

MINUTES OF THE BOARD OF SELECTMEN MEETING

August 26, 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: Merle D. Phipps – COA, Lawrence White – FinCom, Bill Gaynor, George Gallant – COA, Mary Bright, Diane McMahon – COA, Edna Keyes – COA, Robert Pietrillo, Jean Pietrillo, Suzanne Taylor Boyd, Brent Baeslack – Conservation Agent, Barbara Fortier – Girl Scouts of Eastern Massachusetts, Joanne Johnson - Girl Scouts of Eastern Massachusetts, David Santomena – Essex County Greenbelt, Robert Carpenter – Open Space, Erica Keefe, Susan Moses – Essex County Greenbelt, Steve Comley, Paul Boudreau, Frank Marchegiani – Health Agent, Robert Barker – Police Chief

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

Dave Petersen led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:05 – 7:15 p.m. CITIZEN QUERY

Larry White of Central Street said a candidate for the ZBA opening submitted an application three months ago and asked who interviews the candidate first. Snow said the Board cannot answer questions in Citizen's Query, but this will be taken under advisement.

Bill Gaynor of 63 Central Street requested that the Farmer's Market hours be extended until 5:00 so that people who are busy during the day can stop in on their way home. He said the farmers have a tough time competing, and a couple of rainy Sundays can put a damper on their season. Eagan said this request should be initiated by the Agricultural Commission since they request the use of the Town Common from the Board of Selectmen. She said this query should be directed to George Pacenka and the Agricultural Commission's board will vote on the extension. Gaynor said he will talk to Pacenka.

7:10 p.m. APPOINTMENT – Diane McMahon to discuss COA vacancy

Bob Merry recused himself from the deliberations regarding the COA candidates. He said he is an officer of the Rowley Historical Society and one of the candidates for the COA vacancy is on the Board of Directors of the Rowley Historical Society. Bob Merry left the meeting room at 7:09 p.m.

Chairman Snow read Diane McMahon's letter of interest (COPY ATTACHED). The Board asked McMahon the following:

1. Tell us about yourself.

McMahon said she retired last year, but is still active, and was a little shell shocked after her retirement. She said she managed the Wenham Museum and is looking for a place to use her skills. She said she wants to stay local and do what she can for the Town of Rowley.

2. Why are you interested in serving on the Council on Aging Board?

McMahon said she was asked to be on the Board. She said she has served on many Boards on the North Shore. She said she joined the COA when she retired, she knows what is going on there and she is interested in the COA.

3. Are you available to attend the COA Board meetings?

McMahon said she is, and that she prefers the morning meeting time since she doesn't like going out at night.

4. Describe your knowledge of the function of the Council on Aging Board.

McMahon said the Board's main function is to keep the programs going and to come up with new fundraising ideas. She said she would bring management skills to the board and she was also a child psychologist.

5. Under the State Ethics Law, all town officials and employees must take an online state ethics test. If appointed, would you agree to take this test?

McMahon said she would be willing to take this test. Snow said all government employees in the State of Massachusetts take this test so they are aware of conflicts of interest. He said the test takes twenty to thirty minutes to do on-line. McMahon said her biggest conflict would be that she serves and has served for many years on the Board of Directors of the Rowley Historical Society, which is a private organization.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query was closed.

7:20 p.m. APPOINTMENT – Edna Keyes to discuss COA vacancy

Chairman Snow read Edna Keyes' letter of interest (COPY ATTACHED). The Board asked Keyes the following:

1. Tell us about yourself.

Keyes said she has been a Rowley resident for fifty years and has seen a lot of changes in the Town. She said she enjoyed working as the Secretary at the Pine Grove School and then as the Secretary to the Superintendent of Triton, during an exciting time when Triton was being built. She said she also worked as the Secretary for the Conservation Commission, and the President of Anna Jacques Hospital. She said she has four children, is a widow and has seven grandchildren. She said she is retired, she is enjoying her family and would like to give back to the Town of Rowley. She said serving on this Board is a good way to give back, it is a wonderful organization and the Town is very lucky to have Mary Ellen.

2. Why are you interested in serving on the Council on Aging Board?

Keyes said she wants to volunteer and this is a good way to do that. She said she is a senior citizen herself.

3. Are you available to attend the COA Board meetings?

Keyes said yes, the meetings are the third Wednesday of the month and she will make the meetings a priority.

4. Describe your knowledge of the function of the Council on Aging Board.

Keyes said she will do whatever she is asked to do provided that she is capable of doing it. She said she would like to help with the Meals on Wheels program, and she is happy to do anything to make someone else's life easier.

5. Under the State Ethics Law, all town officials and employees must take an online state ethics test. If appointed, would you agree to take this test?

Keyes said she has no objection to taking this test.

7:30 p.m. APPOINTMENT – Suzanne Taylor Boyd to discuss COA vacancy

Chairman Snow read Suzanne Taylor Boyd's letter of interest (COPY ATTACHED). The Board asked Boyd the following:

1. Tell us about yourself.

Boyd said she was a nurse for thirty years, she isn't doing nursing currently, but she maintains her license. She said she has lived in Rowley for twenty years, has seen changes, and feels blessed to live in Rowley. She said as a nurse, she didn't tend to like the elderly, but she has grown to love them and now prefers them over the younger population. She said seniors deserve to be served in a special way. She said she went to Tufts Medical School and Emerson College.

2. Why are you interested in serving on the Council on Aging Board?

Boyd said the elderly population in Rowley is growing and she would like to help steer the Board towards a positive future and to become a united group. She said she doesn't have any specific goals, but this is a group that she wants to be part of.

3. Are you available to attend the COA Board meetings?

Boyd said yes, she is available to attend the meeting held once per month on Wednesday.

4. Describe your knowledge of the function of the Council on Aging Board.

Boyd said the Council on Aging Board comes before the Board of Selectmen when there is an issue for approval or denial. She said the COA Board ensures that they are heading in the right direction and looks at future issues. She said they do an amazing job planning for disasters for the elderly.

5. Under the State Ethics Law, all town officials and employees must take an online state ethics test. If appointed, would you agree to take this test?

Boyd said she has taken this test for her position at the Library and she has the certificate, and she is willing to take it again if necessary. She said she would be honored to be on this Board.

7:40 p.m. APPOINTMENT – COA Chair Mary Bright to discuss filling COA vacancy

Chairman Snow called Mary Bright forward. Bright said the three candidates were interviewed last Wednesday, they were very long interviews and it is too bad that they can't have all three candidates join the Board since they all have something to offer. She said after they left, the Board decided they needed the candidate who would be the best fit and who had the most to offer. She said the Board very much liked Edna at this point in time and they hope that the other two candidates can help at the COA in other ways. She said they are all very talented and it was a very tough choice. She said Edna knows many people at the COA and goes to many of the activities.

Perry said all three have wonderful resumes and a lot to offer and this is a tough choice. Cook said these are three good candidates and it is a good idea to see if the others can help at the COA in another way. Bright said the Board was very impressed with all the

candidates and thanked Reverend Bob who will be missed. She said he did so much and hopes he will keep in touch.

Jack Cook made a motion to send Reverend Bob a thank-you letter, Joseph Perry second, all in favor – aye (4-0). Bob Merry – RECUSED.

Dave Petersen said Reverend Bob has done so much for the community, he is a great guy, and there are three good candidates for this vacancy. Snow said there are three superb candidates.

Joseph Perry made a motion to appoint Edna Keyes to the COA Board based on the COA Board's recommendation, Jack Cook second, all in favor – aye (4-0). Bob Merry – RECUSED.

Bob Merry returned to the room at 7:45 p.m.

GENERAL BUSINESS

1. Request from Chamber of Commerce to use Town Common Gazebo for band to play music during the Farmer's Market on September 22, 2013 9 a.m. to 12:00 p.m.

Chairman Snow read the following:

The Chamber of Commerce is requesting to use the Town Common for a band to play music during the Sunday, September 22nd Farmer's Market.

Last year, the Board of Selectmen granted the Chamber of Commerce permission to use the Gazebo for a band to play music. The Agricultural Commission is holding their annual "tractor" contest during this time period. This event is part of the Essex National Heritage Commission Trails and Sails Event weekend.

Snow said the application appears to be in order. Petersen said we should leave the ending time open in case the Farmer's Market extends. Merry said the band will not likely stay and play if it does.

Jack Cook made a motion to authorize the Chamber of Commerce to use the Town Common for a band to play music during the Sunday, September 22nd Farmer's Market, Joseph Perry second, all in favor – aye (5-0).

2. Appoint Maria Makris to the position of assistant town accountant

Chairman Snow read the email from Town Accountant Susan Bailey requesting appointment of Maria Makris as Assistant Town Accountant (COPY ATTACHED).

Dave Petersen made a motion to appoint Maria Makris as Assistant Town Accountant, Joseph Perry second, all in favor – aye (5-0).

3. Northeast Massachusetts Mosquito Control aerial application notice

Chairman Snow read the Northeast Massachusetts Mosquito Control aerial application notice (COPY ATTACHED).

7:50 p.m. APPOINTMENT – Jeanne Pietrillo to discuss water treatment plant contract issue

Chairman Snow called Jeanne and Bob Pietrillo forward. Jeanne said she lives at 916 Haverhill Street and thanked the Board for taking the time to listen.

She said on August 15, 2013 she received a certified letter from an attorney in Springfield notifying them that a lien had been placed on the deed of their property since August 2, 2013 (COPY ATTACHED). She said the letter included details of an outstanding bill for \$7,000 for rental equipment and other items and a lien was put on the deed for the outstanding bill balance. Snow read the letter from attorneys Bulkey Richardson.

Pietrillo said they were stunned by the letter since they hadn't rented any equipment and didn't owe \$7,000. She said she remembered over the summer that Federal Express tried to deliver large boxes to her home and she told them they didn't belong to her, but they were probably for the Water Department down the road. She said their house address was used for Water Department deliveries several times. She said she called the Attorney who sent the letter and also Chairman Snow and Town Administrator Deborah Eagan. She said Eagan contacted the Water Department to get copies of the contracts and Water Superintendent Rezza said he felt blind sided. She said Water Department Business Manager Laura Hamilton contacted the law firm, got copies of the bills and the law firm said they would take the lien off the deed the following Monday.

She said if they had been in the process of selling their home, or taking out a home equity loan, or if something happened to them, this would have been a huge mess. She said she then contacted their lawyer, and said Bob Snow was very helpful to them. She said while she was at the Water Department, Water Commissioner Stuart L. Dalzell came in and was very upset by what had happened. She said Weston & Sampson didn't know about what had happened, and the Water Department demanded that the law firm dissolve the lien and have the paperwork in their hand by Friday. She said they did the dissolution and Hamilton brought the paperwork to the Pietrillos.

Ms. Pietrillo said this problem was not only unnerving, but she worries about what will happen down the road if they decide to sell the house. She said she doesn't understand how the contractor and lawyer were so irresponsible. She asked the Board

of Selectmen to help her and said she is going to the Water Board meeting next week. She said Stuart L. Dalzell Sr. asked Kinsman to send her a letter of apology, but she wants documentation of what happened for her file in case this comes up in the future.

Perry said he cannot believe someone did this and got away with it and asked if their property is in front of the water treatment plant. Bob Pietrillo said their home is 1700 feet away from the treatment plant. Eagan said the address for the water treatment plant is 64 Pingree Road and the general contractor is Kinsman who has subcontractors. Eagan said the contract should have the proper address and she finds this incident astonishing, and the problem stems from the general contractor. Bob Pietrillo said the problem also goes back to the Water Department.

Petersen said the Pietrillos should have their lawyer check their deed and to check with the credit rating agencies to ensure that this lien is not included on their credit reports. He said they should talk about compensation for their expenses and mental anguish. Merry suggested that the Pietrillos send a bill for services to Bulkey Richardson. Jeanne Pietrillo said she wants the public to be aware that something like this can happen and asked if the Water Department can find out from Kinsman how this happened.

Snow said he is going to the Water Board meeting and will ask for a chronology of events and will ask which other subcontractors have the incorrect address. Jeanne Pietrillo said Weston and Sampson sent a letter clarifying the address to all contractors. Petersen said the events and how they happened need to be answered by the Water Board and said the Pietrillos should have their lawyer contact the Water Board. He said this is a tough position to be in and it is hard to straighten it out. He said there may be other damages and they should go to the Water Board.

Snow said the Board of Selectmen sympathizes with their plight and will help however they can. He said he will attend the Water Board meeting next week and recommended that the Pietrillos have their lawyer present at the meeting as well.

8:00 p.m. APPOINTMENT – Conservation Agent Brent Baeslack to discuss FEMA Flood maps

Chairman Snow read the following:

Conservation Agent Brent Baeslack will go over the key points in the newly issued Federal Emergency Planning Agency flood plain maps. (The backup information from FEMA is attached.)

In anticipation of tonight's discussion with Conservation Agent Brent Baeslack on the updated FEMA insurance flood maps, Amy Lydon and Brent set up new pages on the Town's website with the pertinent information and the links to the new maps. They pulled this together over the past two weeks and did a great job on it.

For more information on the insurance flood plain maps go to www.townofrowley.net and click in the green box on the left “Coastal Flood Information”. You will be linked to two pages with all of the information on the changes. If you receive questions from townspeople on the new maps, you can direct them to these pages on the website or to Rowley Conservation Agent Brent Baeslack. Brent can be contacted by telephone at 978-948-2330. We have Brent listed as the “Town” contact on these maps and Colleen Bailey the mapping coordinator for the state Dept. of Conservation Recreation.

Baeslack said the Town has some exposure to the updated FEMA maps. He said they were last updated in 2012, but didn't focus on the coastal areas of Essex County. He said since then there have been weather events such as Hurricane Sandy that caused them to realize that the coastal areas of Massachusetts have not been examined. He said the revision process uses aerial radar to look at the topography of the shoreline and the history of coastal storms is also reviewed. He said some of the updates impact Rowley and the mapping and extent of potential flooding have increased. He said roads near the river and marshes, such as Stackyard Road, Patmos, Railroad and Warehouse Lane, have been impacted. He said the preliminary maps are available and can be accessed on the Town's website. He said property owners may need to consult with a professional to determine if the elevation of their property falls within the new maps.

Petersen said Baeslack and Lydon did a great job on the website. Baeslack said FEMA will be scheduling a public meeting with FEMA in the near future. He said there will be a ninety day period to examine the mapping and appeals can be made before the maps are finalized until November 7, 2013. Eagan said this information has been publicized on the cable channels and the Town's website and anyone can reach out to Baeslack or Colleen Bailey with questions. Baeslack said any appeal needs to have scientific or engineering data supporting it.

8:15 p.m. APPOINTMENT – Essex County Greenbelt Association Director of Land Conservation David Santomenna and Susan Moses to discuss Girl Scouts camp property

Chairman Snow said, “David Santomenna and Susan Moses of Greenbelt will be here to discuss the Girl Scouts camp property which, according to news reports, is being sold by its owner, Girl Scouts of Eastern Mass. Inc. Attached is the background information, including the assessor's map and property record information.”

Santomenna introduced Girl Scouts of Eastern Massachusetts representatives Barbara Fortier and Joanne Johnson, and distributed a map of the property to the Board (COPY ATTACHED). Santomenna said the property in question is located on Wethersfield Street and is known by some as the Spar and Spindle land. He said the Girl Scouts reached out to Greenbelt as a resource to help with the disposition of this property and another property in Beverly. He said they would like to look into Conservation options for the land. He said he believes there are 187 acres, but the amount of land may differ

since it has never been surveyed. He said there is frontage on Wethersfield Street and there are a number of structures on the northern end of the property. He said this land is a link between Eiras Park, Hunsley Hills and Greenbelt properties. He said the Girl Scouts kicked off this process and are looking for feedback on the level of interest from Greenbelt and the Community. He said Greenbelt views this as a significant opportunity and would like to work with the Town on this project. He said the next step is to schedule a site walk with the Board of Selectmen and Conservation Agent.

Barbara Fortier of the Girl Scouts of Eastern Massachusetts said the decision to sell this land was not made overnight. She said the Girl Scouts own twenty-seven parcels of land and this parcel and the one in Beverly are ranked the lowest. She said there would be an exorbitant cost associated with revamping this camp to meet the current safety standards, and the camp has not been in use for three years. She said it is their desire to try to conserve this land, that developers have been calling them, but have been put on hold.

Susan Moses, a Greenbelt Board Member, said this land is a key property in the Town's Open Space Plan. She said she thinks there are opportunities for multiple uses, but it is a large parcel and the Town may not have enough funds to keep all of it as Conservation land. Bob Carpenter said if you look at the Open Space plan, that parcel is key. He said acquiring it will be expensive, but we should look into what can be done, and maybe use CPC money. Moses said this is that largest piece of land in single ownership in the Town.

Conservation Agent Brent Baeslack said the Conservation Commission has the care and custody of Smith Lane. He said the Town has preserved open space and there have been informal discussions of a parcel being donated on the eastern side of Batcheldor Brook. He said this is a prime parcel for wetlands and a significant wildlife habitat. Moses said there are vernal pools on this property.

Petersen said this is worth looking into and the Town may be interested in using the buildings. Moses said the Girl Scouts are interested in working with the Town, and they realize that it will take longer, but need to start the planning now. Petersen said we should set up the site visit soon and then move forward with the process. Perry said he is in favor of the site visit. Snow asked how old the buildings are. Merry said they were built in the late 1960s / early 1970s. Eagan said she will coordinate setting up the site visit with Santomenna. Snow asked that it be scheduled within the next two weeks.

8:30 p.m. APPOINTMENT – Erica Keefe to discuss Girl Scouts camp property

Chairman Snow read the letter from Erika Keefe (COPY ATTACHED). Keefe said she is a Physical Therapist and lives in Amesbury. She said her sister is a Child and Family

Therapist. She said it is her and her sister's dream to open a camp for children with disabilities and she wants to voice their interest and see if there is support for them to use the area of the property where there are structures. Merry said this might be a good fit. Erika said there is a huge need for children who have cystic fibrosis, autism and obesity, and there is no place for these children to have a natural typical camp experience.

Petersen asked Keefe to put together a synopsis of her proposal and to share it with the Girl Scouts as well. He said there are multiple options for the property and all should be given a fair opportunity. He invited Keefe and her sister to attend the site visit.

Snow read an email sent to Assistant Town Administrator Doreen Glowik from the Ipswich YMCA regarding their interest in this property (COPY ATTACHED).

8:45 p.m. APPOINTMENT – Paul Boudreau and Steve Comley for an update on the proposed bicycle competition on the Comley property

Eagan outlined the documents included in the Selectmen's packet (COPIES ATTACHED).

Snow said there were articles in the Gloucester Times dated August 20th and August 21st and asked Boudreau where this event is being held. Boudreau said the date they need is the 29th and he hopes to move the event to Rowley, but they need to have a venue for the event so he is doing due diligence with Gloucester. He said Salem has been put on hold. He said regarding the letter sent by the Rowley Police and Fire Chiefs, he met with them about one and one half weeks ago and Barker's concerns regarding parking and the separation of the course and the parking area were addressed. Boudreau said he owes the Board of Health the vendor information, which he doesn't have yet. He said the cost of the required police detail, two ambulances and fire detail totals \$12,000 versus the cost in Gloucester of \$4,500. He said holding the event in Rowley seems to not be feasible given the costs and they would need to obtain a lot of sponsorship. Snow asked Boudreau if he is withdrawing his request.

Steve Comley said he wanted this event to happen since it would benefit the Town, but doesn't feel that others feel the same way. He said the Police Department has been apprehensive and he requested that they be treated like anyone else, and given the costs, he feels they haven't been. He said they are willing to hire a security team so that Police resources aren't taken away from the Town, and said a fire detail is excessive and not necessary. He said if the cost is negotiated down by one half, he thinks the event can take place. He said he has spoken to 80% of the residents on Kittery Avenue about this event, and they don't have an issue with it. Snow said we would have to hold a public hearing for this. Comley said public hearings aren't held for block parties or for Todd's Farm. Snow said this is a large event and Todd's Farm has been licensed for years. Snow said we need to set up a process for this type of event. Petersen said this is the first time the Town is considering hosting a destination event, and his concern is that it is being run on a dead end street, with a nursing home at the

top of the hill with limited access. He said the location is causing the Chiefs to be concerned regarding emergency access. Petersen suggested having the public hearing to give the public a chance to provide their input, and the event is only one month away. Boudreau said Gloucester is voting on this tomorrow. Eagan said a public hearing would have to be held because street parking would be banned for the weekend and residents need to know this.

Comley said roads are closed for block parties and he isn't notified. He said he needs to worry about the nursing home and he wouldn't endanger the residents, since it is his business. He said he does what he can do to maintain the road, he has helped move trees, and plows the road for free. He said he gets nothing for his taxes other than the ability to run his business. He said his farm is on edge and he's looking for strategies to keep it open and as open space, rather than developing it. He said he gave the Town two month's worth of notice, 80% of the residents on the road know about it and no one has said no. He said he doesn't get notice when a block party closes the street, and maybe it would have been better if he didn't ask permission to have this event. He said Todd Farm doesn't have police details and there are 1800 to 2000 people there at a time for forty years with minimal incidents.

Cook asked Barker how many officers he is proposing for the event. Barker said the concern is with the traffic, so one detail would be handling the traffic all day and a second detail would be there at the beginning and end of the day when the traffic volume is the heaviest. He said Rowley only has two police officers on duty at a time versus Gloucester who has six to eight officers on duty at a time and resources can be diverted. He said Todd Farm is not this large. Cook said Comley does a lot for this Town and asked why it isn't feasible for him to hire a security company rather than use the Rowley police. Barker said he can hire his own company, but the Rowley police would be monitoring Town roads, and on a Sunday, they are paid time and a half. Boudreau said the cost for police detail in Rowley is \$5,280 without a beer tent, versus Gloucester's cost of \$3,000. Boudreau said the Chief said it would be \$2,100 more if there was a beer tent. Cook said they would need to apply for a liquor license if they wanted to serve beer at the event. Comley said he doesn't have a problem with a traffic detail, but a security detail for the grounds is excessive and they can handle it themselves, but sees justification for one or two more officers if there was a beer tent.

Boudreau said based on the information available, and the issues that are still outstanding with the Fire Chief, this year is not feasible to hold the event in Rowley. Snow said we should put something together to help guide the process for future events. Merry said they need to be conservative, and Amesbury had a destination event that turned out to be a disaster, and we don't have the resources to have that happen here. Petersen said the issue is with the access to the event and said they should come back earlier for next year and then we can go through the process.

GENERAL BUSINESS

4. Road Opening Permit request from National Grid to open 17 Wethersfield Street for new gas service

Dave Petersen made a motion to sign the road opening permit (COPY ATTACHED), Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the permit.

5. Letter of resignation from Fred Gallagher

Chairman Snow read Gallagher's resignation letter as Alternate Electrical/Wiring Inspector (COPY ATTACHED).

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

6. Ratify lifting of hiring freeze for the position of alternate electrical/wiring inspector

Chairman Snow said, "Due to the time span between Fred Gallagher's resignation and the Selectmen's meeting, the Town Administrator posted the job vacancy notice on August 14, 2013. This position must be filled in order to provide coverage in the absence of the Electrical Inspector. This position is considered a "public safety" position. The Board of Selectmen needs to vote to retroactively lift the hiring freeze for the position of Alternate Electrical/Wiring Inspector to August 14, 2013. Applications must be received in the Personnel Department by August 27, 2013."

Joseph Perry made a motion to retroactively lift the hiring freeze for the position of Alternate Electrical/Wiring Inspector, Jack Cook second, all in favor – aye (5-0).

7. Set meeting schedule for September, October, November and December 2013

Chairman Snow read the following:

The Board of Selectmen typically resumes its weekly Monday evening meetings starting in September.

The following is a suggested meeting schedule:

September

- Sept. 9
- Sept. 16
- Sept. 23

- Sept. 30

October

- October 7
- October 21
- October 28

November

- November 4 – (brief meeting prior to Town Meeting)
- November 18
- November 25

December

- December 2
- December 9
- December 16
- December 23
- December 30 (The selectmen typically do not meet the Monday between Christmas and New Year's)

Petersen said December 30th will be tentatively scheduled for a meeting.

Jack Cook made a motion to set the meeting schedule as outlined by Chairman Snow, Joseph Perry second, all in favor – aye (5-0).

8. Road Opening Permit request from National Grid to open 40 Warehouse Lane for new gas service

Bob Merry recused himself from discussion on this request and left the table at 9:29 p.m.

Dave Petersen made a motion to sign the road opening permit (COPY ATTACHED), Jack Cook second, all in favor – aye (4-0). Bob Merry - RECUSED

The Selectmen signed the permit. Bob Merry returned to the table at 9:30 p.m.

9. Board of Library Trustees Vacancy

Chairman Snow read the following:

Board of Library Trustees Chair Janet Peabody has informed the Board of Selectmen that a vacancy exists on the Board of Library Trustees. I will read the attached email letter.

In accordance with Mass. General Laws Chapter 41 Section 11, the state law outlining the procedure on filling vacancies in town offices, the Board of Selectmen needs to announce the vacancy and post it at Town Hall.

Debbie has drafted a posting for the Board to review. (See attached.)

Eagan said we will have to have a joint meeting with the Board of Library Trustees, and she hasn't run the dates by Peabody yet. She said this is a unique position because the person elected to the position was not sworn in, so the date of the vacancy will be the date she notified the Town Clerk that it was not her intent to be sworn in.

Dave Petersen made a motion to post the drafted vacancy for the Board of Library Trustee, Jack Cook second, all in favor – aye (4-0). Joseph Perry - RECUSED

OLD BUSINESS

1. Discuss memo from Town Counsel on the position of Highway Surveyor and Tree Warden

Chairman Snow read the memo from Eagan and from Town Counsel (COPIES ATTACHED).

Eagan said the Board needs to vote to recommend an article be placed on the warrant for the Fall Special Town Meeting.

Joseph Perry made a motion to place an article on the warrant for the Fall Special Town meeting to change the Highway Surveyor to an appointed position, Jack Cook second, all in favor – aye (5-0).

Eagan said if nobody takes out nomination papers to run for Highway Surveyor and the ballot question passes, the position will be appointed by the Board of Selectmen. She said if papers are taken out and a Highway Surveyor is elected, the person will hold the position for three years, even if the ballot question passes. She said if the ballot question fails at the election, the Board can put it on the ballot again.

Joseph Perry made a motion to place an article on the warrant for the Fall Special Town meeting to change the Tree Warden to an appointed position, Jack Cook second, all in favor – aye (5-0).

2. Discuss memo from Town Counsel on medical marijuana bylaw amendment town meeting article

Chairman Snow said, "Town Counsel has drafted the article for the medical marijuana moratorium. Brackett & Lucas has already done the background work on this article for its other municipal clients. This article meets the State Department of Public Health regulations. Vice Chairman Merry, who serves as the Selectmen's representative to the

Zoning Review Committee, recommends that the Selectmen vote to request the Planning Board to hold a public hearing on this article and to re-submit it back to the Selectmen for inclusion in the November 4, 2013 Special Town Meeting Warrant."

Dave Petersen made a motion to request the Planning Board to hold a public hearing on this article and to re-submit it back to the Selectmen for inclusion in the November 4, 2013 Special Town Meeting Warrant, Jack Cook second, all in favor – aye (5-0).

MINUTES

- March 18, 2013 Executive Session

Joseph Perry made a motion to approve the minutes from March 18, 2013 Executive Session, Jack Cook second, all in favor – aye (4-0). David Petersen – ABSTAINED

- April 22, 2013 Executive Session

Jack Cook made a motion to approve the minutes from April 22, 2013 Executive Session, Joseph Perry second, all in favor – aye (3-0). David Petersen – ABSTAINED, Bob Merry - ABSTAINED

- April 22, 2013

Jack Cook made a motion to approve the minutes from April 22, 2013, Joseph Perry second, all in favor – aye (4-0). David Petersen – ABSTAINED

- April 8, 2013

Joseph Perry made a motion to approve the minutes from April 8, 2013, Jack Cook second, all in favor – aye (4-0). David Petersen – ABSTAINED

- August 12, 2013

Jack Cook made a motion to approve the minutes from August 12, 2013, Joseph Perry second, all in favor – aye (5-0).

- August 12, 2013 Executive Session

Jack Cook made a motion to approve the minutes from August 12, 2013 Executive Session, Joseph Perry second, all in favor – aye (5-0).

ANNOUNCEMENTS

- Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.
- The Town has the following vacant seats: Council on Aging, 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

Chairman Robert Snow called for a motion to go into Executive Session for the purpose of discussing strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Town and to not return to open session. Jack Cook so moved, Dave Petersen second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye.

Open meeting adjourned at 9:47 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Bob Merry's written statement regarding his recusal on the COA Board Vacancy deliberations
2. Diane McMahon's letter of interest for the COA Board Vacancy
3. Edna Keyes' letter of interest for the COA Board Vacancy
4. Suzanne Taylor Boyd's letter of interest for the COA Board Vacancy
5. Suzanne Taylor Boyd's resume
6. COA Board Vacancy Notice
7. Council on Aging Bylaw
8. Mass General Law Chapter 40, Section 8B
9. Letter from Mary Bright , Chairman of the Rowley Council on Aging regarding the candidates for the opening on the COA Board
10. Application from the Chamber of Commerce to use the Town Common
11. Email from Town Accountant Susan Bailey requesting appointment of Maria Makris as Assistant Town Accountant
12. Northeast Massachusetts Mosquito Control aerial application notice
13. Letter and enclosures from Bulkey Richardson to Bob and Jeanne Pietrillo
14. Town of Rowley web pages regarding Coastal Flood Insurance Rate Maps for Rowley
15. Letter from FEMA and enclosures dated August 1, 2013

16. Letter from Chairman Snow to David Santomena of Essex County Greenbelt Association dated August 14, 2013
17. Letter from David Santomena of Essex County Greenbelt Association to Deborah Eagan dated August 9, 2013
18. Maps and Assessor's cards for Girl Scouts property
19. Letter from Erika Keefe dated August 13, 2013
20. Email sent to Doreen Glowik from the Ipswich YMCA regarding the Girl Scouts camp
21. Letter from Chiefs Barker and Broderick to Paul Boudreau (no date on this letter)
22. Email response from Paul Boudreau – Aug. 14, 2013
23. Letter from Chief Broderick to Selectmen – Aug. 15, 2013
24. Email from Health Services Coordinator Frank Marchegiani on Health Dept. issues – Aug. 15, 2013
25. Bike Racing Comes to Rowley Packet
26. Articles from the Gloucester Times dated Aug. 20 and Aug. 21
27. Road opening Permit for 17 Wethersfield Street
28. Resignation letter from Fred Gallagher
29. Job Vacancy notice for Alternate Electrical/Wiring Inspector
30. Road opening Permit for 40 Warehouse Lane
31. Email from Janet Peabody regarding Library Trustee vacancy
32. Letter from Eve-Marie Miller regarding her appointment as Library Trustee
33. Draft vacancy notice for Library Trustee
34. Excerpt of Mass. General Law Chapter 41 Section 11
35. Memo from Deb Eagan regarding memo from Town Counsel on the position of Highway Surveyor and Tree Warden
36. Memo from Town Counsel on the position of Highway Surveyor and Tree Warden
37. Memo from Town Counsel on medical marijuana bylaw amendment