

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

February 10, 2014  
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:** Lawrence White – FINCOM; Tim Toomey - Water Commissioner; Stuart L. Dalzell Sr. - Water Commissioner; Patrick Snow – Highway; Ron Keefe – Highway; Norman Brown – Bayside Engineering; Roy Ricker – Water Commissioner

### **CALL MEETING TO ORDER**

Chairman Robert Snow called the meeting to order at 7:02 p.m. He said the meeting is being audio and video recorded digitally.

### **PLEDGE OF ALLEGIANCE**

Stuart L. Dalzell Sr. led the Pledge of Allegiance.

### **CHAIRMAN'S COMMENTS**

Vice Chairman Merry said Michael Dalzell came before the Board for his Eagle Scout project to install bat houses at the recreation fields in town in order to catch mosquitoes. He said he saw the kids building the houses at the Dalzell's garage over the weekend and the adults were supervising and the older scouts were helping the younger scouts. He said he was impressed with the operation, this is a fantastic project and the houses should be ready for the spring.

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

Citizen's Query opened.

### **OLD BUSINESS**

#### **1. 375<sup>th</sup> Anniversary Update**

Joseph Perry said the letter to request donations from local businesses is almost ready to go out. He said there will be a ceremony on September 4<sup>th</sup>, the day Rowley was founded. He said on September 5<sup>th</sup>, there will be a concert and parade. He said on September 6<sup>th</sup>, there will be a chowder fest and a picture on the Town Common. He said on September 7<sup>th</sup>, there will be a ceremony on the Common.

## 2. FY 15 Budget & Town Meeting Update

Chairman Snow said, “Debbie is working with the departments on their budgets. She has started sending out budget packages to the departments. We will start reviewing budgets at the February 24<sup>th</sup> meeting. We are also working on the capital expenditure plan. We are still waiting for firm numbers on increases to fixed costs.”

## 3. Town Administrator Update

Town Administrator Deborah Eagan read the following:

*The general bid opening for the Town Hall Annex Repair and Restoration project is scheduled for this Wednesday, February 12<sup>th</sup> at 11:00 a.m. We hope to review the bids and have the contract awarded at the February 24<sup>th</sup> meeting, so that we can keep on schedule with this project.*

*I am continuing to work on the RFQ for the architectural services for the drafting of plans and specifications for the Annex elevator. We continue to work on other projects.*

*On the Water Department projects, with the signing of the Pennichuck contract, we’ll now work closely with Pennichuck on the creation of the customer service database. On the internal accounting work, we are transitioning this week with the Treasurer/Collector’s Assistant Collector/Administrative Assistant. We are planning to have the AC/AA begin working with Accountemps accountant on the Peachtree/Sage system.*

Eagan said Brigida is working with the accounting system with the budget lines set up as approved in the FY 14 Water Department budget. She said Brigida has a Masters in B.A. and a perfect skill set for this position, so it should be a smooth transition.

## **NEW BUSINESS**

### 1. Review proposed zoning amendments submitted by the Zoning Review Committee

Merry said these are the proposed articles for the annual Town Meeting (COPY ATTACHED). He said the first item is for a medical marijuana dispensary by-law to allow them into the retail district. He said there have been two dispensaries awarded in Essex County, and there is a limit on the number allowed. He said the second item adds fitness centers / indoor skating rinks to the by-law. He said there was an application to put a baseball batting cage facilities into Forest Ridge, but it wasn’t allowed because this type of facility was not listed in the by-law. He said the third item is to change the Floodplain maps to reflect the new federal numbering of the maps.

Eagan said the Planning Board is looking for a vote from the Board of Selectmen if they approve the articles, and so that they can do a legal review before the public hearing.

Jack Cook made a motion to approve the proposed Zoning Amendments, Joseph Perry second, all in favor – aye (5-0).

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

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

### **7:15 p.m. Joint Meeting – Board of Water Commissioners**

- Sign Pennichuck Contract

Chairman Snow called for a motion to open the joint meeting of the Board of Selectmen and the Board of Water Commissioners. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye, Roy Ricker – aye.

Joint meeting opened at 7:15 p.m.

Chairman Snow read the following:

*Chairman Snow explains that we need to vote to authorize the signing of the Pennichuck Water Services Corporation contract.*

*The contract will be effective on February 11, 2014. We need to get Pennichuck under contract as soon as possible because they need to set up the customer account database. There is a significant amount of work to be done over the next four weeks.*

Snow called for a motion and a second and a vote to authorize the signing of it by a roll call vote.

Joseph Perry made a motion to sign the Pennichuck Water Services Corporation contract, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye, Roy Ricker – aye.

Eagan said, “The Pennichuck Board of Directors was meeting this afternoon to vote and sign the agreement as well. They have the two original agreements. Once I get those, the Board members can sign those two as well.”

The Boards signed the contract. Eagan said we are trying to get this set up for April's billing. She said the database needs to be set up and a bill template needs to be approved. She said Pennichuck has a relationship already with many of the Water Department's vendors. She said there will be a final meeting in March and the final timetable will be discussed. Petersen asked if the meter reading will be the same. Eagan said yes, they are working out a file transfer system. Snow thanked Eagan, the Treasurer's Office staff and the Board of Water Commissioners for all of their hard work on this. Stuart L. Dalzell Sr. said this couldn't have been done without Eagan, the Treasurer's Office staff or the Board of Selectmen.

Jack Cook made a motion to adjourn the joint meeting of the Board of Selectmen and the Board of Water Commissioners, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye, Roy Ricker – aye.

Joint meeting adjourned at 7:24 p.m.

## **NEW BUSINESS**

### **2. Review application from Institution for Savings for a special permit and site plan**

Snow said this property is located at 312 Haverhill Street. Merry said the application is to expand the parking lot and for an addition on the second floor above the drive-thru. Snow said they did a nice job putting the package together and Institution for Savings is a good corporate leader within the community.

### **3. Review Request for Price Quote specifications for Parks and Recreation Department lawn maintenance**

Chairman Snow read the following:

*The Recreation Committee has updated the Request for Price Quote specifications for lawn maintenance. We've updated some of the sections. If the Board has any questions, please contact Debbie. The contract is for one year with the option to extend for two additional years on a year-by-year basis. This way the Town will have the ability to not renew if the Town is not satisfied with the quality of the vendor's work. The Board needs to authorize the release of the Request for Price Quote upon final review by Debbie and the staff.*

Eagan said the estimated value of the contract is less than \$25,000. She said it is a one year contract with an option to add on two additional years on a year by year basis. She said they provide prices for each of the three years and will choose the quote with

the lowest cost overall. She asked if the Board could vote to support the release of the document, pending minor changes.

Dave Petersen made a motion to authorize the release of the document, Bob Merry second, all in favor – aye (5-0).

## **MINUTES**

- February 3, 2014

Jack Cook made a motion to approve the minutes from February 3, 2014, Joseph Perry second, all in favor – aye (5-0).

**7:30 p.m.** APPOINTMENT - Highway Surveyor Ron Keefe and Norman Brown from Bayside Engineering to discuss Central Street project; state funds for Haverhill Street project; and Federal TIPS-funded projects

Town Administrator Deborah Eagan read the following:

*Ron Keefe has been attending the Merrimack Valley Planning Commission Highway Department meetings on a regular basis. He has learned that the Town may be eligible for funding from various sources, such as the state and federal government.*

*He has been in contact with Norman Brown who would like to speak to the Board about potential Highway Department projects.*

Eagan thanked Keefe for his work and said Representative Hill has been in contact and he is inserting something into the state budget for Haverhill Street. Keefe said the west side of Haverhill Street is falling apart and the company who last paved didn't use concrete as they should have, and the company went bankrupt after the job was completed. He said because Chapter 90 funds need to be spent within five years, we cannot save up enough to fix the road, and he was told at a MVPC meeting to apply for TIPS money. He said he has been working with Norman Brown on this, but in order to qualify for TIPS money, you need to satisfy certain criteria, and Haverhill Street doesn't satisfy the criteria. He said Central Street would qualify for TIPS money if the road is widened, handicap ramps are installed and sidewalks and a bike and running path are added along the length of the road. He said Central Street provides access to the school and the COA, so with these modifications, it would qualify for TIPS money. Brown said he has been involved in successful TIPS projects in towns such as Groveland, Boxford Village and Georgetown. He said the projects are very competitive and they have to be justified. He said a project on Central Street would increase mobility with the addition of a bike lane. He said Bayside Engineering would help us get this funding without a charge, and if the project is approved, they would negotiate a

contract with us at that point. He said the process starts with completing a project need form, which includes comprehensive budget numbers, pictures and a cost estimate, which is submitted to Mass Highway's project review committee and the MVPC. He said if they receive a positive response to the project need form, they would complete a project information form, and public hearings would need to be conducted to get input. He said they would then prepare a more comprehensive estimate and submit it. He said approval of a project can take up to a year, and it can take seven to eight years before a project starts. Snow said it takes a long time, but if we wait, the cost can double. Keefe said Central Street is the second busiest road in Town and the fee for Bayside Engineering can be paid using Chapter 90 funds instead of tax dollars. Keefe said he spoke with Representative Hill about Haverhill Street not being eligible for TIPS funds, and a week later Hill told him that Haverhill Street would be included on the Transportation Bill. He said fixing Haverhill Street will cost five to six million dollars and he will be meeting with Senator Tarr to discuss this as well. Merry said the last time Haverhill Street was done, the road was widened to the property lines. Petersen said people wanted sidewalks at that time, but easements would have been required. He said it is frustrating to see other Towns getting this funding and thanked Keefe for doing this. He said the Central Street project using TIPS money would be great and said Haverhill Street is horrendous and to let the Board know if there is anything they can do to help. Keefe said to get funding, Towns have to attend the meetings, and he has been reaching out to other Highway Superintendents as well. Petersen said the Highway Surveyor should be an appointed position. He said it is a professional position who deals with the MVPC and Mass Highway and no longer deals with just plowing and filling pot holes. He said it is critical to appoint a Highway Surveyor with the qualifications needed for the position.

Brown said they have looked at the Glen Street bridge and they can inspect and rate it and maybe prepare a repair plan. He said the travel width and barriers are the problems and maybe this can be completed along with the Central Street project. Eagan said a lot of the Town roads do not have storm drains. She said it is an unfunded Federal mandate to have storm drains, and the capital infrastructure of the Town will need to be updated for this. She said the Conservation Agent is working on this mandate, but the Highway Department also needs to be involved. Keefe thanked Highway Foreman Pat Snow for spearheading the work on the storm water project and said the required catch basins can cost from \$4,900 to \$22,000 each. Keefe thanked the Board of Selectmen for allowing him to move forward with Norman Brown on these projects. Eagan asked if the TIP money requires matching funds. Brown said the Town will have to pay for the project design and right of way takings, along with the water and sewer installations, and the Federal money will pay for the construction, including required police details and road patching work. Brown said Mass Highway administers the projects. Petersen said we will need the public's support on these projects. Keefe said we can pay Brown in stages so that other projects can move forward such as Christopher Road and Newbury Road, starting with drainage issues. Eagan asked if there are plans to replace water mains and if so they should be done at the same time as these projects.

Bob Merry made a motion to support Highway Surveyor Ron Keefe in engaging the services of Bayside Engineering for these projects, Dave Petersen second, all in favor – aye (5-0).

## **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - **Conservation Commission** – one seat;
  - **Finance Committee** – one seat;
  - **Fence Viewer**– two positions;
  - **Wood, Lumber & Bark Inspector**; and
  - **Zoning Board of Appeals Associate** – two open seatsFor more information on these positions, please contact the Selectmen’s Office at 948-2372
- Battery recycling box located at the Town Hall and Library
- 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.
- Town Meeting will be held on Monday, May 5, 2014

Chairman Snow called for a motion to go into executive session to discuss strategies with respect to litigation and union contract negotiations because an open meeting may have a detrimental effect on the litigating and negotiating positions of the Town and not to return to open session. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Jack Cook – aye, Joseph Perry – aye; Robert Snow – aye.

Open meeting adjourned at 8:06 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Proposed Zoning Amendments for May Town Meeting
2. Contract with Pennichuck
3. Memorandum from Town Planner Kirk Baker re application from 312 Haverhill Street
4. Application from Institution for Savings for 312 Haverhill Street
5. Folder of information from Bayside Engineering