

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

October 28, 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:** Larry White - FINCOM, Ron Keefe – Highway, Bill DiMento – Harbormaster, Don Thurston – ZBA, Gina Paquette – Leslie Road resident, Robert Barker – Police Chief, Frank Drauszewski – Parker River NWR, Nancy Pau - Parker River NWR, Kelsey Thomas – aide to Representative Brad Hill, Darin Swimm – aide to Congressman John Tierney, Michael Cook – Shellfish Commissioner, Dan Perley – Commercial clammer, Bruce Tarr – Mass. Senate, James Broderick – Fire Chief, Robert Clewell – ZBA, David Levesque – ZBA, Nathaniel Dummer – ZBA, Ken Ward – Building Inspector, Tom Heidgerd - ZBA

### **CALL MEETING TO ORDER**

Chairman Robert Snow called the meeting to order at 7:04 p.m. He said the meeting is being video and audio taped.

### **PLEDGE OF ALLEGIANCE**

Ron Keefe led the Pledge of Allegiance.

### **CHAIRMAN'S COMMENTS**

None.

### **7:05 – 7:15 p.m. CITIZEN QUERY**

Citizen query was opened.

**7:00 p.m. APPOINTMENT** – Jamila Elisa to discuss sending a letter to the U.S. Department of Immigration

Bob Merry read the following letter addressed to him from Jamila Elisa:

*Bob Merry  
Selectman  
Town of Rowley, Mass.*

*Dear Sir,*

*I am known to you as a long term resident of Rowley and as proprietor of the Richdale Store on the Town Common.*

*My son, Istiaque Shanjib, will be graduating from TRITON Regional High School in June 2014.*

*He and my younger son have greatly missed their father, my husband, Elias A. KAMIL. We have only been able to visit him twice in the years since he returned to Bangladesh in March 2010.*

*My sons and I are making a special request to have their father come on a visitor's visa to attend the graduation. We have been advised that it will help if our friends and neighbors show their support for this idea.*

*A letter from the Board of Selectmen would be very nice. It can be brief and simply state that Elias Kamil is known in town as a reliable family man and thought well of as a merchant in the Town of Rowley.*

*Thank you from me and my sons.*

*Mrs. Jamila Elias  
967 Haverhill Street, Rowley MA 01969  
tel: 978 948 5450*

Chairman Snow asked Mrs. Elias and her son to explain the situation regarding why Elias Kamil is no longer living in the United States. Istiaque Shanjib, Elias's son, said his father was an illegal immigrant who lived in Rowley for ten years. Snow asked how U.S. Government Officials became involved. Istiaque Shanjib said he doesn't know how they became aware that his father was living in Rowley, but he was deported on February 16, 2010. Perry said he has been at Richdale's many times and the family is very nice, handles the business well and is good to the customers. Mrs. Elias said both of her sons are United States citizens since they were born here, and she received her green card in 2011. Istiaque Shanjib said they would like his father to be allowed back into the United States in order to attend his high school graduation, and they are working on this request with Michael Greenberg, a lawyer in Boston. Petersen said he is familiar with the family and would vote in favor of sending a letter of support. Cook asked if there is a chance that this could develop in his permanent return to the United States, and what the procedure is for that. Mrs. Elias said when her son turns twenty-one years old, he can petition for his father to become a U.S. citizen. Snow asked if the only charge against him is being an illegal immigrant. Mrs. Elias said yes and the Rowley Police Chief has also provided a letter of support for him to come back for the graduation.

Joseph Perry made a motion to send a letter from the Board supporting this request, Jack Cook second, all in favor – aye (5-0).

Petersen asked who the letter should be sent to. Istiaque Shanjib said it should be addressed to Whom It May Concern, and sent to him.

**7:05 – 7:15 p.m. CITIZEN QUERY**

Larry White of Central Street asked that the Board review stipends paid out and to understand and possibly change the payment time frame so that they are not paid out at the beginning of the fiscal year like the CPA Administrator stipend was in the past.

Citizen's query was closed.

**7:15 p.m. APPOINTMENT –** Gina Paquette to discuss Leslie Road traffic

Chairman Snow said, "Police Chief Robert Barker and Highway Surveyor Ron Keefe will be present for this discussion. The selectmen all have received and read the letter."

Gina Paquette said she works from home and during the rush hours, there are constant cars traveling down Leslie Road and she believes many of them are from the Wilson Pond development and there are many cars with New Hampshire license plates. She said this road is used as a cut through. She said the day she wrote the letter to the Board her daughter was walking on the road and was almost hit by a car passing by. She said it would help relieve traffic on Leslie Road if the dirt road known as Ellsworth was opened either as a one way road, or two way if it is widened.

Police Chief Barker said Leslie Road is a back country road that is not within the confines of Rowley, so it can't be restricted. Paquette said in Beverly some streets have signs that say "Residents Only – Not a Thru Way." Barker said the Mass DOT would have to perform surveys and studies before any type of restriction could be implemented, and he isn't sure how the restriction could be enforced. Highway Surveyor Ron Keefe said there isn't a way to enforce that type of restriction. Keefe said Ellsworth Road is not a Town owned road, so the Town cannot direct traffic down it.

Petersen said he used to drive the bus down Leslie Road and there were police cruisers on patrol there frequently. He said the Town can take land from property owners to make the street wider or put in sidewalks. He said he lives on Newbury Road and the same problem exists there as well as on Boxford Road, as these are roads that have become much busier but are not wide enough to handle the volume of traffic. He said the new arrow signal at the intersection of Route 1 and Route 133 has been creating a traffic backup heading east on Route 133 and we should ask the Mass DOT to take a look at the timing of the traffic signal at that intersection.

Paquette said the best option seems to be to look at the timing of the traffic signal at the intersection. Snow said this concern will be taken under advisement and revisited at a future meeting.

**7:30 p.m. APPOINTMENT** – Acting Refuge Manager Frank Drauszewski to discuss closure of Stackyard Road

Chairman Snow read the following:

*The Board of Selectmen has requested Acting Manager Frank Drauszewski to attend this meeting for the purpose of discussing the Parker River National Refuge's closure of Stackyard Road.*

*Rowley clambers use this section of the road to access Nelson's Island and it is a staging area for emergencies that occur in the Rowley River area.*

*The following are attendance at this meeting:*

- Michael Cook, Chairman, Shellfish Commission
- Harbormaster William DiMento
- Larry White, a concerned Rowley resident
- Darin Swimm, aide to Congressman Tierney
- Senator Tarr
- Kelsey Thomas, aide to Rep. Hill

*Attached are pictures of Stackyard Road leading out to Nelson's Island. If we can't cover all the issues during tonight's meeting, we can resume discussion with Mr. Drauszewski during another upcoming meeting.*

Drauszewski said the tone of the letter that he received from the Board of Selectmen was that Stackyard Road was closing, but they are only restricting vehicles from driving down the road. He said the commercial clambers are the only ones who drive down the road and four to five years ago the clamming community asked if they could put clamshells down on the road, the Parker River National Refuge said yes, just let us know when you plan to put them down, and then nothing happened. He said since that time the road has deteriorated and the grade of the road is below the grade of the marsh. He said the road is beyond the point of repair, they don't want to maintain the road, so the road was abandoned. He said Refuge Manager Graham Taylor held firm on the decision to abandon the road after the meeting in April 2013 with various town representatives. Drauszewski said regarding the emergency access concerns, they have provided a key to the gate to the Police Department and the Harbormaster. He

read an email from Jim Sprague of the Mass DEP who is a wetlands regulator which said any repairs to this road may be in violation of the wetlands regulations.

Snow said he has concerns about the Town's commercial clammers, an industry in town that dates back to the 1640s, who have to hike out a mile and bring the clams back. Perry said most of the clammers are seniors. Michael Cook said each trip, if three bushels are dug, would require bringing back a load that weighs 150 pounds.

Keefe said tons of fill are dumped on Patmos and Stackyard Roads and it is washed away and asked if these roads should be closed as well. Drauszewski read another email from Sprague who suggested that a meeting be set up to discuss possible improvements to the road.

Nancy Pau, a biologist for the Parker River National refuge said the road has deteriorated over the last two years and there are three sections that are always wet, either from the road's deterioration or the marsh expanding. She showed a picture of algae growing on the road (COPY ATTACHED) and said there are always fish and birds in the sections covered with water. She said the refuge manager decided that the road is impassable, and repairs made to the road may have negative consequences to the salt marsh. Drauszewski said Massachusetts Wetlands Protection laws may prevent repairs to the road.

Petersen asked how deep the water is at high tide. Pau said sections can have eighteen inches to two feet of water and almost the entire road is underwater at high tide. She said there are three sections that are always wet, even at low tide. She said if the elevation of the road is higher than the elevation of the marsh, it will stop the flow of sediment which is important to the health of the marsh.

Dan Perley of Central Street said the road has become worse over the past couple of years and to make it useable it doesn't need to be brought above the level of the marsh and vehicles can go through two or three inches of water to get out there. Snow said a problem has been cars driving on the marsh to avoid water on the road. Pau said they aren't seeing much of that occurring. Drauszewski said the road is used mainly in the wintertime and asked how many clammers use it in the winter. Perley said one or two clammers use it on a limited basis. Petersen said we should meet to come to an agreement on the emergency management access of the road, and then look at further access. Harbormaster Bill DiMento said Drauszewski has provided a key to him for emergency access and emergency access to the road has never been denied. He said when the recession began in 2008, maintenance of the road was put on the back burner. He said he doesn't think it is the intention of the refuge to limit clamming and maybe the group can brainstorm and come up with a way to allow seasonal access.

Kelsey Thomas, aide to Representative Brad Hill and Darin Swimm aide to Congressman John Tierney said they are happy to work to find a reasonable solution, and not too much is being asked.

Resident Larry White said the clammers only go out on Sundays, but the sign at the entrance indicates that it is closed Monday through Saturday to all activities. Drauszewski said the road closes seasonally from September through the end of January for water fowl season. Drauszewski said he will put together a meeting with this group and Jim Sprague of the Mass DEP.

Senator Tarr said he has had good experiences with Drauszewski who is very responsive and partnering. He said we are fighting the environment and thinks to continue the historic and traditional use of the road for clamming, the group can think about a more limited access agreement. He said involving the Town's DPW department would be helpful.

Snow thanked everyone for coming in for this discussion. Petersen said future discussions should consider how any repairs will be funded.

## **GENERAL BUSINESS**

### **1. Sign Cultural Council State Contract Form**

Chairman Snow said, "The Rowley Cultural Council has received \$4,250 in state funds to be used for local grants for cultural purposes. In order for the Town to receive the funds, Chairman Snow needs to sign the Standard Contract Form and authorized signatory page." (CONTRACT FORM ATTACHED).

Dave Petersen made a motion to authorize the Chairman to sign the standard contract form, Jack Cook second, all in favor – aye (5-0).

Chairman Snow signed the form.

### **2. Discuss installation of traffic arrow signal at Route 1 and Route 133 intersection**

Chairman Snow read the following:

*I (Chairman Snow) noticed that there is now a green arrow on the traffic light at the intersection of Route 1 and 133 for the eastbound traffic on Route 133 that is taking a left turn to go down Route 1 South.*

*I mentioned the need for an arrow in this location to the Mass. DOT officials who attended a meeting hosted by Representative Brad Hill in September at the intersection*

*of Route 1 and Central and Glen Street. The Mass. DOT officials came to discuss the Town's safety concerns pertaining to this intersection.*

*There have been long back-ups on the eastbound side of Route 133 and the arrow is making it easier for drivers to take a left turn onto Route 1 South now. I happened to mention it to them at this time and I was amazed to see it a couple of weeks ago. I am calling for a vote to send a letter to Paul Steadman, Acting Mass DOT Director for District 4 thanking him and his staff for promptly installing this arrow.*

Petersen said there have been tremendous backups on the westbound side of Route 133 and we should send a separate letter to the Mass DOT asking them to look at the timing of the signal. He said the signal with the arrow is great. Police Chief Barker said he noticed the backup before the new signal was installed, but he will request the Mass DOT to do a study on the signal timing.

Joseph Perry made a motion to send a thank-you letter to the Mass DOT for the installation of this traffic signal, Bob Merry second, all in favor – aye (5-0).

Snow thanked Representative Hill for his help on the Route 1 and Central Street and Glen Street intersection.

Joseph Perry made a motion to send a thank-you letter to Representative Hill for his help on this issue, Jack Cook second, all in favor – aye (5-0).

3. Road Opening Permit Request from National Grid to open 237 Dodge Road for cut and cap of gas service

Dave Petersen made a motion to sign the Road Opening Permit Request from National Grid to open 237 Dodge Road for cut and cap of gas service, Jack Cook second, all in favor – aye (5-0).

4. Request from the Pine Grove School PTA to hang a banner on the Town Common backstop promoting the PGS Craft Fair

Jack Cook made a motion to authorize the Pine Grove School PTA to hang a banner on the Town Common backstop publicizing the annual Craft Fair at the Pine Grove School, Joseph Perry second, all in favor – aye (5-0).

**OLD BUSINESS**

1. 375th Anniversary Committee update from Joe Perry

Joseph Perry said the new light fixtures that have been installed on the Town Common look outstanding, and the 375th Anniversary Committee plans to attach signs to the posts to advertise the celebration. Petersen thanked the Highway Department and all other people who have worked on the project, which was a group effort and it looks great.

## **NEW BUSINESS**

### **1. Accept donation of a painting from Dianne Short**

Chairman Snow said, "Dianne Short is donating a painting that she found and purchased on line. The painting depicts the center of the Town as it appeared in the 1920s. It was not painted during this time. It was painted approximately 40-50 years ago by S. Howard, as shown on the lower corner. The Board of Selectmen needs to vote to accept the donation of this painting from Dianne Short. The Board needs to vote to send a letter of thanks and appreciation to Ms. Short."

Bob Merry showed the painting and said it was previously hung in the First National Bank. Snow thanked Short for the donation of the painting.

Dave Petersen made a motion to accept the donation and send Dianne Short a thank-you letter, Jack Cook second, all in favor – aye (5-0).

## **MINUTES**

- September 23, 2013

Jack Cook made a motion to approve the minutes from September 23, 2013, Joseph Perry second, all in favor – aye (5-0).

## **ANNOUNCEMENTS**

- The Food Pantry will be closed Thursday, October 24 and Tuesday, October 29, 2013 and will re-open on Thursday, October 31, 2013 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
- Special Town Meeting - November 4, 2013 at 7:30 p.m. at the Pine Grove School
- Halloween Trick-or-Treating will be held on Thursday, October 31, 2013 from 5:30 p.m. to 7:30 p.m.
- Fall Safety Driving reminder – the angle of the sun is lower so be mindful of glare and blinding sun. Wash your windshield.

**8:00 p.m. JOINT MEETING–** Zoning Board of Appeals

Chairman Snow called for a motion and vote to open the Joint Meeting of the Board of Selectmen and Zoning Board of Appeals by roll call vote. 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, Don Thurston -aye, Robert Clewell – aye, David Levesque – aye, Nathaniel Dummer – aye, Tom Heidgerd - aye

Joint meeting opened at 8:23 p.m.

Chairman Snow called for a motion for the Joint Meeting of the Board of Selectmen and Zoning Board of Appeals to go into executive session for the purpose of discussing strategy 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. 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, Don Thurston -aye, Robert Clewell – aye, David Levesque – aye, Nathaniel Dummer – aye, Tom Heidgerd - aye

Open meeting adjourned at 8:24 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Letter from Gina Paquette regarding traffic on Leslie Road
2. Letter from Rowley Board of Selectmen to Frank Drauszewski dated September 30, 2013
3. Pictures of Stackyard Road leading out to Nelson's Island
4. Additional pictures of Stackyard Road leading out to Nelson's Island provided by Frank Drauszewski
5. Standard Contract Form from Massachusetts Cultural Council
6. Road Opening Permit Request from National Grid to open 237 Dodge Road for cut and cap of gas service