

MINUTES OF THE BOARD OF SELECTMEN MEETING

April 14, 2014

Meeting held at Town Hall

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

PUBLIC ATTENDEES: Lawrence White – FINCOM; Timothy Toomey - Water Commissioner

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

Bob Merry led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

GENERAL BUSINESS

1. Antique/Junk License renewals

Chairman Snow read the following:

The applicants below have submitted renewals for their Antique / Junk licenses to be renewed through May 1, 2015. The applicants do not have outstanding taxes, water or electric bills. All required forms and renewal fees have been submitted, except for Bargain Hut Realty Trust, for which we have requested a corrected Worker's Compensation Affidavit.

Applicant Name	Business Name	Business Address
<i>Diane Hopkinson</i>	<i>Lost Treasures</i>	<i>29-31 Main St</i>
<i>Robert Cianfrocca</i>	<i>Salt Marsh Antiques</i>	<i>224 Main St</i>
<i>Judith Comley</i>	<i>Bargain Hut Realty Trust</i>	<i>280 Main St</i>

Jack Cook made a motion to renew the antique/junk license for Lost Treasures, 29-31 Main Street, Joseph Perry second, all in favor – aye (5-0).

Jack Cook made a motion to renew the antique/junk license for Salt Marsh Antiques, 224 Main Street, Joseph Perry second, all in favor – aye (4-0). Bob Merry - RECUSED

The Board held off on the renewal of Bargain Hut Realty Trust until the completed Worker's Compensation Affidavit is provided.

2. Letter from Michael Dalzell re: Eagle Scout project

Chairman Snow read the letter from Michael Dalzell (COPY ATTACHED).

Merry said he was invited to watch the progress when the bat houses were put together, they did a great job, and it was fun to watch. Snow said this was a great idea and Rowley needs ways to control mosquitoes.

Jack Cook made a motion to send Michael Dalzell a thank you letter, Bob Merry second, all in favor – aye (5-0).

3. Letter from John Petrowicz re: new Town Common lights

Chairman Snow said, "The Town's Zoning Bylaw on the Outdoor Illumination Standards, Including Standards for Illuminated Signs, Section 8.6. of the Town's Zoning Bylaws, pertains to commercial, industrial and multi-family dwellings. The Town is exempt. I will call for a motion to send a letter to Mr. Petrowicz informing him that this bylaw does not pertain to the Town and to copy the Light Department and Dan Szczepanski of the Town Common Restoration Committee." Chairman Snow read John Petrowicz's letter (COPY ATTACHED).

Jack Cook made a motion to send a letter to Mr. Petrowicz informing him that this bylaw does not pertain to the Town and to copy the Light Department and Dan Szczepanski of the Town Common Restoration Committee, Joseph Perry second, all in favor – aye (5-0).

4. Letter from Cynthia Lucia re: Chapter 61 land

Chairman Snow read the following:

The selectmen received the attached letter from Cynthia Lucia concerning her “forestry land.” It is unclear what her intent is regarding the property.

If the land is to be converted, then there a number of notice requirements that need to be filed with the Board of Selectmen. However, forestry land certification can be discontinued, but not necessarily converted.

Does the Board of Selectmen wish to have further clarification from Ms. Lucia?

Petersen said we should send her a letter detailing the process that must be followed and to ask them to clarify why the land is being taken out. Merry said the Town has 120 days to say if they want to purchase the land or not, and if they don't already have a price, an appraiser would be hired. He said we don't know if they plan to keep the land or do something else with it.

Dave Petersen made a motion to send a letter to Ms. Lucia requesting additional information, Jack Cook 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.

5. Letter re: Chapter 90 funds

Chairman Snow read the following:

The state has created a “Rapid Recovery Road” program, which provides direct funds for the following purposes:

- *patching potholes, cracking and any other surface defects;*
- *the repair and or replacement of signage guardrails, storm gates or road striping or painting*
- *projects identified through written agreement between MDOT and the Town.*

The Town's apportionment is \$35,560.

An important note is that the funds must be obligated/contracted by June 30, 2014 and the projects must be completed by September 30, 2014.

Attached is the Mass. Standard Contract Form that requires the authorized signature. The Board of Selectmen can vote to authorize the chairman to sign this on behalf of the Town.

Jack Cook made a motion to authorize Chairman Snow to sign the contract, Joseph Perry second, all in favor – aye (5-0).

6. Water Department Hydrant Flushing Notice

Chairman Snow read the notice (COPY ATTACHED).

OLD BUSINESS

1. Discuss purchase of Rowley Girl Scouts Camp land

Eagan read the following:

Residents are invited to attend a “Walk-Through” of the Girl Scouts land on Saturday, April 26, 2014 at the Girl Scouts land at 390 Wethersfield Street. David Santomenna from Greenbelt is coordinating this event

Essex County Greenbelt Association is printing and mailing a postcard to Rowley residents alerting them to the town meeting article and the public “Walk-Through”

The Selectmen authorized Debbie and Brent to contract with Nellie Aikenhead to assist with the Open Space Plan. The contract was based on an initial proposal of \$2,100 from Ms. Aikenhead. The Community Preservation Committee authorized \$3,000 for this work. We need to amend the contract with Ms. Aikenhead for a “not to exceed” amount of \$3,000 because there is more work to do than we initially thought. Debbie and Brent are seeking the Board of Selectmen’s authorization to amend the contract amount with Nellie Aikenhead to a “not to exceed” amount of \$3,000.

Section 5.0 has been completed. (See attached.) Brent told Debbie that the Conservation Commission is slated to vote to approve this section during tomorrow evening’s Conservation Commission.

We now have a completed current inventory of town open space land. Attached is the spreadsheet that shows the entire list of all open space land in the Town. Brent extends his thanks and appreciation to Principal Assessor Sean McFadden who worked with him in compiling this list. Debbie is grateful to Sean for stepping in and working on this spreadsheet. Debbie is asking the Board to send a letter to the Board of Assessors expressing its thanks to Sean for his help on this project.

Merrimack Valley Planning Commission is completing the maps this week. We should have the final version soon.

Alan Roscoe has found the Open Space Plan the survey results tabulation sheet. He still has not located the "actual" survey forms, but we do have the results and the analysis.

Dave Petersen made a motion to authorize Deborah Eagan to amend the contract amount with Nellie Aikenhead to a "not to exceed" amount of \$3,000, Jack Cook second, all in favor – aye (5-0).

Bob Merry said Sean McFadden has been putting in extra time helping with this project.

Bob Merry made a motion to send a letter to the Board of Assessors thanking McFadden for his help with this project, Joseph Perry second, all in favor – aye (5-0).

Eagan said the update of the Open Space Plan wouldn't happen without Baeslack's dedicated service to the Town.

7:30 p.m. - Joint Meeting Board of Water Commissioners to discuss the following:

- Posting of water superintendent job description and temporary superintendent
- Pending issues re: Board of Selectmen April 8, 2014 letter to Water Board
- Status of Water Treatment Plant Operation and Maintenance manual, including staffing plan
- Discuss hiring policy of temporary employees
- FY 15 projected Water Department revenue update
- Discuss contract operations

Water Board Chairman Tim Toomey said the other Water Commissioners could not make tonight's meeting. Eagan said the Water Board does not have a quorum, and she asked Toomey to let the Town Clerk know there wasn't a joint meeting. Toomey left to inform the Town Clerk.

Chairman Snow asked Toomey to discuss the posting of water superintendent job description & temporary superintendent. Toomey said Griffin's main focus was to get involved with the Department, identify the needs and develop and modify the existing job description. He said Stuart L. Dalzell Sr. and Griffin presented the changes to Eagan and the Water Board voted to approve it on Saturday. He said it needs to go to the Personnel Board for approval. Eagan said she obtained sample job descriptions and incorporated Griffin's input to come up with the current draft to meet the standards of the Town of Rowley. She said she would like the authorization to post the job under the new description before Friday. Petersen said he doesn't anticipate many changes from the Personnel Board, and recommends that the job be posted immediately. Merry said we have to get moving to fill this position with the Water Treatment Plant coming on line.

Dave Petersen made a motion to post the Water Superintendent's job under the revised job description, Jack Cook second, all in favor – aye (5-0).

Eagan asked the Board of Selectmen to ratify the Board of Water Commissioner's appointment of her as the Temporary Water Superintendent.

Dave Petersen made a motion to appoint Deborah Eagan as the Temporary Water Superintendent, Jack Cook second, all in favor – aye (5-0).

Merry suggested that we get a letter from the Board of Water Commissioners regarding this appointment.

Snow said there are also several customer complaints and asked Toomey to give an update on these. Toomey said he has spoken with the Primary Water Operator about these complaints and he said some of them have been taken care of last week and it is not unusual to have complaints like these. Eagan said she received emails today with items that have been outstanding for the past couple of weeks, that Griffin didn't follow through on. Eagan said an action plan needs to be developed. Toomey suggested that they have a staff meeting. Eagan said Pennichuck is copying her on these issues and she wants to address them since she is stepping into the Temporary Superintendent position. Snow said addressing customer complaints is critical and asked if the complaint of brown water in the bathtub on Haverhill Street has been addressed. Toomey said there is an ongoing problem with one apartment building on Haverhill Street that has a dead end pipe on the property. He said they checked the hydrant and the water is clear, so the problem may be with the property's internal filters. Snow said this problem needs to be addressed. Eagan said she discussed several issues today with Toomey such as an inactive list of accounts that needs to be reviewed by the staff, but Pennichuck hasn't heard back on this. She said there is an abatement question outstanding as well and asked if the Water Board has been discussing these items. Toomey said he and Eagan should meet to go over these items.

Snow said we need a wage action form signed by Toomey to close out Mark Griffin's employment. Toomey said he would follow up on this.

Snow said he went to last week's Water Board meeting and presented a letter. He said they would like a response to this letter, which asked if the Board of Water Commissioners voted to authorize the Interim Water Superintendent to solicit contract water operators. Toomey said he is looking into this, they are busy, they have lost their Superintendent, and he hopes to find out over the next couple of weeks. He said he wants to get all of the facts before they respond. Perry said this should be in their meeting minutes. Toomey said he and the Administrative Assistant will check the minutes. Eagan said going forward, the Selectmen's message should be clear that when bargaining work is involved, discussions with the Selectmen are required before any exploration into contracting out work. She said there are significant labor issues involved. She said the email she saw was a valid solicitation for contract operations

and not merely research. Snow said there could be serious issues for the Town if the proper protocols aren't followed. Toomey said the intent of the Board was to look into this for emergency purposes. He said they did something similar last year when Weston & Sampson was brought in. Snow said at that time, the positions were vacant, and soliciting contract operations now could get the Town into a serious labor dispute. Toomey said they have been trying to get rates for use on an emergency basis and asked Eagan to email the solicitation to him.

Snow read the following:

The contract with Weston & Sampson stipulates that they provide the Town with the Water Treatment Plant Operation and Maintenance Manual. They need to tell the Town in this manual, how the water treatment plant is going to be operated and maintained. This is a not a "joint" project between Weston & Sampson and the Town. They need to provide us with the manual. When is the Town going to receive this? The operations and maintenance manual should have a list of how the plant is going to be staffed and maintained.

Toomey said there are draft versions of this, but he hasn't seen them. He said the chief engineer brought a draft last week and the final version will be prepared once the plant is operational. Snow said shouldn't this be provided before the plant is operational for staffing planning. Toomey said staffing is different and a plan has been given to the DEP. Snow said the treatment plant is being built and needs to be staffed and if additional hiring is needed, they are waiting until the last minute. Toomey said everything is happening all at once; the budget, the plant coming on-line, staffing changes, and the Interim Superintendent leaving. Snow asked why Weston & Sampson didn't provide us with the manual two to three months before the plant goes on-line. Toomey said it is a custom made book and they are working on drafts. He said the staffing plan is up to the Superintendent and the Primary Water Operator through discussions with the engineer. He said they are now running a sixty hour test and the State will not come to the plant until a staffing plan is presented to them. Perry asked if there is a staffing plan. Toomey said they are working on it, it is not Weston & Sampson's responsibility, and the Town is working under Glenn Smith's license. He said Smith is responsible for safe drinking water and the staffing plan will be complete next week or the week after. Snow said Weston & Sampson designed the plant and they should have a good idea of what it will take to run it. Eagan said the operations and maintenance manual should outline the requirements and qualifications of operators under the DEP guidelines. Toomey said the DEP requires a Primary Operator with D2 and T1 licenses, and the current staff has more than the required licenses to run the plant. Eagan said the manual should outline when the plant needs to be manned, and for how many hours per day. She said Weston & Sampson wrote the

specifications to go out to bid, they should know this information and it should be in the draft manual. Toomey said the plant is limited to 1.25 million gallons per day, and it may or may not produce that amount. Toomey said they have a draft. Eagan asked Toomey to provide a copy of the draft manual. Eagan said Barbara Cook said they are drafting the manual and it would be available at the end of April. Merry said Griffin had a draft manual at the meeting on Saturday, but thinks it is an example manual draft, and not tailored to Rowley. Toomey said the manual focuses on specifications such as the motors, and troubleshooting, and they are more concerned about the staffing than they are about the manual. Snow said we are paying 12.3 million dollars and the manual should be in their hands now so they can figure out the staffing needs. Toomey said he will call Weston & Sampson tomorrow and ask for the date of delivery of the final manual. He said the plant is producing more water than anticipated, it is a good plant and they are progressing rapidly in the right direction. Snow asked when the plant will be completely turned over to the Town. Toomey said by the middle or end of May. He said they are running a sixty hour test over the next two weeks, and they also have to flush hydrants. He said they had hoped to be able to utilize a temporary operator, but that can't be done until the Town Administrator is involved.

Snow read the following:

There was an exchange last week between the town administrator and the acting water superintendent on the hiring of temporary employees. Please be advised, the Board of Selectmen approved the FY 14 Water Department budget, as such, no changes are permitted to this budget, without approval of the Board of Selectmen. If the Water Department wants to add additional secondary operators, then the Water Board must make that request to the Board of Selectmen. We will need to review the wage budget and make sure there are sufficient funds, before we would consider it. Please note, that the past history of so-called "temporary" employees has resulted in employees far exceeding their temporary status and the payment of unemployment benefits. Any requests for temporary employees will be scrutinized carefully by this board and the Personnel Department.

Toomey said they aren't doing anything, and this was more of a planning exercise. He said they have a part time, fifteen hours per week position in the FY 15 budget. He said they weren't going to enter into a contract, and things have been chaotic lately. Eagan said there was a job offer made by an employee of the Water Department, with a rate and a statement that it was a continuation of this position. She said that position was a temporary position for help before the second Secondary Operator was hired, and this was a new hire, outside of the FY 14 budget. She said before any temporary hire is considered, they need to figure out what funds are available and discuss it with the Board of Selectmen.

Snow read the following:

Please update the Board of Selectmen on your revenue report. You will need to make adjustments on the Town Meeting floor. The Board of Selectmen and Finance Committee will review your revised budget during the informational hearing on the warrant on April 28, 2014. The Water Board or a representative of the Water Board will need to be present to go over the budget.

Toomey said Dave Russell calculated the rates, and the Board of Water Commissioners passed the budget and the rates. Eagan said we have a copy of this and it will be available at the Informational Hearing being held on April 28, 2014. She said the FINCOM and Board of Selectmen can review this revised Water budget prior to Town Meeting.

Snow read the following:

We would like an update on the status of the construction and design change orders. Also, what is the status of John Hargreaves report on the design flaws in Weston and Sampson's work, which has resulted in constructions costs to the Town?

Toomey said they are still working on the change orders. He said the change order for the molding was dropped, and the change order for the septic system is being reviewed. Toomey said the molding was too expensive. Snow asked why the plan didn't include walls that meet the ceiling. Perry said he has never seen walls with gaps at the top. Toomey said he can ask the Board of Water Commissioners to reconsider that change order. Perry said the engineer should have included this in the plans. Snow said we are paying 12.3 million for the plant and the walls don't touch the ceiling. Toomey said things like this are handled in certain ways, and other change orders have been in our favor. Perry said he agrees with the Water Board's decision not to pay for the molding. Merry said change orders are for unforeseen items and the building being designed without walls touching the ceiling and pumps without wiring are not unforeseen. Snow said he is upset that we are paying 12.3 million dollars for this, these items are not unforeseen, and this needs to be addressed. Toomey said the project is at the end and is under budget. Snow said he expects the walls to touch the ceiling or Weston & Sampson will hear from him. Toomey said the Selectmen should tour the plant now that it is essentially done. Perry said he thinks that is in order. Snow said we need the report from Hargreaves as soon as possible. Cook asked if the project cost exceeds 12.3 million. Toomey said no. Cook asked how much the molding cost. Larry White said he thinks about \$22,000. Cook said maybe we should do the molding if the project would still be under budget. Toomey said the Board of Water Commissioners doesn't want to pay for something they think should already be there. Snow said Weston & Sampson should be paying for this. Toomey said they won't unless we take them to

court and this is not a gap, but would look better with molding. He said the Water Board is just as upset as the Board of Selectmen about this. Eagan said she will coordinate bringing the Selectmen to the plant for this tour. Merry asked if there is a punch list for the project. Toomey said he doesn't know who does the punch list. He said they are testing well three through the plant, then the DEP needs the staffing plan and will come in to test the plant to make sure we can run it. Merry said that isn't a punch list. He said when a project gets to a certain completion percentage, a punch list is created with minor issues that need to be addressed before the project is accepted. Toomey said once the plant is operational and accepted by the DEP, they will have a punch list. Merry said Hargreaves should look at the punch list too.

Petersen said there is a Water Department representative on the project, so there are two Clerks of the Works and there seems to be a void in information being transferred. He said there is no sense of completion for anything at this point, such as the staffing plan, which is all over the place with no concrete plan of what is needed. He said this needs to be put on paper and then changed as needed as we go into the final phase. He said he has never seen what the finished product will need in terms of labor, and Weston & Sampson is not helping as much as they should be. Snow said we should have a warm, fuzzy feeling after paying 12.3 million, but we don't. Petersen said he isn't sure that the Board of Water Commissioners has that feeling either.

Toomey said we need the plant because of the DEP Consent Order. He said Weston & Sampson created the bid, and the cheapest price was chosen. He said there are design issues, but he hasn't been told that they are extraordinary or unusual. He said we have a good product that will meet the Town's needs and the Town can operate it without a significant increase in staffing. He said they have been treating the water and operating all along, and they won't know the staff changes required until the plant is up and running.

Perry said the bill from Pennichuck came today and asked if the 5% discount is on it. Toomey said he hasn't heard that the discount isn't on the bill. Petersen said this bill mimics the on-line bill and Pennichuck should re-format the bill to show the amount of the discount, and clearly outline the discount payment deadline. Eagan said she will take care of this.

Snow read the following:

The selectmen have directed the town administrator to begin looking at the way the services are provided. We need to seriously look at this operation.

Eagan said she will look into this. Snow thanked Toomey for coming to the meeting.

OLD BUSINESS

2. Review Town Meeting Warrants and assign motions

The motions for the articles on the Annual Town Meeting warrant were assigned as follows:

Bob Snow: Suspend the reading, 3,18,19,22
Joe Perry: 4,9-12,17,24,27,28,29
Finance Committee: 5
Board of Water Commissioners: 6,7,8
Dave Petersen: 13,21
Board of Health: 14
Bob Merry: 15,20,25,31
Board of Assessors: 16,26
CPC: 23
Jack Cook: 30

The motions for the articles on the Special Town Meeting warrant were assigned as follows:

Bob Snow: Suspend the reading, 3
Jack Cook: 4
Bob Merry: 5,12,18
Treasurer: 6
Joe Perry: 7, 11, 16
Board of Water Commissioners: 8
Dave Petersen: 9,10,14,15
CPC: 13
Police Chief: 17
Planning Board: 19

3. Review Rowley Country Club liquor license transfer application/set hearing date

Chairman Snow read the following:

We have received an application from the law firm of Mann & Mann in Middleton for a "Transfer of Liquor License" for the Rowley Country Club from Burton H. Page to Rowley Golf Course LLC. The Board of Selectmen renewed the 2014 liquor license application only a few months ago. We have just noticed that the liquor liability insurance certificate has expired. We were told that they are not serving alcohol. The selectmen need to review this application prior to the hearing.

We need to set up a public hearing date and time. A hearing notice must be published in the newspaper not less than 10 days prior to the hearing. Additionally, abutters need to be notified.

The next Selectmen's meeting is scheduled for April 28. We have an opening at 8:15 p.m. Does the Board of Selectmen want to schedule the meeting for this date and time? We don't have many options because Town Meeting is on May 5th and the selectmen must act on this application.

We will also ask the Town boards, especially the Planning Board to thoroughly review this application because the Planning Board has issued a special permit for this establishment. We attached a copy of the Special Permit.

Eagan said the application is in (COPY ATTACHED) and we have to act on it within thirty days.

Joseph Perry made a motion to schedule the public hearing on this application for Monday, April 28, 2014 at 8:15 p.m., Jack Cook second, all in favor – aye (5-0).

MINUTES

- April 10, 2014

Joseph Perry made a motion to approve the minutes from April 10, 2014, Jack Cook second, all in favor – aye (5-0).

ANNOUNCEMENTS

- The Town has the following vacancies:
 - **Council on Aging Board** – one seat;
 - **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
- 375th Anniversary information and events are posted on the Town's website, www.townofrowley.net
- Battery recycling box located at the Town Hall and Library
- One Book One Community Program hosted by Rowley Public 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
- Town Meeting Informational Meeting will be held on Monday, April 28, 2014 at 7:30 p.m. at Town Hall

- Water Customers need to call Pennichuck at 1-800-553-5191 now for billing, payment and customer service questions.
- Prescription Drug Take Back Day - Saturday, April 26 - 9 a.m. to 1 p.m. at the Rowley Council on Aging

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 9:19 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Michael Dalzell re: Eagle Scout project
2. Letter from John Petrowicz re: new Town Common lights
3. Letter from Cynthia Lucia re: Chapter 61 land
4. Tax bills and assessor's cards for 40 Dodge Road and 2 Mill Road
5. Excerpt Mass General Laws regarding Chapter 61 Forest Lands
6. Letter from MassDOT regarding Winter Rapid Recovery Road program funding
7. Hydrant Flushing Notice
8. Spreadsheet that shows the entire list of all open space land in the Town
9. Final version of Annual and Special Town Meeting Warrants
10. Water Superintendent job description
11. Letter from Robert Snow to Water Commissioners regarding request for price quotations for licensed water operators
12. April 12, 2014 Board of Water Commissioners meeting agenda
13. Emails regarding outstanding water customer complaints
14. Rowley Country Club liquor license transfer application