

MINUTES OF THE BOARD OF SELECTMEN MEETING

June 30, 2014

Meeting held at Town Hall

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

PUBLIC ATTENDEES: Richard Adelman - Alfalfa Farm, Trudi Perry - Alfalfa Farm, Lawrence White - Finance Committee, Libby Tucker - Agricultural Commission

CALL MEETING TO ORDER

Chairman Robert Merry called the meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Joseph Perry led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

Chairman Merry thanked the Institution for Savings, Rowley branch, for their generous donation supporting the concerts on the Town Common for the 375th Anniversary. Joseph Perry said the first concert was held this past Saturday and it was a lot of fun, and the next concert is July 12th. Merry also thanked the Ipswich Rotary Club for the material and labor painting the gazebo. He said it looks great and we appreciate their work. Snow said Jim Tedfords donated the paint. Merry thanked Bob Snow for his donation for the Independence Day Celebration, the other Selectmen, the Parks & Recreation Committee and the staff for their help with the event. He also thanked Kayem hotdogs, Savage Seafoods and Shaws for their donations for the event. He said the kids had a great time.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

GENERAL BUSINESS

1. Letter of resignation from Primary Water Operator Peter King

Chairman Merry read resignation letter from Peter King (COPY ATTACHED).

Dave Petersen made a motion to accept his resignation with regrets and to send a thank-you letter to King, Bob Snow second, all in favor - aye (5-0).

2. Request from Board of Water Commissioners to lift the hiring freeze for the primary water operator

Chairman Merry read the letter from Water Department Administrative Assistant Carmine Federico (COPY ATTACHED).

Dave Petersen made a motion lift the hiring freeze for the primary water operator position, Bob Snow second, all in favor - aye (5-0).

3. American with Disabilities Act proclamation

Chairman Merry read the proclamation (COPY ATTACHED).

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

Merry signed the proclamation.

4. Request from Josette Renda to hang banner on the Town Common backstop

Chairman Merry said, "Josette Renda is requesting to hang a banner on the Town Common for the Pine Grove School Spaghetti Supper fundraiser scheduled for September 12, 2014. Josette understands that she is responsible for the banner and has provided a contact number."

Dave Petersen made a motion to allow the banner to be hung from August 31 - September 13, 2014. This motion was not finalized. Perry said the banner may need to be lowered on September 6th when the picture on the Town Common is taken. Libby Tucker from the Agricultural Commission said the banner for the Farmers Market will be going up in a week or so and asked if both will fit. Merry said this banner shouldn't interfere with the Farmers Market banner.

Joseph Perry made a motion to allow the banner to be hung from August 31, 2014 - September 13, 2014, Jack Cook second, all in favor - aye (5-0).

5. Set Board of Selectmen meeting schedule - July-August-September

Chairman Merry read the proposed meeting dates as follows: July 14, July 28, August 11, August 25, September 8, September 15, September 22, September 29.

Jack Cook made a motion to set the meeting dates as proposed, Bob Snow second, all in favor - aye (5-0).

6. Letter from Agricultural Commission re: farmer's market schedule

Chairman Merry read the letter from Dianne Short, Clerk of the Agricultural Commission (COPY ATTACHED).

Dave Petersen made a motion to allow the Farmers Market on the Town Common as requested, Jack Cook second, all in favor - aye (5-0).

7. Letter from MaryBeth Wiser re: water superintendent position

Chairman Merry read the letter from MaryBeth Wiser (COPY ATTACHED).

Bob Snow made a motion to accept the letter, 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. Appointment – Richard Adelman to discuss application for a Farmer Winery License. George Pacenka, Agricultural Commission to discuss the sale of wine at the Farmer's Market

Chairman Merry read the following:

Alfalfa Farm Inc. has a Farmer Winery license from the state. They have applied for and received certification from the Department of Agricultural Resources that the Rowley Farmer's Market is an agricultural event, as required by the ABCC. They have completed the application form to sell their wine at the Rowley Farmer's Market. The template for this application was approved by the Selectmen at the June 16, 2014 meeting.

They have checked off on this application that they wish to provide samples of wine to prospective customers free of charge. Trudi Perry, who has provided her TIPS certification documentation, would be serving the wine. The Town's Alcoholic Beverage By-law is attached for your reference.

Libby Tucker said she is representing the Agricultural Commission in George Pacenka's absence. The Board reviewed the information packet (COPY ATTACHED). Merry said the application appears to be in order. Richard Adelman of Alfalfa Farm said they

planted grapes twenty years ago and have been making wine since then. He said over the last three years they have started selling wine at area Farmers Markets such as Swampscott, Gloucester and Middleton. He said the Farmers Markets are great advertising for their business. Trudi Perry said their wine is not in stores, so they rely on direct sales. Libby Tucker said the Agricultural Commission welcomes them, they know the state rules, and there will be an area of the Town Common where they will be stationed. She said they will be a nice draw to the Farmers Market.

Eagan said the Selectmen did not discuss vendors providing samples of wine at the last meeting. Trudi Perry said the samples are provided in a medicine cup and are no more than 5 ml. She said on Sunday mornings, many people do not wish to sample the wine, and there is a five sample limit. Tucker said she and Pacenka are at the Farmers Market every weekend and will be monitoring them. Petersen said alcohol has been allowed in the upstairs auditorium at Town Hall and at the Library in the past, and we may want to look at changing the by-law. Merry said he would like people to still have to get permission from the Selectmen regarding serving alcohol in public areas. Petersen said the by-law is geared toward public drinking and if there are complaints about the samples at the Farmers Market they can be addressed. Petersen said he has no objection to samples being provided and recommended that the by-law be updated at the next Town Meeting.

Bob Snow made a motion to approve Alfalfa Farm Inc.'s application, Jack Cook second, all in favor - aye (5-0).

GENERAL BUSINESS

8. Accept donation from Robert Snow

Chairman Merry read the memo from Robert Snow (COPY ATTACHED).

Jack Cook made a motion to accept the donation from Bob Snow, Joseph Perry second, all in favor - aye (4-0). Bob Snow - ABSTAINED

Perry said we are grateful for this donation, Snow has done this for several years, and it is a nice gesture.

9. Rowley Public Library – New Expanded Hours

Chairman Merry read the flyer with the new hours (COPY ATTACHED). Perry said a grant is funding these extra hours and now the Library is open consistent hours four days a week. Petersen asked how many additional hours per week will the Library be open. Perry said he believes it is five hours per week. Petersen said we should be

aware that the Town will need to fund this once the grant is depleted. Merry said the Library is a great asset to the Town and the Children's Program gets the kids involved.

Joseph Perry made a motion to accept the Library's expanded hours, Bob Snow second, all in favor - aye (5-0).

NEW BUSINESS

1. Letter from Peter Carpentier re: ZBA Associate appointment

Chairman Merry read the letter from Carpentier (COPY ATTACHED).

Dave Petersen said Carpentier has a long record of service to the Town and he made a motion to appoint Peter Carpentier as an Associate Member of the Zoning Board of Appeals, Jack Cook second, all in favor - aye (5-0).

Eagan clarified that this appointment is for a five year term.

2. FY 15 Re-Appointments / Appointments

Petersen said Dick Cummings served as the previous Eastern Essex Veteran's District Selectmen's Representative. Merry said he would like to ask Snow if he is willing to serve. Snow said he would be proud and pleased to.

Dave Petersen made a motion to appoint Bob Snow as the Eastern Essex Veteran's District Selectmen's Representative, Joseph Perry second, all in favor - aye (5-0).

Snow said it will take about three more months to find Terry Hart's replacement. He said they are putting a team together to evaluate the candidates. He said he is pleased to be appointed to this position and the pool of veterans is getting larger.

Merry said, "Limited Lighting Bylaw Enforcement Agent one year term. Should this responsibility be transferred to the Planning Department? Frank has been appointed to this, but now the Planning Board is the permitting authority, not the Selectmen." Eagan said Frank does regulatory compliance, and only the Building Inspector has the legal authority to enforce zoning. She said Frank would review the applications and complaints in the past, and it would be appropriate for the Town Planner to do this work.

Dave Petersen made a motion to send a memo to the Planning Board requesting that the Town Planner be appointed as the Limited Lighting Bylaw Enforcement Agent, and the reasons why, Bob Snow second, all in favor - aye (5-0).

Merry read the re-appointment of David Levesque to the Board of Appeals Ch. 41 Sec 81 and to the Zoning Board of Appeals, both to expire on June 30, 2019. Snow asked if there is a conflict of interest since Levesque serves on this Board and is the Town's Electrical Inspector. Petersen said not that he is aware of and he has been holding both

positions for years. Merry said he works for the Building Inspector, who enforces the Zoning. Petersen said we should hold off and check with Town Counsel.

Bob Snow made a motion to appoint David Levesque to the Board of Appeals Ch. 41 Sec 81 and to the Zoning Board of Appeals for thirty days until this question is clarified with Town Counsel, Jack Cook second, all in favor - aye (5-0).

Bob Merry recused himself from the re-appointments for the Fire Department due to family connections.

Perry read the following:

Forest Fire Warden & Superintendent of the Fire Alarm one year term	
James C. Broderick, Chief	6/30/2015
Mark Emery, Assistant	6/30/2015
James R. Merry, Assistant	6/30/2015

Bob Snow made a motion to make these appointments, Jack Cook second, all in favor - aye (4-0). Bob Merry - recused

Perry read the following call firefighter reappointments:

Roger S. Merry	6/30/2015	David Carpentier	6/30/2015	Charles Hazen, Jr.	6/30/2015
Donald Merry	6/30/2015	John Condelli	6/30/2015	Jason Merry	6/30/2015
James Chadbourne	6/30/2015	Donald Duprey	6/30/2015	Andrew Nardone	6/30/2015
Darcie Condelli	6/30/2015	Jared Graham	6/30/2015	Robert Serino	6/30/2015
Ron Agrella	6/30/2015	Justin Graham	6/30/2015	Jesse T Warren	6/30/2015
Daniel Beausoliel	6/30/2015	Robert M J Hagopian	6/30/2015		

Dave Petersen made a motion to make these reappointments, Bob Snow second, all in favor - aye (4-0). Bob Merry - recused

Eagan said a group has been working with the REMA Director to streamline the various emergency management groups and to consolidate them into two groups: REMA and NEREPC. She said these two groups are now structured by positions and then each department head can meet with their department for training. She said this structure should be much more efficient. She said the Chair and Vice Chair will sit at the REMA meetings. Merry said before there was a list of all different groups, but they have evolved and we don't need all of these groups anymore, and the new structure should be much more efficient. Petersen said the Department Head is being paid for this extra work, but the staff isn't. Merry said the Department Head is in charge of their own budget, so they understand if their staff can work on emergency management related issues.

Snow read the following REMA appointments:

Rowley Emergency Management Agency	(REMA) one year term	
Fire Chief/Emergency Management Director	James Broderick	6/30/2015
Police Chief	Robert Barker	6/30/2015
Chairman, Board of Selectmen	Robert Merry	6/30/2015
Vice Chairman, Board of Selectmen	Joseph Perry	6/30/2015
COA Director & Public Health Nurse	Mary Ellen Mighill	6/30/2015
Highway Surveyor	Patrick Snow	6/30/2015
Health Agent	Frank Marchegiani	6/30/2015
Town Administrator	Deborah Eagan	6/30/2015
HAM Radio Operator	James DiMarino	6/30/2015
Light Plant Manager	Dan Folding	6/30/2015
Water Superintendent	MaryBeth Wiser (effective on her start date 8/11/14)	6/30/2015

Dave Petersen made a motion to make these reappointments, Jack Cook second, all in favor - aye (3-0). Bob Merry - recused Joseph Perry – recused

Snow read the following Northern Essex Regional Emergency Planning Committee appointments:

Fire Chief/Emergency Management Director	James Broderick	6/30/2015
Police Chief	Robert Barker	6/30/2015
Chairman, Board of Selectmen	Robert Merry	6/30/2015
Vice Chairman, Board of Selectmen	Joseph Perry	6/30/2015
COA Director & Public Health Nurse	Mary Ellen Mighill	6/30/2015

Highway Surveyor	Patrick Snow	6/30/2015
Health Agent	Frank Marchegiani	6/30/2015
Town Administrator	Deborah Eagan	6/30/2015
Light Plant Manager	Dan Folding	6/30/2015
Harbormaster	Bill DiMento	6/30/2015

Dave Petersen made a motion to make these reappointments, Jack Cook second, all in favor - aye (3-0). Bob Merry - recused Joseph Perry – recused

Merry read the following:

Historic District Commission/ Historical Commission	
Sara Bourque - Alternate & Clerk	6/30/2015

Dave Petersen made a motion to make this reappointment, Jack Cook second, all in favor - aye (5-0).

Merry read the following:

Parks and Recreation Committee three year term	
Ryan Gallant- Chairman	6/30/2017
Michael Quinn	6/30/2017
Kurt Annen	6/30/2017

Dave Petersen made a motion to make these reappointments, Joseph Perry second, all in favor - aye (5-0).

Merry read the following:

Parking Clerk <i>one year term</i>	
Susan Hazen, Town Clerk	6/30/2015

Barbara DiMento	6/30/2015
Susan Leach	6/30/2015

Joseph Perry made a motion to make these reappointments, Bob Snow second, all in favor - aye (4-0). Jack Cook - ABSTAINED

Merry read the following:

Board of Registrars <i>one year term</i>	
Barbara DiMento	6/30/2014
Mildred Dummer	6/30/2014
Gordon Densmore	6/30/2014
Susan Hazen, Town Clerk	6/30/2014
Donald Russo	6/30/2015
Local Census Liaison for Federal Census <i>one year term</i>	
Susan Hazen, Town Clerk	6/30/2015

Joseph Perry made a motion to make these reappointments, Bob Snow second, all in favor - aye (5-0).

Merry read the following:

Mooring Clerk <i>one year term</i>	
Susan Hazen, Town Clerk	6/30/2015
Barbara DiMento	6/30/2015
Susan Leach	6/30/2015

Dave Petersen made a motion to make these reappointments, Bob Snow second, all in favor - aye (4-0). Jack Cook - ABSTAINED

Merry read the following:

Police Department <i>three year term</i>	
Elizabeth Smith, Reg. Res. Dispatcher	6/30/2017

Dave Petersen made a motion to make this reappointment, Bob Snow second, all in favor - aye (5-0).

Merry read the following:

Town Clerk, Assistant <i>one year term</i>	
Barbara R. DiMento	6/30/2015

Joseph Perry made a motion to make this reappointment, Jack Cook second, all in favor - aye (5-0).

Snow read the following:

375th Anniversary Committee	
David Irving - First Congregational Church	6/30/2015
Joseph Perry - Rowley Board of Selectmen	6/30/2015
Susan Hazen - Town Clerk	6/30/2015
Sam Streiff - Rowley Historical Society	6/30/2015
Bob Merry - Rowley Historical Society	6/30/2015

Dave Petersen made a motion to make these reappointments, Jack Cook second, all in favor - aye (3-0). Bob Merry - ABSTAINED Joseph Perry - ABSTAINED

Merry read the following:

Personnel Board	
Larry White, Finance Committee	6/30/2015
Richard Curran - Resident Representative	6/30/2015
David Petersen, Board of Selectmen	6/30/2015

Jack Cook made a motion to make these reappointments, Joseph Perry second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

Merry read the following:

Zoning Review Committee	
Kirk Baker Town Planner, non-voting member	6/30/2015
Ken Ward Building Inspector	6/30/2015
Donald Thurston ZBA Rep.	6/30/2015
Thomas Heidgerd ZBA Rep.	6/30/2015
Robert Merry BOS Rep.	6/30/2015
Cliff Pierce	6/30/2015
David Jacquith	6/30/2015

Dave Petersen made a motion to make these reappointments, Bob Snow second, all in favor - aye (4-0). Bob Merry - ABSTAINED

Bob Merry made a motion to appoint Marion Madden and Joan Petersen as the Democrat election workers through June 30, 2015, Bob Snow second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

Jack Cook made a motion to appoint Mary Bright, Martha Chase Geary, Joan Lyons and Marion Musial as the Republican election workers through June 30, 2015, Bob Snow second, all in favor - aye (5-0).

Bob Snow made a motion to appoint Michelle Ford, Robert Johnson, Susan Leach, G. Robert Merry and Mary Ellen Mighill as the Unenrolled election workers through June 30, 2015, Dave Petersen second, all in favor - aye (3-0). Bob Merry - ABSTAINED Jack Cook - ABSTAINED

NEW BUSINESS

3. FY 14 Interdepartmental transfers

Chairman Merry read the transfer request from the Library (COPY ATTACHED).

Bob Snow made a motion to approve this transfer request, Jack Cook second, all in favor - aye (4-0). Joseph Perry - ABSTAINED

Merry read the transfer request from the Fire Department (COPY ATTACHED).

Bob Snow made a motion to approve this transfer request, Jack Cook second, all in favor - aye (4-0). Bob Merry - ABSTAINED

4. Ratify short-term bond for road pavement project

Chairman Merry read the memo from Treasurer/Collector Karen Summit (COPY ATTACHED).

Dave Petersen made a motion to ratify the short-term borrowing for the state pothole fund, Jack Cook second, all in favor - aye (5-0).

5. Letter from Council on Aging Chairperson Mary Bright

Chairman Merry read the letter from Mary Bright (COPY ATTACHED). Merry said the issue is that the Town's bylaw is premised on the state's bylaw, which is referred to as the Council on Aging Bylaw. Merry read section one of the Town's general bylaw (COPY ATTACHED). He said the room at the annex can be named the Senior Center, but the actual operation needs to follow state law and the Town's bylaw, which refer to it as the Council on Aging. Petersen said the Town can change the bylaw, but grants from the state go to the Council on Aging. Eagan said meeting notices would have to be posted by the Council on Aging Board. She said the Council on Aging Board would oversee the Senior Center and Community Services Department. Merry said we can ask legal council. Eagan said she will call Mary Bright.

OLD BUSINESS

1. Discuss 375th events

Perry said the weekend of September 4,5,6 and 7th is the main celebration. He said on Saturday the 6th, there will be a parade at 11:00 am to the Town Common. He said they plan to invite food vendors and will ask the Board of Health for food permits. He said there will be a picture taken on the Town Common at 2:00 p.m. He said he doesn't know which food vendors will be there, or how many, but will be back to discuss further.

2. Continued discussion on request to place "Children At Play" signs on Summer and Independent Streets

Chairman Merry said, "Highway Surveyor Patrick Snow has responded to the Selectmen's request to review this request. (Memo is attached). Chief Barker has been away, so we have not received his report. He has been asked to review data relating to speeding citations and accidents on Independent and Summer Streets." Merry said he would like to see the Chief's recommendation before we move forward with this.

Petersen said he agrees with the Highway Surveyor. He said the Common is not a playground, the speed limit is 25 mph and this would be sign clutter. Snow said there are small children in the area. Petersen said putting in more signs doesn't make sense. Merry said he agreed with Petersen at first, but he has spent time on the Common over the past week, and he was surprised by two kids when they appeared out of Burke Avenue. He said he would like the Chief's opinion.

Bob Snow made a motion to continue the review of this request, Joseph Perry second, all in favor - aye (5-0).

3. Letter from Cynthia Lucia re: forestry land

Chairman Merry read the following:

The attached letter from Cynthia Lucia was hand-delivered on June 2, 2014 to the Board of Selectmen. If the Board of Selectmen agrees that the notice is sufficient, then, there is a 120-day period starting from the date of receipt of the notice to intent (June 2) in which the Town has a first refusal option to meet a "bona fide offer to purchase the land." If the Board of Selectmen does not agree that the notice is sufficient because it does not contain all of the material described in Chapter 61 (paragraphs #2, 3, 4), then the Selectmen must notify the landowner within 30 days after receipt that the notice is insufficient and does not comply. Debbie has requested the Assessors, Conservation Commission and Planning Board to provide their comments. Please see attached memos from these departments. Please note that the Planning Board has not yet discussed this at their meeting.

Merry read the letter from Cynthia Lucia (COPY ATTACHED). Eagan said Lucia reached out to the Assessors office, but this is a Board of Selectmen decision. Merry said they have to meet the requirements of Chapter 61. Petersen said there are specific requirements. Eagan said before, they did not copy the required entities, this time the letter says they copied the other entities, but there are no affidavits. Petersen said under number four of the law (excerpt attached) it says they need to show a copy of the purchase and sales agreement so the Town can have the first right of refusal. He said maybe the Town Planner could meet with them to go over the requirements. Eagan said we gave them a copy of the law and told them they need to follow it, and we don't want to give them legal advice. She said the Selectmen need to make the decision whether or not the notice is sufficient. She said the Conservation Commission has reviewed it and the Planner said this land is part of the Town's Open Space Plan. Merry said we have the first right of refusal, which means we would have to match an offer. Eagan said she can outline what is needed. Petersen said they are getting a tax break and the legal procedure needs to be followed. Eagan said she will point them back to the statute and outline what is missing. Merry said we need more information. Eagan said we must respond to them within thirty days.

Bob Snow made a motion to send Lucia a letter outlining what is missing, Joseph Perry second, all in favor - aye (5-0).

ANNOUNCEMENTS

- The Town has the following vacancies:
 - **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.

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

Open meeting adjourned at 8:32 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter of resignation from Primary Water Operator Peter King
2. Letter from Water Department Administrative Assistant Carmine Federico regarding lifting the hiring freeze
3. American with Disabilities Act proclamation and request letter
4. Email correspondence with Josette Renda regarding Spaghetti Supper banner
5. Letter from Agricultural Commission re: farmer's market schedule
6. Letter from MaryBeth Wisner re: water superintendent position
7. Packet of information regarding Alfalfa Farm Inc., including their application to sell wine on the Rowley Town Common
8. Memo from Robert Snow regarding his donation to the Independence Day Celebration
9. Rowley Public Library expanded hours flyer
10. Letter from Peter Carpentier re: ZBA Associate appointment
11. List of Re-Appointments
12. Budget transfer request form and supporting documentation
13. Letter from Treasurer / Collector Karen Summit re short term borrowing and attachments
14. Letter from Mary Bright to Selectmen regarding name change, and COA bylaw excerpt
15. Memo from Highway Surveyor regarding Children at Play signs
16. Email from Deborah Eagan to Chief Barker regarding his feedback on this request for signage
17. Letter from Amy Lydon to Jonathan Bennett requesting more details regarding his request for these signs
18. Memo from Amy Lydon to Police Chief and Highway Surveyor requesting feedback on request
19. Original request for signs from Jonathan Bennett
20. Letter from Cynthia Lucia to the Board of Selectmen
21. Email from Assessors regarding Lucia's request
22. Memo from Planning Board regarding Lucia's request
23. Memo from Conservation Commission regarding Lucia's request
24. Maps of forestry land
25. Law excerpt Chapter 61
26. Memo from Amy Lydon to various departments requesting review of Lucia's letter