

MINUTES OF THE BOARD OF SELECTMEN MEETING

September 22, 2014
Meeting held at Town Hall

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

PUBLIC ATTENDEES: Lawrence White - Finance Committee; Jeff Clarke; Philip Towne; James C. Broderick – Fire Chief

CALL MEETING TO ORDER

Chairman Robert Merry called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Jeff Clarke led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

GENERAL BUSINESS

1. Request from Girl Scouts Troop 75124 to hold annual "Caroling on the Common" Nov. 30

Chairman Merry read the following:

Jane Koopman White, the leader of Girl Scouts Troop 75124, has requested to use the Town Common for the Annual "Caroling on the Common" event. This is annual event held by the Rowley Girl Scouts.

The Board of Selectmen needs to vote to authorize the Girl Scouts to undertake this annual event.

Eagan said the event will be held on Sunday November 30, 2014 from 4:30 p.m. to 5:30 p.m.

Dave Petersen made a motion to authorize the use of the Town Common for this event, Jack Cook second, all in favor - aye (4-0). Robert Snow – ABSENT

2. Ratify a Road Opening Permit application from National Grid to open 17 Ice Pond Drive to repair a chronic gas leak in the street - emergency leak was repaired

Dave Petersen made a motion to ratify the road opening permit for 17 Ice Pond Drive from National Grid (COPY ATTACHED), Jack Cook second, all in favor - aye (4-0).
Robert Snow – ABSENT

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

Phil Towne said he has sent a letter to the Town and he is looking for feedback about why the photo for the 375th Anniversary was taken fifteen minutes earlier than scheduled. He said he would like to have a by-law in place to make sure this doesn't happen again. He said they arrived on time for the scheduled time, the picture was important to them, the celebration was great, but it was a let down to find out they were not part of the picture. He said given that a storm was on the way, the picture should have been postponed to a later date. Merry said the decision was to move the picture ahead and people were there and ready for the picture. Merry said they listened to the public safety officials and the concern was that someone could be hurt since there was a severe thunderstorm in the area. Towne said there was a thunderclap before the photo was taken and the Common should have been cleared at that point. He said if public safety was a concern, the picture should have been rescheduled for a later date. Merry said the founding families of Rowley were visiting from California, and they are just as important to include in the picture as the residents are. He said the camera was already set up, and they cannot control the weather. Towne said we need a bylaw so this doesn't happen again. He said an eighty-eight year old woman has been in every picture except this one. Merry said they tried to accommodate everyone given the conditions. He said two people in Ipswich were killed in that storm, and they wanted to take the picture and then leave the Common as soon as possible. Towne said moving the picture ahead is a bad way to do business, it should have been postponed, and he is proposing that the picture be re-done over Thanksgiving weekend. He said the 500 people in the picture is a fraction of the Town and he thinks we can do better. Merry said members in the community spent one and one half years putting the events for the celebration together. He said he thinks canceling the picture would have been wrong and the advertisement said that the scheduled time was subject to change. Petersen said this was an isolated situation dictated by the weather. Petersen apologized to those who missed being in the picture and said the people in charge decided to take the picture early. He said if Towne wants to try to reschedule another picture, they can look into it. He asked Towne what the proposed by-law would say. Towne said the by-law would say that public events scheduled by the Town of Rowley would be postponed or cancelled if they cannot be held on the scheduled time. Petersen asked Towne to bring a petition to the Board. Towne asked how many names should be on the petition. Petersen apologized that the picture was taken fifteen minutes early due to public safety concerns, but it would have been tough to cancel it. Petersen said the Board can

review what Towne brings forward, and he can draft the by-law for Town Meeting. Towne said he appreciates the Board listening. Petersen thanked Towne for coming in and thanked him for his input.

Citizen's query closed. There were no further citizens queries.

GENERAL BUSINESS

3. Road Opening Permit application from T.W. Excavating to open Central Street at the intersection of Dexter Drive for new water service to Dexter Drive

Chairman Merry said, "The Water Superintendent has not reviewed this application. All other sections are complete."

Jeff Clarke said this permit is for him and there was a misunderstanding since they were told to drop it off and the signatures would be collected internally. He said he was notified at 2:30 p.m. that a signature was missing and when he got back to Town at 4:30, the Water Department was closed. He asked the Board to consider approving the application subject to the Water Department's approval. Petersen asked if there is a water main there now. Clarke said there is, and they are connecting Mrs. Hawksworth's property to the water main. Merry read the email feedback from the Police Chief and Fire Chief (COPIES ATTACHED).

Dave Petersen made a motion to approve the road opening permit for Central Street at the intersection of Dexter Drive (COPY ATTACHED), Jack Cook second, all in favor - aye (4-0). Robert Snow - ABSENT

Clarke said he will pick up the permit, get the Water Department sign-off, and then return this to the Board of Selectmen for their signature.

7:15 p.m. Fire Chief James Broderick to discuss grant award

Chairman Merry read the following:

Chief Broderick will discuss the EMPG grant that the Town has received from the Massachusetts Emergency Management Agency.

In order for the fire chief to sign the paperwork, the Board of Selectmen needs to vote to name Fire Chief James Broderick as an "authorized signatory" on the grant paperwork.

Also, in order to expedite the processing of grants going forward, the Board of Selectmen can vote to extend this authorization for Chief Broderick to sign state grant paperwork for all future grant awards.

Broderick said a couple of years ago MEMA grants were used to upgrade the radios. He said this grant will be used to purchase a repeater for the Police Station to allow communication without breaks. He said the Town pays for it up front and the grant reimburses the Town.

Dave Petersen made a motion to authorized Chief Broderick as a signatory on the paperwork and allow the Chief to sign all future state grant paperwork, Dave Petersen second, all in favor - aye (4-0). Robert Snow - ABSENT

NEW BUSINESS

1. Appointment - Alex Cecchinelli as an alternate member of the Agricultural Commission

Chairman Merry read the letter from Dianne Short regarding this request (COPY ATTACHED).

Joseph Perry made a motion to appoint Alex Cecchinelli as an alternate member of the Agricultural Commission through June 30, 2017, Jack Cook second, all in favor - aye (4-0). Robert Snow - ABSENT

2. Advisory from the ABCC for Retail Sunday Opening Time

Chairman Merry read the following:

Effective October 23, 2014, off-premises retail alcoholic beverage licensees will be permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sunday.

The Board of Selectmen Galbro, Inc. d/b/a Route 1 Liquors has notified the Board of Selectmen that they will be open at 10:00 a.m. The Board of Selectmen needs to approve the request and sign Form 43, which will be sent to the ABCC.

Please note that this goes into effect on October 23, 2014.

Petersen said the licensee doesn't need to apply for this change with the local licensing authority, but they need to inform the local licensing authority. Merry read the corporate resolution from Galbro's paperwork (COPY ATTACHED).

Dave Petersen made a motion to approve the request from Galbro Inc. to open at 10:00 a.m. on Sunday, Jack Cook second, all in favor - aye (4-0). Robert Snow - ABSENT

Eagan said the Board can sign Form 43, we will send it to the ABCC and once approved by the ABCC, we will prepare a new liquor license to be posted in the establishment. Cook asked if the pouring licensees can open earlier on Sunday. Eagan said this change is just for off-premise licenses holders.

The Selectmen signed Form 43.

OLD BUSINESS

1. Letter from Attorney Donald Greenough re: the sale of Chapter 61 land

Chairman Merry read the following:

The filing for this Chapter 61 land appears to be in order.

The notification has been reviewed by the following Town Boards:

- *Board of Assessors*
- *Conservation Commissions*
- *Planning Board*

The correspondence from each of these boards is attached.

The Board of Selectmen needs to either: 1) exercise its right of first refusal or 2) not exercise its right of first refusal.

If the Board of Selectmen votes to not exercise its right of first refusal option, then the selectmen need to sign the attached waiver. Assistant Treasurer Karen O'Donnell will notarize this document.

If the Board votes to exercise its right of first refusal, then the selectmen will need to discuss the next steps required to pursue a purchase of this property.

Merry read the memos/emails from the Board of Assessors, Conservation Commission and Planning Board (COPIES ATTACHED). Merry said the legal paperwork seems to be in order and asked the Board if there is any discussion.

Dave Petersen made a motion to not exercise the right of first refusal, Joseph Perry second, all in favor - aye (4-0). Robert Snow - ABSENT

The Board signed the waiver and Karen O'Donnell notarized it (COPY ATTACHED).

2. Discuss Special Town Meeting warrant articles

Chairman Merry read the following:

The warrant just closed a couple of hours ago.

The funding for Year Two – Fiscal 2015 of the MassCop Contract exceeds the \$29,000 in the Collective Bargaining Reserve. We need \$17,146 to fund the second year of the

contract. There are sufficient funds in Article 5 of the May 5, 2014 Special Town Meeting to fund Year One. Debbie will transfer the surplus of \$6,000 to offset the FY 15 amount.

Debbie is just starting to put together the warrant. There are a number of funding articles that Debbie will be working on with the Fiscal Team this week.

We have a revised tentative assessment from North Shore Vocation School for the former Essex Agricultural School that was submitted after the budget was set. We need approximately \$3,603.

The Library was notified that the sprinkler heads must be tested. This came in after the budget was set. This will cost approximately \$5,000

The Cemetery Building needs a new door and masonry work around the door. The anticipated cost is \$8,000.

The Harbormaster is seeking \$35,000 for replacement of sections of the dock. (It is unclear as to the status of the \$15,000 that was appropriated in the Capital Budget Borrowing Account for the replacement of rot on the Town Wharf. In Years 4 & 5 funds are planned for the launch dockhead and gangway ramp finger float.) The Harbormaster is also seeking to update the Harbor Bylaw on the fees and fines.

On the CPA articles, Dave Petersen will discuss the article to re-direct the Bradstreet Baseball field appropriation to fund the development of a Little League field and soccer fields at the other playing field locations. Dave will also discuss the Greenbelt endowment for the conservation restriction for the Girl Scouts property with the CPC.

The Water Board has also submitted the three articles that they discussed with the Board of Selectmen during the September 8, 2014 Joint Meeting.

The Board will review the draft warrant on September 30th. The selectmen will sign the warrant on October 6.

Merry asked if there is any discussion, questions or comments. Petersen said the Harbormaster's request for \$35,000 to replace dock sections should be put off. He said when the FY15 capital requests were submitted, it was not indicated that these needed to be replaced. Merry said the Harbormaster showed him pictures of the docks and said the pins that hold the docks together have rusted out. He said the emergency boat float has collapsed. Merry said a lot of money is being requested and the Harbormaster said he will meet with the Selectmen to show them the issues. Petersen said the Selectmen requested \$8,000 from the reserve fund from the Finance Committee who asked that the reserve fund be reimbursed for this withdrawal. He said \$35,000 is a

large chunk of the \$50,000 in the reserve fund. He said he would like to find out how the \$15,000 appropriated for the capital needs for the Harbormaster in fiscal year 2015 has been used. Eagan said the capital requests have been larger than expected and the fiscal team will be working on them this week. She said we are still in the first quarter of the fiscal year and money can't be taken out of budget lines. She said funding will have to come from raise and appropriate articles which will be reviewed at the next meeting and be prioritized. Eagan read the language of the article which appropriated \$15,000 to the Harbormaster in fiscal year 2015 and said it is broad and can cover many areas. Petersen said he would like to see if the Harbormaster can get by with the \$15,000 or a smaller appropriation and this request can be reviewed as part of next year's capital budget. He said we should invite the Harbormaster in next week to further explain this request. Merry said the Harbormaster indicated that the request for funds was on the high side, but was unsure about prevailing wages. He said we should get feedback from the fiscal team on this.

3. Town Administrator update

Town Administrator Debbie Eagan read the following:

The Library Exterior Painting Project has been awarded to MJS Construction of Wakefield in the amount of \$17,642.00. We are working to get the contract signed and issue a notice to proceed for this project.

The Town Hall Window Project will be released on Wednesday. This project is to finish the second floor windows and to start the first floor windows.

The purchase and sales agreement for the Girl Scouts property has been sent to the Girls Scouts of Eastern Mass. We will be working with the Girl Scouts attorney in finalizing this document.

The Conservation Commission is reviewing the proposed Greenbelt conservation restriction for the Girl Scouts property.

I met with Water Superintendent Marybeth Wiser to discuss concerns over the past Unemployment expenses. The Water Budget has \$10,000 appropriated for unemployment, which may cover these costs. The new superintendent has expressed a strong willingness to institute measures to prevent unnecessary unemployment expenses, whenever possible.

Eagan said she hopes there is not a cost overrun in the unemployment budget.

ANNOUNCEMENTS

- The Fall Special Town Meeting is scheduled for Monday, October 27, 2014 at 7:30 p.m. at the Pine Grove School
- West Nile virus (WNV) has been detected in mosquitoes collected in Rowley. Residents seeking information on the West Nile Virus should read the information on the Town's website or contact the Health Department at 948-2231
- The Town has the following vacancies:
 - a) **Fence Viewer**– two positions;
 - b) **Wood, Lumber & Bark Inspector**; and
 - c) **Zoning Board of Appeals Associate** – two open seats
 - d) **Historical Commission-Historic District Commission** - three seats
 - e) **Parks and Recreation Committee** - two seatsFor more information on these positions, please contact the Selectmen's Office at 948-2372
- 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. Jack Cook so moved, Dave Petersen second, all in favor – aye (4-0).
Robert Snow - ABSENT

Open meeting adjourned at 8:00 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Email from Jane Koopman White regarding Caroling on the Town Common
2. Road Opening Permit application from National Grid to open 17 Ice Pond Drive to repair a chronic gas leak in the street
3. Road Opening Permit application from T.W. Excavating to open Central Street at the intersection of Dexter Drive for new water service to Dexter Drive
4. Grant paperwork to approve Fire Chief James Broderick as an "authorized signatory" on the grant paperwork.
5. Letter from Dianne Short to Board of Selectmen regarding appointment of Alex Cecchinelli
6. ABCC Advisory on Sunday Opening time
7. Galbro application package for change in Sunday hours

8. Package sent to ABCC for Galbro's change in Sunday hours
9. Paperwork related to Chapter 61 filing from Attorney Donald Greenough
10. Backup regarding the special town meeting articles including: email from Robert Barker to Debbie Eagan regarding the retro pay for MassCops; article request from Library Director Pam Jacobson; article request from Cemetery Commissioner Bill Gaynor; letter to Deborah Eagan from David Santomena of the Greenbelt; article request from Harbormaster Bill DiMento; articles request from Water Superintendent MaryBeth Wisner