

MINUTES OF THE BOARD OF SELECTMEN MEETING

May 12, 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: Sean McFadden – Principal Assessor, Susan Bailey – Town Accountant, Sue Moses, Tom Moses, Rafael Reyes, Ron Keefe – Acting Highway Surveyor

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:03 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Tom and Susan Moses led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

Chairman Snow thanked the citizens of the Town for their participation in last week's Town Meeting. He thanked the Department Heads, Selectmen, Finance Committee, Debbie, Amy and Doreen for the hard work put into running Town Meeting, which went smoothly. Merry said the Moderator did a great job.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

GENERAL BUSINESS

1. Letter from Cheryl Forster-Cahill and Barry Cahill re: Jewel Mill

Chairman Snow read the letter from Cheryl Forster-Cahill and Barry Cahill regarding the Jewel Mill (COPY ATTACHED). Snow said we should send them a letter acknowledging that we received their letter. Perry said they would love the model of the Jewel Mill for the parade for the Town's 375th Anniversary Celebration.

Joseph Perry made a motion to send an acknowledgement letter, along with a request to use the Jewel Mill model in the parade, Jack Cook second, all in favor - aye (5-0).

2. Proclamation for Susan and Tom Moses for their many years of service to the Town

Chairman Snow read the following:

Chairman Snow would like to recognize Susan and Tom Moses for their many years of service to the Town by issuing a proclamation to each of them. Tom and Sue are moving out of Rowley. Rowley will be losing two dedicated residents who worked tirelessly for the betterment of this Town. Sue Moses served on the Open Space Committee and worked on the open space plan for the Town. She also worked on preserving many key parcels for conservation preservation purposes, such as Hunsley Hills and the Bradstreet property. Tom served the Town on the Finance Committee and Board of Selectmen. Despite holding a demanding job, Tom found time in his busy schedule to serve the Town in these two important positions.

We appreciate all they have done for the Town. They have made lasting contributions to this Town and will be greatly missed.

Snow read Susan's proclamation (COPY ATTACHED). Sue said it has been a pleasure and thanked the Board.

Snow read Tom's proclamation (COPY ATTACHED). Tom said it has sincerely been his pleasure. Snow said it was a pleasure to follow Tom onto the Board of Selectmen.

Bob Merry made a motion to sign the proclamations, Joseph Perry second, all in favor - aye (5-0).

The Selectmen signed the proclamations and photos were taken.

7:05 – 7:15 p.m. CITIZEN QUERY

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

7:15 p.m. Appointment – Rafael Reyes to discuss Class II Dealer's license application

Chairman Snow called Reyes forward to discuss his application (COPY ATTACHED). Reyes said he currently has his business in Seabrook, but they are knocking the building down to make room for a mall. He said he was able to find a space for his business next to Gino's. He said he plans to do truck repairs and will have five to ten large trucks on site. He said the space is in a building at the back of the property, and does not have frontage on Route 1. He said he does mostly internet sales and this will not be a conventional used car dealership. Eagan said the application says there will

be fifty cars. Reyes said there will be between five and ten cars there for now, and asked if the number could be increased if necessary. Eagan said it may be a grandfathered non-conforming site. Snow asked Reyes to modify the application to ten cars and initial the application. Reyes modified and initialed the application and said he is getting the bond tomorrow and will bring it in.

Joseph Perry made a motion to grant the Class II Dealer's license, provided that the required bond is received, Jack Cook second, all in favor - aye (5-0).

GENERAL BUSINESS

3. Request from Richard Kent to transfer aquaculture lots #2 and #6 to Kelsi Grundstrom

Chairman Snow read the letter from Richard Kent (COPY ATTACHED).

Jack Cook made a motion to transfer the aquaculture licenses as requested, Joseph Perry second, all in favor - aye (5-0).

4. Transfer of HOME funds to consortium pool

Chairman Snow said, "We received a letter from the North Shore HOME Consortium (COPY ATTACHED) concerning uncommitted funds. The Town has no projects that would conform to the Federal standards for these funds so they will revert into the North Shore HOME Consortium pool. The Board should take a vote to send a letter to the North Shore HOME Consortium informing them that the Town does not have any plans to use these funds."

Dave Petersen made a motion to send a letter to the North Shore HOME Consortium informing them that the Town does not have any plans to use these funds, Jack Cook second, all in favor - aye (5-0).

5. Request from Building Inspector Ken Ward to transfer department funds (Ch. 44 33b)

Chairman Snow read the transfer form (COPY ATTACHED).

Dave Petersen made a motion to approve the transfer request, Jack Cook second, all in favor - aye (5-0).

The Selectmen signed the transfer request form.

6. Tour de Cure request to travel on Route 1A for annual bike race

Chairman Snow said, "This is an annual fund-raising event for the American Diabetes Association. The Police Chief, Fire Chief and Highway Surveyor have no concerns or issues with the race."

Eagan said the race is just on Route 1A. Snow said the event will take place from 7 a.m. to 3 p.m. Perry said the event begins and ends in Topsfield.

Dave Petersen made a motion to approve the request from the American Diabetes Association for North Shore Tour de Cure for annual 1 day cycling event to be held on Sunday May 18, 2014, Jack Cook second, all in favor - aye (5-0).

NEW BUSINESS

1. PRS Contract Renewal

Chairman Snow read the memo from the IS Coordinators (COPY ATTACHED).

Dave Petersen made a motion to renew the contract for computer consulting services with PRS Group, Inc. for the first incremental year as allowed under the contract, Jack Cook second, all in favor - aye (5-0).

7:30 p.m. Appointment – Acting Highway Surveyor and Tree Warden Ronald Keefe for performance evaluation

The Selectmen went through each section of the evaluation form and made the following comments:

JOB KNOWLEDGE Employee possesses clear understanding of the responsibilities and tasks he or she must perform

Comments: Joe Perry: Has done a wonderful job. Followed Scott Leavitt's example. Helped out with tree work on Town Common. Kept streets cleaned during winter. Bob Merry concurs 100% with Joe Perry, he stepped right in and did a great job like his two successors during a difficult winter. Dave Petersen: Seamless transition, worked well with other Department Heads and it is a shame that he can only do the job for one year. Jack Cook: Totally agree. Ron helped the Cemetery Department digging graves and worked with other departments. Bob Snow: concurs with Board, he did an excellent job during a difficult time, and kept the Board of Selectmen informed on issues.

JOB PERFORMANCE The neatness, thoroughness, accuracy, and overall quality of the employee's work.

Thoroughness. Smooth planning and working team. Wonderful job.

JOB PRODUCTIVITY (QUANTITATIVE) The employee demonstrates a commitment toward achieving results.
Tasks are completed efficiently and effectively.

Excellent job. Not afraid to step up to the plate. Filled Scott's shoes well, while setting own tone for department Productivity is shown on the streets. Demonstrates commitment to Department, and unbelievable productivity during a hard winter, with a salt shortage. Tough worker. Snow said Ron knew how to handle the salt shortage, how much salt would be needed given different amounts of snow, and we had enough salt.

DEPENDABILITY Employee can be relied upon to complete assigned tasks, and is conscientious about their attendance and timeliness.

Merry said he is there before he is needed. Perry said he is ready for and planning ahead for storms and we can count on him and his team. Snow said he called about snow at the school crossing from St. Mary's and he was there and had it cleaned up within twenty minutes.

COOPERATION Employee demonstrates a willingness to work with associates, subordinates, supervisors and others. Responds willingly to changes in procedure, process, responsibility and assignments.

Petersen said he cooperates with everyone and responds to Citizen's concerns. Merry said he has taken the COA under his wing, sands the handicapped ramps and does anything for Town Hall.

INITIATIVE Demonstrates an ability to think and act independently. Originates innovative ideas and methods to improve job or complete tasks better.

Comes up with scenarios to make Department work. Got a lot done. Energy audit, fire alarms, electrical service upgrades, worked towards getting light installed on Route 1 / Glen St intersection. Eagan said he attended storm-water management workshops and was of wonderful assistance to the Conservation Agent .

WORK ENVIRONMENT AND SAFETY Maintains a safe and pleasant work environment, follows safety regulations, and actively contributes towards a safe workplace.

Perry said the department has newer equipment and he does an excellent job maintaining a safe work environment. Merry said the Highway truck took second place at the state rodeo.

The Board rated Keefe excellent in each category and gave him an overall performance level of 100.

Keefe thanked the Board, and said he wrote a letter to the editor of the Daily News about the Board and how the townspeople should be proud of the Board of Selectmen. He thanked each Selectman personally, the Selectmen's Office staff, and the Highway Department employees.

NEW BUSINESS

2. Water treatment plant construction update

Chairman Snow read the following memo from Deborah Eagan:

In response to the Contractor's substantial completion letter, I scheduled a site inspection with Building Inspector Ken Ward, Fire Chief James Broderick, John Sykora of Weston & Sampson, John Hargreaves, Water Commissioner Stuart Dalzell and Treasurer Karen Summit for Tuesday, May 13 at 10 a.m. We had hoped to meet with the Contractor to go over the list of concerns from the Building Inspector, but were informed at 4:15 p.m. today that the Contractor said he is busy tomorrow and will get back to us with a better time. We are very concerned about this, as the Building Inspector has the right to inspect any property that has an open building permit on it, and furthermore, once the Contractor files for Substantial Completion we must inspect the property to develop a punch list.

My concern at this point is that unfortunately, the Building Inspector was not shown any of the change orders presented for approval and approved relating to the construction of the physical plant. As the Board of Selectmen is well aware, there were changes relating to wiring and structural issues, including the gap between the ceiling and the wall. The Building Inspector should have reviewed any and all revisions to the plans, as this project was permitted through the state regulations pertaining to "controlled construction."

I am working closely with town counsel on this matter and will continue to keep the selectmen informed and updated on all developments.

Petersen asked if the inspection is still on for tomorrow. Eagan said this is a peculiar situation. She said the contractor sent the engineer a letter and they have twenty-one days to respond. She said they need to inspect the plant and create a punch list. She said the appointment to do this was set up last Thursday for tomorrow and they found out at 4:15 today that the contractor is too busy to meet tomorrow. She said the Building Inspector has the right to do the inspection, and if the Town is locked out, we

can get a search warrant, but there is not enough time to get one for tomorrow. She said she gave the Board correspondence today, and the Building Inspector is reviewing the change orders that he was never copied on. She said the Selectmen have had concerns about the plant such as structural beams and wiring that were left off the plan, and have pursued these concerns with the Board of Water Commissioners. She said she is the first person to contact the Building Inspector since the plant's foundation was poured. She said under a controlled construction project, the Building Inspector should have received updated plans. She said Karen Summit is assisting her as the Acting Water Superintendent; and they are looking after the best interests of the Town. She said they had to involve Town Counsel since the letter of substantial completion doesn't mention the building and Weston & Sampson agreed this is concerning. She said the Board of Selectmen is continuing to monitor the project, but it is under the purview of the Board of Water Commissioners. She said the Building Inspector and Fire Chief attended the last Water Board meeting. Merry said all of this needs to be documented. He said the twenty-one days will run out or the DEP will ask why this project isn't finished. Eagan said there are safety issues with the building that need to be addressed to meet code. She said the gap between the wall and the ceiling is not just cosmetic and there are building and fire code issues with it. She said the letter of substantial completion is only for the equipment in the water treatment plant, and the building that houses it is not mentioned. Eagan said a group is meeting tomorrow at 10:00 p.m. to go over the issues. Snow and Merry said they will be at the meeting. Petersen said this is going to be an issue in court and Judy Pickett needs to stay on top of this.

3. Request from SBA to install three additional antennas to existing pole located at 467 Haverhill Street

Chairman Snow read the following:

We have received a building permit application from SBA requesting a sign-off from the property owner which is the Board of Selectmen.

Since the Sprint tower was permitted through the Planning Board under Section, 8.7 of the Zoning Bylaws, Debbie has requested a memo from the Planning Department indicating whether or not the permit needs to be modified prior to issuing a building permit. Additionally, Debbie has requested a memo from SBA describing what they intend to do.

The Board should hold off on this item until next week.

4. Request from SBA to refund balance of annual cell tower payment

Chairman Snow read the following:

SBA removed the monopole from Prospect Hill. They have requested a refund of their annual rental payment. Debbie is looking into this and requesting that the Board take no action on this matter at this time.

5. Discuss Independence Day Celebration on the Town Common

Chairman Snow read the following:

The Board needs to start making preparation for the Annual Independence Day children's parade races on the common.

Traditionally this event is held on the Saturday prior to July 4th, which would slot this event for Saturday, June 28th. July 4th is on a Friday this year.

The Board needs to set the date and start planning and coordinating with the Recreation Committee.

Snow said we will have hotdogs, Richie's slushies, tables and chairs. Petersen asked if Tim Southall is available to run the games. Snow said there will be music and a couple of tents. Eagan said Mary Ellen Mighill helps out too. Cook said he can get the hotdogs. Snow said we also need rolls, condiments and water. Eagan said we also need to get prizes for the races. Perry said there is also a concert on the Town Common the weekend of June 28, 2014.

6. Discuss re-dedication of the Civil War Memorial during the Memorial Day ceremonies

Merry said this year is the 100th anniversary of the dedication of the Civil War Memorial. He said the VFW Memorial Day services ends on the Town Common and said he will put together a presentation for the re-dedication. Snow said we lost Veterans Agent Terry Hart last week who was a hero and he will be buried at Arlington National Cemetery. Petersen said it would be great to get a copy of the original dedication, and update it and add some comments. Merry said they are trying to get the Pine Grove School involved to sing a song or two, and the Triton Band. Snow said Memorial Day was founded because of the Civil War, and the most men were lost during that war.

OLD BUSINESS

1. Discuss Gurczak Lane

Chairman Snow read the following:

Now that town meeting has accepted Gurczak Lane does the Board wish to vote to request the Light Department to turn on the street lights? Debbie is still finalizing the deed language, etc. with town counsel and the engineer.

Dave Petersen made a motion to request the Light Department to turn on the lights at Gurczak Lane, Jack Cook second, all in favor - aye (5-0).

MINUTES

- April 7, 2014

Merry pointed out a typo on page 7, in the second paragraph.

Joseph Perry made a motion to accept the minutes from April 7, 2014 as corrected, Jack Cook second, all in favor - aye (5-0).

- May 5, 2014

Joseph Perry made a motion to accept the minutes from May 5, 2014, Jack Cook second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

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.
- Water Customers need to call Pennichuck at 1-800-553-5191 now for billing, payment and customer service questions.
- Compact fluorescent light bulbs may be recycled at the Rowley Municipal Lighting Plant. Light bulbs can be brought down during normal business hours.
- White Goods/Light Goods Household Recycling Day - Saturday, May 17 from 8:30 a.m. to 11:30 a.m. at the Rowley Highway Department

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

Open meeting adjourned at 8:26 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Cheryl Forster-Cahill and Barry Cahill regarding the Jewel Mill
2. Proclamation for Susan Moses
3. Proclamation for Tom Moses
4. Class II Dealer's license application from Rafael Reyes
5. Letter from Richard Kent regarding transferring lots 2 and 6
6. Copies of aquaculture licenses
7. Letter from North Shore HOME consortium dated May 1, 2014
8. Transfer request from Building Inspector Ken Ward to transfer department funds
9. Ch. 44 33b transfer form
10. Letter from Tour de Cure, Department Head comments on event, insurance certificate
11. Memo from Karen Summit and Susan Bailey, IS Coordinators
12. Letter from Judy Pickett to Weston & Sampson dated May 8, 2014
13. Draft Memorandum from Judy Pickett regarding Rowley WTP
14. Building Permit application from SBA