer Richard Caram

Vice Chairman Perry read the letter from Richard Caram (COPY ATTACHED).

Bob Snow made a motion to accept Caram's resignation as Fence Viewer with regrets, Jack Cook second, all in favor - aye (4-0). Bob Merry – ABSENT.

The Board asked the staff to send Caram a letter of thanks for his service.

3. Letter of resignation from Town Hall/Annex Janitor Richard Caram

Vice Chairman Perry read the letter from Richard Caram (COPY ATTACHED).

Bob Snow made a motion to accept Caram's resignation as Town Hall/Annex Janitor with regrets, Dave Petersen second, all in favor - aye (4-0). Bob Merry – ABSENT.

The Board asked the staff to send Caram a heartfelt letter of thanks for many years of service.

4. Request from Town Administrator to lift hiring freeze for Town Hall/Annex Janitor

Vice Chairman Perry read the memo from Deborah Eagan (COPY ATTACHED).

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

5. Revised request from PGS PTA to use Town Common for annual Fall Fest event with the addition of pony rides

Vice Chairman Perry read the following:

This request has been circulated to the Police, Fire, Highway and Health Departments. Chief Broderick said the EMS presence already scheduled to be at the event could handle any potential injuries. Concerns regarding animal waste brought up by the Health and Highway Departments have been adequately addressed in the email request, where it says that the staff of Hunter Haven's Farm will clean up after the animals.

Tara Gibbs said the event is scheduled for October 24, 2014 from 5:30 p.m. to 7:30 p.m. She said they have amazing sponsors, new food, and each year they try to have one big draw, and this year that is the pony rides. She said the area will be staked off,

and caution tape will be put around the area. She said the entry point for the ride will be staffed by a parent volunteer, and a second volunteer will have the parent sign a waiver if one is required. She said the farm is fully insured, and she will make sure the area is cleaned up well.

Bob Snow made a motion to approve the revised request, Jack Cook second, all in favor - aye (4-0). Bob Merry – ABSENT.

OLD BUSINESS

1. Review and sign special town meeting warrant

Vice Chairman Perry read the following:

Town Counsel Judy Pickett has reviewed the warrant article. She recommends that the article designating Assessors Map 13 Lot 6 as "Article 97" Park land be taken off the warrant. She recommends that the portion of the parcel that is in Zone 1 of the Well Station #2 be separated out of this parcel through a survey/subdivision.

I. The Board needs to vote to take Article #18 off the warrant.

ARTICLE 18. To see if the Town will vote to designate Assessors' Map 13 Lot 6 as Article 97 Park land or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommendation Not Required

Explanatory Note: Lot 6 on Assessors' Map 13 is designated as "general municipal property." The Board of Selectmen desires to protect this 8.99+/- acre parcel of land, as "park land", which will allow the Town to use it as an official "active recreation" parcel.

II. The Board needs to vote to sign the warrant. (last page)

Petersen said the article being removed from the warrant relates to the lot for the proposed soccer field. He said a small portion of this property touches zone 1 of the water well property. He said between now and the spring, the Bradstreet field money will be used to do a survey of the land and to subdivide it. He said at this point, this article needs to be taken off the warrant and revisited in the spring.

Dave Petersen made a motion to remove article 18 from the warrant, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

Bob Snow made a motion to sign the warrant, Jack Cook second, all in favor - aye (4-0).
Bob Merry – ABSENT.

Petersen said we need a quorum for Town Meeting and encouraged residents to attend the meeting.

2. Discuss sergeant job posting

Vice Chairman Perry read the letter from Police Chief Robert Barker (COPY ATTACHED). Chief Barker said a candidate without the traditional college degree applied, and they were forced to deny him based on the requirements in the job description. He said this candidate has extensive military experience which may or may not be equivalent to a college degree. He said changing the job description doesn't guarantee the candidate the job, it just provides an opportunity to apply for it. Perry said we should look at changing the job description, and the Chief can ask the Personnel Board for the change to the description. Petersen said as the Personnel Board representative, he agrees with Perry. He said the intent of the job description was not to exclude potential candidates, and we want to get the best possible candidates. He said a college degree is not a requirement for the patrolman position, and he recommended that the Board accept this change. Snow said he agrees. He said military training is a position of authority and equal to a college degree. He said it is appropriate to make this change. Cook said he agrees.

Dave Petersen made a motion to add language to the sergeant job description to include the phrase "or a combination of training, experience, and education commensurate with the degree requirements", Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

Dave Petersen made a motion to reopen the job posting until noon on October 14, 2014, Jack Cook second, all in favor - aye (4-0). Bob Merry – ABSENT.

NEW BUSINESS

1. Review application from Deborah A. Smith to ZBA for modification of a special permit for the delineation of a boundary line

Petersen said he reviewed this application (COPY ATTACHED) and doesn't quite understand what they are doing. He said he believes it reopens a boundary dispute, and he has no objections to the application.

Eagan said the office will communicate to the ZBA that the Board has no recommendations on this application.

2. Review application from Artistic Landscape LLC, c/o Tony Hurley to ZBA for a special permit to install a sign

Perry said the sign is larger than allowed by the by-law. Petersen said it is larger than ten square feet. Snow said this is straight-forward and he doesn't have any concerns. Petersen said the sign will be down in a hill, so it will be less visible. He said he has no objections to the application (COPY ATTACHED).

3. Review application from Sean Blair to the ZBA of an appeal of a cease and desist order by the building inspector for operating a septic installation business as a customary home occupation

Snow said he reviewed this application (COPY ATTACHED). He recommended that the Board send a note to the ZBA to request them to review this application with the Town's Attorney and cc the Building Inspector. He said the ZBA should have the Building Inspector attend this meeting. Petersen said he has no objections to sending these recommendations to the ZBA.

Bob Snow made a motion to recommend that the ZBA engage the Town Counsel and Building Inspector in reviewing this application, Jack Cook second, all in favor - aye (4-0). Bob Merry – ABSENT.

ANNOUNCEMENTS

- The Fall Special Town Meeting is scheduled for Monday, October 27, 2014 at 7:30 p.m. at the Pine Grove School
- West Nile virus (WNV) has been detected in mosquitoes collected in Rowley. Residents seeking information on the West Nile Virus should read the information on the Town's website or contact the Health Department at 948-2231
- The Town has the following vacancies:
 - a) **Fence Viewer**– three positions;
 - b) **Wood, Lumber & Bark Inspector**; and
 - c) **Zoning Board of Appeals Associate** – two open seats
 - d) **Historical Commission-Historic District Commission** - three seats
 - e) **Parks and Recreation Committee** - two seatsFor 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.
- Compact fluorescent light bulbs may be recycled at the Rowley Municipal Lighting Plant. Light bulbs can be brought down during normal business hours.

There being no further business before the Board, Vice Chairman Perry called for a motion to go into Executive Session for the purpose of discussing strategies with

respect to litigation because an open meeting may have a detrimental effect on the litigating position of the Town and to not return to open session. Bob Snow so moved, Jack Cook second, all in favor – roll call vote: David Petersen – aye, Joseph Perry – aye, Robert Snow – aye, Jack Cook – aye. Robert Merry – ABSENT

Open meeting adjourned at 7:38 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Disclosure filed by Jack Cook for the Water Department
2. Disclosure filed by Jack Cook for the Library
3. Disclosure filed by Jack Cook for the Highway Department
4. Letter from Library Director Pam Jacobson to lift the hiring freeze for the position of Library Technician
5. Letter of resignation from Fence Viewer Richard Caram
6. Letter of resignation from Town Hall/Annex Janitor Richard Caram
7. Memo to Selectmen from Deborah Eagan requesting the hiring freeze be lifted
8. Email request to add pony rides at Fall Fest from Tara Gibbs, and email feedback from Fire Chief, Police Chief, and Health Agent
9. Warrant for Special Town Meeting October 27, 2014
10. Letter from Police Chief Robert Barker regarding Sergeant job posting
11. Application from Deborah A. Smith to ZBA for modification of a special permit for the delineation of a boundary line
12. Application from Artistic Landscape LLC, c/o Tony Hurley to ZBA for a special permit to install a sign
13. Application from Sean Blair to the ZBA of an appeal of a cease and desist order by the building inspector for operating a septic installation business as a customary home occupation