

MINUTES OF THE BOARD OF SELECTMEN MEETING

September 29, 2014
Meeting held at Town Hall

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

PUBLIC ATTENDEES: Lawrence White - Finance Committee; Karen Summit – Treasurer/Collector; Fred Hardy – Harbormaster Department; John H. Grundstrom – Shellfish Dept.; John E. Grundstrom – Shellfish Department

CALL MEETING TO ORDER

Chairman Robert Merry called the meeting to order at 7:01 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Karen Summit led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:00 p.m. Treasurer Karen Summit to sign bond paperwork

Chairman Merry said, “Karen Summit will discuss what the Board needs to vote on and sign tonight.” Summit said the Clerk of the Board needs to read the vote and there are four originals that need to be signed. Clerk Bob Snow read the vote (COPY ATTACHED). There was no discussion by the Board.

Joseph Perry made a motion to authorize Clerk Robert Snow to sign the four copies of the vote, Jack Cook second, all in favor - aye (5-0).

Snow signed four copies of the vote.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened.

Larry White of Central Street asked to address the Board as a Water Department customer. He said it is apparent from the past couple of months at the Board of Water Commissioners meetings that the Water Commissioners are not focused on water quality or customer service issues. He said the Water Department has an article for

town meeting for more money for electricity and chemicals, and the Water Commissioners are questioning the Superintendent on where the numbers are coming from. He said the Water Department presented these numbers to the Board of Selectmen as backup to the maintenance line in their budget. He said if the plant runs eleven hours per day the cost for electricity would be \$240,000 and if it runs eight hours per day the cost would be \$189,000. He said these numbers came from the Light Department, and the \$150,000 being requested is a guestimate, but it is in line with the Light Department's estimate. He said the Water Commissioners are questioning where the Superintendent is getting the \$150,000 estimate from, but this information has already been given to the Town.

He said there is an article for Town Meeting asking for funding for a laborer presented to the Board of Selectmen by the Board of Water Commissioners. He said this shouldn't be a surprise to the Water Commissioners and they shouldn't be talking about rescinding this article which will help address poor customer support issues.

He said the Board of Water Commissioners has been talking about how the treatment plant will be overstaffed. He said the part time secondary operator's hours are proposed to be increased from 15 hours to 16 hours per week at an annual increase of \$990.00. He said the other operators are covering the plant more, but this does not increase the total cost. He reviewed how the plant is designed to operate and said the system is designed to be operated 24 hours per day, seven days per week. He said Rowley is not asking for the plant to operate in a way that is unique to Rowley, but just asking to run it how it should be run.

He said the Board of Water Commissioners is focusing on the day to day operations of the department and not on the long term operations. He said at the meeting this week, the Water Commissioners talked to the Superintendent about the muddy vehicle even though the Town is under a water ban. He said the Superintendent's time is better spent on things other than cleaning vehicles.

He said the Board of Selectmen needs to step in and intermediate between the Water Commissioners and the Superintendent. He said the Water Commissioners need to let the Superintendent do what she was hired to do and is qualified to do. He said the DEP has a consent order against the Town and the ratepayers will suffer if no changes are made. He said he implores the Board of Selectmen to make appropriate changes to stop these actions immediately.

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

7:15 p.m. Harbormaster Bill DiMento to discuss warrant articles

Chairman Merry read the two proposed Harbormaster articles (COPY ATTACHED).

Harbormaster Bill DiMento said he would like to update the bylaw to increase the parking fine from \$25 to \$50, since people will pay the \$25 to be able to launch their

boat for the day. He said there are also some minor language updates. Eagan said the process is to clearly show the language to be changed in the bylaw and it is now late in the process. DiMento agreed to wait until the Spring Town Meeting for the bylaw changes.

Dave Petersen made a motion to remove article #2 from the Harbormaster's request and postpone it until the spring, Joseph Perry second, all in favor - aye (5-0).

DiMento said the capital plan he submitted a year ago recommended that the wharf be addressed first, and that is now underway. He said the docks are also not fit for use during the coming year. He said the docks have been rebuilt or repaired annually with the help of volunteers, but now the dock irons, rails and boards are rotted. He said one dock broke and was temporarily repaired. DiMento showed the Board a map of the dock system and explained which ones are in need of repair and which are fine (MAP ATTACHED). He said a total of ten sections need to be replaced and he thinks his estimate of \$35,000 is high. Merry asked DiMento to sharpen the pencil and DiMento said he sure can.

Petersen said he and Bob Merry serve on the capital plan team and when the requests were reviewed in the spring, he had no idea we would be looking at an entire replacement of the docks. He said normally money is swapped at the fall town meeting, but this year money needs to be raised and appropriated. He said the \$35,000 request is a shock to him. He said he is no expert, but he went down to the docks today and the ramp to the pumpout and harbormaster's boat should be condemned, and the rest of the docks are not great. He asked how the \$15,000 funding approved at the spring town meeting is worded. He said maybe that \$15,000 could be used to address the docks, and give DiMento a chance to sharpen the pencil and look at this in the spring. He said this request is unprecedented, the docks look the same as they have for the past several years, and asked DiMento to explain how they are unsafe.

DiMento said this wasn't a surprise, and he wasn't consulted about the capital planning priorities. He said he was given the \$15,000, but knew these issues needed to be addressed. He said he should have brought this to the Board in the spring when the docks were flipped over and they saw this would be the last year they could be used. He said this is his fault and apologized for not bringing this to the board sooner. He said ideally they will get funding, the docks will be built over the winter and installed around April 1, 2015. He said the boaters pay \$30,000 per year, state law says at least 50% needs to be spent on improvements, and the rest is put into the Town's general fund. He said the Harbormaster department is self-sufficient and they don't spend all the revenues they bring in. He asked for the Town's support in replacing the docks. Snow asked how long it will take to build the docks. DiMento said a couple of guys can do it in

about a week. Cook asked if the current floats are salvageable. DiMento said the flotation material breaks over time, these have been stitched repeatedly, it would cost a lot more money to repair these than replace them, and the modern floats typically last twenty years. Petersen asked if the new docks are more stable. DiMento said yes, a good dock shouldn't move from side to side.

John Grundstrom said the top of the docks look great, but when they were hauled out, they are rotten and the foam is falling down. He said there is no doubt that they are gone. Jack Grundstrom said this is an accident waiting to happen, yesterday afternoon the docks were tremendously busy, and if we can avoid a lawsuit that would be fabulous. Assistant Harbormaster Fred Hardy said he works on the docks all the time and someone is going to get hurt. He said this year, part of the dock splintered up and there were sharp splinters, which he instantly replaced, but he cannot be there all the time. He said something needs to be done to address this issue. DiMento said if he thought someone would get hurt on the Town launch, he would have taken it out. He said from time to time the boards pop up and are weak. Snow asked DiMento when he is looking to get the docks. DiMento said the problem is with the lead time. He said he would like to try to get them for an April 1, 2015 delivery, but if funding wasn't available until the spring, they would be delivered hopefully by Memorial Day.

Petersen said this is a public safety emergency that affects children and families, and this is a matter of funding. Petersen said we can take \$25,000 from the stabilization fund since this is a public safety emergency to be used to replace the public docks and the ramp to the Harbormaster's boat. He said in the spring, we can come up with a regular long range appropriation to address this area. DiMento said he thinks \$25,000 should be enough if bids are solicited. He said the new docks should last twenty years. He said he tries to keep the budget for the department low and does the job because he enjoys it. John H. Grundstrom said they may be able to get local carpenters to help build them if the materials are dropped off. Petersen said we need to make sure these are certified and safe, he would feel more comfortable if they were purchased with a guarantee and they can be maintained going forward. Snow said there is \$735,000 in stabilization and he sees no problem with using \$25,000 of it for this purpose. He said he is adamant that this money needs to be put back into stabilization in the spring along with the annual \$200,000 put into stabilization. He said the stabilization fund needs to be built up to \$1,000,000.

Merry said he agrees with Snow and was hoping to find a way to get this done before spring. DiMento said he will put the specifications together. He said the materials chosen should last for thirty years if the docks are lifted and stacked and not dragged like they do now. He thanked the Board for their support.

Dave Petersen made a motion to transfer \$25,000 from the stabilization fund to fund article 1 of the Harbormaster's request, Jack Cook second, all in favor - aye (5-0). Snow said as long as this money is replaced in the spring.

Larry White said it seems to be a good idea to fund this from stabilization. He said this is a safety issue and there isn't much choice. He said a lawsuit will cost more than \$25,000.

DiMento asked if the capital plan is public. Petersen said the requests have been divided amongst five years since the Town doesn't have the money to do everything at once. He said if there is a critical need, let the capital team know in the request that it is critical. Eagan said she is sending out the capital items requests now and will attach the plan to it.

7:30 p.m. JOINT MEETING – Board of Cemetery Commissioners to discuss warrant article

Jack Cook left the Selectmen's table and sat in the audience as a Cemetery Commissioner.

Chairman Merry called for a motion to open the joint meeting of the Board of Selectmen and the Board of Cemetery Commissioners. Bob Snow so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, Robert Snow – aye, Joseph Perry – aye, Dave Petersen – aye. Jack Cook did not vote as a Selectmen.

Jack Cook so moved, Bill Gaynor second, all in favor – roll call vote: Jack Cook – aye, Bill Gaynor – aye. Peter Dalzell – ABSENT.

Joint meeting opened 8:04 p.m.

Chairman Merry said, "The Cemetery Board will discuss the article they have submitted for the October 27, 2014 Special Town Meeting Warrant. (See attached). Also attached is the Capital Budget request the Cemetery Board submitted to the Capital Planning Team last winter."

Bill Gaynor handed out an estimate for the work needed on the building to the Board (COPY ATTACHED). Jack Cook said the Cemetery Department has a new tractor and it needs to be housed in the Cemetery building. He said they can just get it in the building now, and once they add a backhoe to it, it won't fit. He said they need a bigger door and it will cost \$8,000 total for the masonry, the door and the insulation. Cook asked how much was in the FY 15 budget for the heating system in the building. Eagan said \$6,000. Cook said the estimate they have for the heating system is way lower than \$6,000. He said they need to get the tractor secure and Patrick Snow was letting them keep it at the Highway garage, but there is no longer any room for it since they got their

new truck. He said the tractor has been registered, and they need an article to fund the changes to the building to house the tractor in the Cemetery building. He said they won't be looking for any more big money. Petersen said this is the same situation as the dock request. He said when Gaynor came before the capital team twice for the tractor, wiring and heating system money, they asked if the building was big enough and Gaynor assured them it would fit without further construction. He said now they are being told they need \$8,000 to store it. He said this should be put off until the spring since this is a capital item. He said at that point the building could be looked at more in depth and they may need more than \$8,000. Gaynor said the tractor fits in the building, the problem is with the backhoe. Cook said it won't fit in the building with the backhoe. Gaynor said they have already purchased the backhoe. Snow asked if the footprint of the building is too small. Cook said there is plenty of room, and there will be \$4,000 left from the heating system money to put towards the building modification. Snow said we should hold off until the Spring Town Meeting so it can be done right.

Cook said they have the old truck from the Water Department and will use money from the revolving account to take the body off the truck and add an electric hoist to it. Snow asked if the truck will be stored outside. Cook said yes. Eagan said she spoke with the contractor who quoted the heating system work about the Town's insurance needs such as sole proprietor insurance. She said the contractor may need to modify the quote to cover the cost of the insurance. Cook asked if any remaining money from the heating system project could be used to modify the building to for the tractor with the backhoe. Eagan said the article from the May 5, 2014 town meeting says the funds are to be used to upgrade the cemetery building. Petersen asked how much money is in the Cemetery revolving account. Cook said he thinks about \$17,000. Petersen said in the spring, the Cemetery's overall budget and operational costs need to be reviewed. He said they do a lot with very little funding, and we are only a quarter of the way through the fiscal year, and it is a tough time to be funding this.

Dave Petersen made a motion to postpone the request for funding from the Cemetery Department, Bob Snow second, all in favor – roll call vote: Robert Merry – aye, Joseph Perry – aye, Dave Petersen – aye, Robert Snow – aye, Jack Cook – aye, Bill Gaynor – aye. Peter Dalzell – ABSENT.

Chairman Merry called for a motion to close the joint meeting of the Board of Selectmen and the Board of Cemetery Commissioners. Bob Snow so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, Robert Snow – aye, Joseph Perry – aye, Dave Petersen – aye. Jack Cook did not vote as a Selectmen.

Bill Gaynor so moved, Jack Cook second, all in favor – roll call vote: Jack Cook – aye, Bill Gaynor – aye. Peter Dalzell – ABSENT.

Joint meeting closed 8:28 p.m.

Dave Petersen left the Selectmen's office at 8:29 p.m.

Jack Cook returned to the Selectmen's table at 8:29 p.m.

GENERAL BUSINESS

1. Request from Pine Grove School PTA to hold annual Fall Fest on the Common

Eagan said this is an annual event and there is no change in the format. She said this is a routine request (COPY ATTACHED).

Joseph Perry made a motion to approve this request, Jack Cook second, all in favor - aye (4-0). Dave Petersen was not in the room at the time of the vote.

Merry said the event will be held on October 24, 2014 from 2:00 p.m. to 8:30 / 9:00 p.m. with the event running from 5 p.m. to 7 p.m. Eagan said setup and cleanup time are included. Merry said they collect food for the Food Pantry from this event.

Dave Petersen returned to the room and Selectmen's table at 8:30 p.m.

OLD BUSINESS

3. Discuss Green Crab state contract forms

Chairman Merry said we have an email and the contract (COPIES ATTACHED). Jack Grundstrom said the money from the state is being split amongst the towns that choose to participate. He said towns had to sign up for participation by last Friday. He said Shellfish Commissioner John H. Grundstrom cannot administer the program since he is participating in it. He said Deputy Constable Daniel Perley said he is happy to administer the program. He said Perley signed the contract and it was sent in on Friday. Eagan said they are now looking for approval from the Board of Selectmen. Merry said Rowley will get \$15,600 from this program. Perry said he and Merry went to the meeting in Gloucester and thinks the program will benefit all the participating communities and will minimize green crabs.

Joseph Perry made a motion to sign the contract, Bob Snow second. The vote was not completed. Eagan said the contract has been made out with Dan Perley on it.

Joseph Perry made a motion to authorize Daniel Perley to sign the contract and to administer the proceeds, Dave Petersen second, all in favor - aye (5-0).

GENERAL BUSINESS

2. Request from Agricultural Commission to extend Farmer's Market on the Town Common

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

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

3. Letter from the Independent Living Center re: Annual Meeting on October 22, 2014

Chairman Merry said, "Who would like to attend the ILC Annual Meeting on Wednesday, Oct. 22 from 5:30 p.m. to 7:00 p.m. at the ILC Office at 27 Congress St., Salem MA?"

Dave Petersen made a motion to nominate Joseph Perry to attend, Jack Cook second, all in favor - aye (5-0).

OLD BUSINESS

1. Review Town Meeting articles

Eagan said this is a draft and there are three more Water Department articles still being worked on. She said the articles will raise and appropriate \$31,858 with the changes tonight, and the Town Accountant feels this is an amount that can be absorbed in FY 15. Eagan said she has been waiting for the cost to upgrade the elevator, and it is \$1,965.

Dave Petersen made a motion to place article five on the warrant for \$1,965 to upgrade the elevator, Jack Cook second, all in favor - aye (5-0).

Eagan reviewed each article on the draft warrant (COPY ATTACHED) and said we want to be sure it is okay before the Finance Committee meets tomorrow. She said the board has seen the three water articles before and she will have an updated copy that includes them tomorrow.

2. Sign deed for salt marsh parcel

Chairman Merry said, "The deed for the salt marsh land is ready to be signed. Judy Pickett has approved the deed. The deed will be notarized by Principal Assessor Sean McFadden."

Dave Petersen made a motion to sign the deed, Bob Snow second, all in favor - aye (5-0).

The Board signed the deed and Sean McFadden notarized the signatures.

NEW BUSINESS

1. Discuss Water Department Employment policies

Chairman Merry read the following:

Debbie met with Water Superintendent Marybeth Wiser last week concerning recent unemployment claims filed by former employees who worked in the Water Department. Debbie and Superintendent Wiser are working on procedures, going forward, that will reduce future claims arising from temporary or seasonal employees.

Merry said there have been several unemployment claims filed by seasonal workers who worked beyond the allotted time. Eagan said they worked in excess of twelve weeks and these cases pre-date Superintendent Wiser. She said she is working with Wiser so they have a calendar approach and under no circumstances do we want to exceed the time period. She said there have been \$10,000 worth of claims for Water Department employees and only \$13,000 is funded in the general unemployment budget. Petersen said the new Superintendent is on top of the issues and this shouldn't be a problem going forward.

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.
- 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, Bob Snow second, all in favor – aye (5-0).

Open meeting adjourned at 8:55 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Edwards Wildman to Karen Summit regarding \$1,715,000 General Obligation Anticipation Notes
2. Copy of vote of the Board of Selectmen regarding bond
3. Memo from Harbormaster to Deb Eagan regarding Harbormaster articles for Town meeting
4. Map of dock system provided by Harbormaster
5. Request from Bill Gaynor dated September 22, 2014 for \$8,000 for garage door.
6. Capital expense request submitted by Bill Gaynor
7. Bill paid for purchase of new tractor from July 2014
8. Written breakdown of \$8,000 capital request from Bill Gaynor
9. Quote from Overhead Door Co. of Danvers
10. Email request from Tara Gibbs for Fall Fest on the Common
11. Email correspondence on Great Marsh Green Crab Depletion Program contract
12. Letter and contract from the Division of Marine Fisheries regarding the Green Crab Depletion Program
13. Request from Dianne Short to extend Farmer's Market
14. Letter from the Independent Living Center dated September 15, 2014
15. Warrant for October 27, 2014 Special Town Meeting Draft #2
16. Deed for salt marsh parcel