

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

September 23, 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:** Peter Lomas - Agricultural Commission, Karen Summit - Treasurer / Collector, Larry White - FINCOM, Ron Keefe - Highway, George Pacenka - Agricultural Commission.

### **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**

Treasurer / Collector Karen Summit led the Pledge of Allegiance.

### **CHAIRMAN'S COMMENTS**

Chairman Snow read the following:

- 1) *Tonight, the Board of Health has a featured guest at their meeting – Dr. Curtis Ersing of Beacon Family Medical Group in Ipswich. He specializes in treating Lyme disease. Since this is a disease that many people in our area are concerned about, we want to alert our viewers to this important discussion. The Health Board meeting is being video-recorded as we speak and will be shown on RCM at a later time this week. For anyone that wants to stop by the Health Board meeting, they are meeting at the Town Hall Annex at 39 Central Street. We thank the Board of Health for being so proactive on so many issues that affect the health and well-being of our Town residents. They have had a number of guest speakers at their meetings recently who have been very informative on a number of health-related concerns.*
  
- 2) *Our state representative Brad Hill is holding his second annual Food Drive for area food pantries, including the Rowley Food Pantry. The food drive will be held at the Rowley Market Basket on Friday, Sept. 27 9 a.m. to 1 p.m. and Saturday, Sept. 28 from 10 a.m. to 2 p.m. I will read some excerpt from the Thursday, Sept. 19 edition of the Ipswich Chronicle. I emphasize once again, as I do at every selectmen's meeting, that there is a great need for food for the people in our community. This article, clearly explains that.*

Snow read a portion of newspaper article regarding Representative Brad Hill's food drive (COPY ATTACHED) and thanked Hill for doing the food drive. Snow said Lyme disease is no laughing matter and can be very debilitating.

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

Larry White from Central Street provided a series of pictures of Stackyard Road to the Board (COPIES ATTACHED). He said the Fish & Wildlife Department has complained that people are driving off the road, but the pictures show if they did, they would be in the water. He said there is no access for ambulances, fire or FEMA, and maybe the Department of Homeland Security can get involved in this issue. Chairman Snow said this will be addressed at a future meeting.

Citizen Query was closed. There were no further Citizen's queries.

### **7:15 p.m. APPOINTMENT – Treasurer/Collector Karen Summit for signing of septic loan interim note**

Treasurer/Collector Karen Summit said three years ago \$750,000 was borrowed at Town meeting for septic loan notes, which is money loaned out to Town citizens to repair their failed septic system at a 2% interest rate which is paid back through their tax bill as a betterment over twenty years. She said this has been a zero percent loan to the Town, but that is changing and this is the last of the zero percent money. She said we have borrowed \$750,000 and have drawn it down as needed. She said after \$550,000 it becomes a permanent borrowing. She said the remaining \$200,000 is a new interim loan. She said there are three pages for the Board to sign: the note; the vote; and the loan agreement (COPIES OF LOAN DOCUMENTATION ATTACHED).

Dave Petersen made a motion to sign the interim loan note for \$200,000, Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the documentation and Town Clerk Susan Hazen notarized the documentation.

### **GENERAL BUSINESS**

1. Email letter from Webelos Den 3 regarding Citizen Activity Badge

Chairman Snow read the following:

*Chase Craveiro sent the following message to the Board:*

*Good Morning,*

*I have a Den of first year Webelos here in town. We are going to begin working on our Citizenship Activity Badge. One of the requirements is to have a visit with a community leader and learn about the duties of the job or office. I was wondering if one of the Selectmen would be willing to come to one of our meetings and tell a bit about what a Selectman does, how he was elected and why he wanted to be a Selectman. We have meetings on 10/7 and 10/21. We meet at the Congregational Church from 4:30-6:00.*

*Thank you,*

*Chase Craveiro*

*Den 3*

*Is there a selectman would who be available to attend the Webelos meeting?*

Snow said he will go to the meeting on October 7, 2013. Eagan said she will let Craveiro know.

2. Letter from Agricultural Commission requesting Barrett Bacall to be appointed to the Agricultural Commission

Chairman Snow read the letter from Dianne Short of the Agricultural Commission (COPY ATTACHED).

Jack Cook made a motion to appoint Barrett Bacall to the Agricultural Commission, Joseph Perry second, all in favor – aye (5-0).

3. Request from Petrowski Auctioneers, Inc. for one-day auction at 715 Main Street

Chairman Snow said, “Petrowski Auctioneers have applied for a one-day auction permit at 715 Main Street for October 5, 2013. They will be auctioning farm tractors and attachments. Attached is the application (COPY ATTACHED). They have hired a police detail. Chief Broderick has no issues with this application, as long as there is a clear egress to all structures during the auction for fire apparatus. The Board of Selectmen can make this a condition of their approval.”

Dave Petersen made a motion to approve the application from Petrowski Auctioneers, Inc. for a one day auction at 715 Main Street, subject to the stipulations outlined by the Fire Chief, Jack Cook second, all in favor – aye (5-0).

4. Sign AFSCME MOA

Chairman Snow said, “AFSCME approved the MOA (COPY ATTACHED). The Board of Selectmen needs to vote and sign it.”

Jack Cook made a motion to sign the AFSCME MOA, Joseph Perry second, all in favor – aye (5-0).

**7:30 p.m. APPOINTMENT** – Highway Surveyor Ron Keefe to discuss revised snow plowing contract form

Chairman Snow read the memo from Deb Eagan to the Board about the snow plowing contract (COPY ATTACHED). Highway Surveyor Ron Keefe said the changes made to this version are: it requires all contractors to provide a copy of their driving record and driver's license; prohibits plowing private driveways on Town time; requires punch in and out to help with tracking for FEMA reimbursement applications; and provides a deadline for submitting the last bill of the season. Merry said the other sample contracts specify that Worker's Compensation insurance is required. Eagan said contractors have to have this coverage and it is implied in the draft contract. Keefe said former Highway Surveyor Scott Leavitt looked into increasing the minimum combined single limit for each accident in the draft contract (COPY ATTACHED), but it increases the cost of obtaining insurance by the contractor to the point where it isn't feasible for them to continue plowing. Eagan said increasing this coverage amount creates undue hardship on local plowing contractors, and Salisbury also requires the same coverage as Rowley does. Petersen asked what the change in cost is, and if there is an accident, can the Town be sued as well. Keefe said the insurance premium increase depends on the number of pieces of equipment a contractor has. Eagan said yes, if the limits on their auto insurance don't meet the amount of the damage, they could come back to the Town. Merry suggested that we check with MIIA for their recommended coverage levels. Eagan said we can, and MIIA will recommend higher coverage levels. Merry said if we don't increase the limits, we should ask the contractors to obtain snow plowing insurance for the plowing season. Snow asked Keefe to look into snow plowing insurance.

Keefe said he has been asked by the janitor and Principle of Pine Grove School to install a handicap ramp and put in a couple of speed bumps across the driveway between the sidewalks at the school. Eagan suggested that Keefe consult with Chris Walsh on the specifications for the handicap ramp. Keefe said a Highway Department employee was injured in a motorcycle accident, he is doing o.k., but the department is short handed. Snow said he wishes the employee all the best.

Petersen thanked Keefe and the Highway Department for the excellent job they do plowing and sanding the roads, and said as a bus driver, he thinks this Town has the best cared for roads amongst area communities.

**7:45 p.m. APPOINTMENT** – Peter Lomas to discuss Community Garden water issue  
Chairman Snow read the email from Katrina O'Leary regarding the Community Garden irrigation (COPY ATTACHED).

Peter Lomas said the Agricultural Commission agreed to pursue an irrigation system that pipes water from the well used for the fields at the Pine Grove School, and he is here tonight to notify the Board that they have applied for CPC funding for this project. Snow asked Lomas if the Agricultural Commission has spoken to the Parks & Recreation Committee about this project. Lomas said he has spoken to Tim Southall from the Committee who said he is willing to work with the Agricultural Commission if they can. Lomas said the existing well may need to be updated. He said they may in the future tie into the new proposed well for the Bradstreet property, or into the water line when the street is developed. Snow said they need to speak to the Parks & Recreation Committee first, then the Board of Selectmen. Merry said he doesn't think there is a pressurized pump at the Pine Grove School well, it needs to be manually turned on and off, and it cannot water more than one zone at a time. Merry said they need to know the gallons per minute that the well can generate, and he is not sure that the pump is large enough to pump water the distance to the Community Gardens.

Lomas said in the request for funding, they have included updating the well to a pressurized system, the water line will be a larger diameter than the existing lines, and the Board of Health has told them they can use the existing spigots as long as they are labeled as non-potable water. Petersen asked if this project falls within the CPC categories, George Pacenka, Chairman of the Agricultural Commission, said community gardens are considered recreational. Lomas said that question is also answered in the application to the CPC. Snow said they have to go before the Recreation Committee to get permission to use the well. Petersen said since the time for gardening this year has past, maybe an article can be put on the spring town meeting, and other irrigation alternatives can be looked into. Lomas said the growing season starts in June and they would need the water to be set up before the town meeting. Lomas said they have thought about using the water line once the affordable housing is developed, but that will take time.

Merry asked what they will do if they get the funding, do the work, but no water comes out when it is turned on. Lomas said they could look into changing the direction of the line to the new well being installed. Merry said that well will not be installed within the next year. Snow asked what the depth of the existing well is. Lomas said they haven't checked yet. Merry said they need to check with the Recreation Committee. Pacenka said they received a quote from Rollins to put a well in, which was for a three hundred foot deep well, pumped ten gallons per minute. He said the quote was \$21,000 not including electricity. Petersen asked who was designing this plan and if \$5,000 would be enough. Lomas said he is designing the plan. Eagan said she is worried about the surface piping and there will be large trucks traveling over them when the affordable housing is developed. Petersen said we need the written permission of the Recreation Committee. Eagan asked if the Agricultural Commission has met with the Parks &

Recreation Committee yet. Lomas said no, not yet. Petersen said they will hold a spot for this on the warrant for the fall town meeting. Snow thanked Lomas for all he has done.

## **OLD BUSINESS**

### 1. Discuss Bob and Jeanne Pietrillo's ongoing issues with the Water Treatment Plant construction project

Chairman Snow said, "Bob and Jeanne Pietrillo reached out to Chairman Snow regarding another issue regarding the water treatment plant construction. Chairman Snow will address this issue this evening."

Snow said the Pietrillo's address was used as the address for the Water Treatment Plant and at the Board of Water Commissioner's meeting two weeks ago at approximately minute twenty-five, there was an exchange of words between Kinsman and Mr. Pietrillo. Eagan said subcontractor Kinsmen has also attempted to send a dumpster to the Pietrillo's property.

Snow said a letter from the Board of Selectmen should be sent to Kinsmen asking them to straighten out this mess and to not harass a Rowley citizen who lives near the Water Treatment Plant. He said due to the incorrect address, the Pietrillo's had a lien put on their house and then another contractor tried to deliver a dumpster to their house. Petersen said we should ask the Board of Water Commissioners to post a sign that clearly states that deliveries are to be brought down the road.

Snow said a letter should be sent to Kinsman with strong verbage that the treatment the Pietrillo's have received is unacceptable and we demand that they be compensated for this harassment, and a letter to the Water Commissioners requesting the sign. Perry said the letter to Kinsmen should also state that they need to ensure that the Pietrillo's address is no longer used for deliveries and this problem is to be corrected immediately.

Jack Cook made a motion to send the letter to Kinsmen and the Board of Water Commissioners, Joseph Perry second, all in favor – aye (5-0).

### 2. Discuss FY 14 Triton Assessment

Chairman Snow read the memo from Deb Eagan dated September 19, 2013 to the Board of Selectmen regarding the FY 14 Triton assessment (COPY ATTACHED). Snow said according to Brian Forget's email dated July 10, 2013 Rowley's assessment has decreased by \$130,840 as a result of the state's budget being finalized. Merry said our assessment could have either increased or decreased, and we need to know where we stand now that the budget has been finalized. Perry said Triton hasn't addressed

this, are meeting this coming Wednesday, but citizen's query is limited to three minutes. Petersen said according to the Triton FY14 Budget Process memo (COPY ATTACHED), DESE scenario 5A has played out, but Newbury hasn't reconvened, so under the state's guidelines, the original budget is still in effect. Perry said when the budget was approved, Newbury's assessment was decreased by \$260,000, so Rowley paid more, but then the state voted a different budget.

Eagan asked if the School Committee plans to discuss this and re-vote a budget, or will they correct it the next fiscal year? Snow said this is a huge swing in the numbers, and we haven't heard anything since Forget's July 10, 2013 email.

Joseph Perry made a motion to send the Superintendent a letter, and to copy the School Committee, to request clarification on the FY 14 Triton budget, Jack Cook second, all in favor – aye (5-0).

### 3. Girl Scouts property update

Chairman Snow read the following:

*To follow up with last week's meeting:*

- 1) *Debbie spoke with Town Counsel. She advised that the selectmen do a title search first. This is underway.*
- 2) *Debbie has filed an application with the Community Preservation Committee seeking \$10,000 for costs associated with the proposed purchase of the property. The application seeks funds to be used to study future uses of this property, which may include passive recreation on the open space portion and active recreation on the "camp" portion. We will need funds to conduct an appraisal, soil tests, survey work etc. The application is attached. The Board should vote to re-affirm its support for this application.*
- 3) *The CPC is meeting on Thursday evening. They will be discussing the application. Which selectman would like to attend?*

Perry said he will attend the CPC meeting. Petersen said he will also attend as an independent representative of the Board of Selectmen. Petersen said the \$10,000 will be used to do a survey, title search and appraisal. Snow said we need to get the ball rolling since this is a big and important piece of property central in Town.

Joseph Perry made a motion to support the application to the CPC for \$10,000 to be used for costs associated with the proposed purchase of the property, Jack Cook second, all in favor – aye (5-0).

4. Discuss town meeting articles

Chairman Snow read the following:

*Last week, the Board discussed the possibility of having an article on the Fall special town meeting warrant seeking funding through transfers for a police and fire station feasibility study. Does the Board wish to have an article transferring funds?*

*There is a total of \$13,345 in funds from two articles – fire station design and police and fire study.*

Petersen said combining the article balances will provide funding to start looking at possibilities for the Police and Fire stations. Merry said we have to clean up these article balances.

Jack Cook made a motion to combine the fire station design and police and fire study article balances into a new article totaling \$13,345, Joseph Perry second, all in favor – aye (5-0).

**NEW BUSINESS**

1. Discuss Foreign Auto Engineering Class II Dealer's License

Chairman Snow said, "On September 16, 2013, we received a letter from CNA Surety notifying us that they received a request to cancel or nonrenew the bond for Foreign Auto Engineering located at 165 Newburyport Turnpike. Amy called the owner, Lawrence Watson, and he told her that they have been closed since February of this year. Frank Marchegiani visited the business on September 19<sup>th</sup> and reported that all cars have been removed from the premises and the office space and garage bay were vacant. The class II dealer's license issued to this business expires on January 1, 2014. The owner did not return the license or notify the Board when the business closed in February. Does the Board wish to request that the license be returned?"

Merry and Perry said we should request the license back.

Dave Petersen made a motion to notify Foreign Auto Engineering to return their Class II Dealer's License, Jack Cook second, all in favor – aye (5-0).

**MINUTES**

- September 9, 2013 – Executive Session

Jack Cook made a motion to approve the minutes from September 9, 2013 – Executive Session, Joseph Perry second, all in favor – aye (5-0).

- September 16, 2013

Jack Cook made a motion to approve the minutes from September 16, 2013, Joseph Perry second, all in favor – aye (5-0).

### **ANNOUNCEMENTS**

- Representative Brad Hill is holding his second annual North Shore Community Food Drive at the Rowley Market Basket on Friday, Sept. 27 9 a.m. to 1 p.m. and Saturday, Sept. 28 from 10 a.m. to 2 p.m. The drive will benefit the Rowley Food Pantry and other food pantries on the North Shore
- 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: 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
- Board of Health discussion with Dr. Curtis Ersing on Lyme disease – Monday, September 23 7:00 p.m. – RCM is taping this discussion and it will air on the cable channel later this week.

There being no further business before the Board, Chairman Snow called for a motion to adjourn. Jack Cook so moved, Joseph Perry second, all in favor – aye (5-0).

Open meeting adjourned at 8:44 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

### **ATTACHMENTS:**

1. Article from Wicked Local Ipswich regarding Representative Brad Hill's food drive
2. Pictures from Larry White of Stackyard Road
3. Septic Loan Interim Note documents
4. Letter from Agricultural Commission requesting Barrett Bacall to be appointed to the Agricultural Commission
5. Application for one-day auction from Petrowski Auctioneers, Inc.
6. AFSCME MOA 2013 – 2016
7. Memo from Deb Eagan to the Board of Selectmen regarding the snow plowing contract
8. Draft Town of Rowley snow plowing contract, current contract and sample contracts from surrounding Towns
9. Email from Katrina O'Leary regarding the Community Garden irrigation

10. CPC funding application request from Rowley Community Garden
11. Memo from Deb Eagan dated September 19, 2013 to the Board of Selectmen regarding the FY 14 Triton assessment
12. Letter from Triton regarding the FY 14 Budget Process....What If?
13. Emails from Brian Forget, Assistant Superintendent of the Triton Regional School District dated April 24, 2013 and July 10, 2013
14. CPC Application for \$10,000 for costs associated with the proposed purchase of the Girl Scout's property
15. Letter from CNA Surety regarding bond for Foreign Auto Engineering
16. Class II Dealer's license and application for license from Foreign Auto Engineering