

## MINUTES OF THE BOARD OF SELECTMEN MEETING

June 29, 2015

Meeting held at Town Hall, 7:00 p.m.

**MEMBERS PRESENT:** Chairman Robert Merry, Vice Chairman Joseph Perry, Clerk Robert Snow, Cliff Pierce (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) David Petersen – ABSENT until 7:00 p.m.

**PUBLIC ATTENDEES:** Lawrence White - Fincom; Henry Rolfe – Independent Press; Robert Garner – Conservation Commission; Samuel Streiff – Conservation Commission; Sonja Vincola – Open Space Committee; Howard Terrien – Open Space Committee; Donna Martin – Mill River Winery; Rick Rousseau – Mill River Winery; John Manning – Water Commissioner/Citizen; William Henry; Cynthia Lucia

### **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 visually recorded digitally.

### **PLEDGE OF ALLEGIANCE**

Sam Streiff led the Pledge of Allegiance.

**APPOINTMENT 7:00 p.m.-** Treasurer/Collector Karen Summit and Town Clerk Susan Hazen for signing of FY 16 capital bond paperwork

Chairman Merry read the following:

*The financing paperwork for the FY 16 Capital Borrowing has arrived and the Board of needs to vote sign the documents.*

- *Certificate and Designation form (3 originals)*
- *State House Serial Note (5 originals)*
- *Certificate of Town Clerk (1 original)*

*These documents must signed tonight in the presence of Treasurer/Collector Karen Summit and Town Clerk Susan Hazen.*

Merry said the bond is for \$190,000 for capital borrowing.

Joseph Perry made a motion to sign the Certificate and Designation form, Bob Snow second, all in favor - aye (4-0). Dave Petersen – ABSENT

The Selectmen signed the paperwork. Karen Summit said these are five year bonds and the rate on these bonds is 2.75%. She said the bonds were purchased by Unibank.

Joseph Perry made a motion to sign the State House Serial Note, Bob Snow second, all in favor - aye (4-0). Dave Petersen – ABSENT

The Selectmen signed the paperwork.

Joseph Perry made a motion to sign the Certificate of Town Clerk, Bob Snow second, all in favor - aye (4-0). Dave Petersen – ABSENT

The Selectmen signed the paperwork.

### **CITIZEN QUERY**

Citizen Query opened at 7:05 and closed at 7:15. There were no Citizen Queries.

Dave Petersen entered the room at 7:11 p.m.

### **NEW BUSINESS**

6. Request from Conservation Commission for Board of Selectmen to execute the Acknowledgement of Accuracy of Baseline Documentation for the Bradstreet Farm Conservation Area

Chairman Merry read the request from Brent Baeslack. Merry said he accepts Baeslack's attestation.

Joseph Perry made a motion to authorize Bob Merry to sign this document as the Chairman of the Board on behalf of the Board, Bob Snow second, all in favor - aye (5-0).

Merry signed the form and Summit notarized it.

9. Sign Local Initiative Program Compliance Certificate for 870 Haverhill Street, Unit 36 – affordable housing unit

Chairman Merry read the following:

*The Board of Selectmen needs to vote and sign the State Local Initiative Program (LIP) Compliance Certificate for Unit 36 of 870 Haverhill Street. Unit 36 is a LIP "Affordable Housing Unit". This unit was sold and remains an "Affordable Housing Unit."*

*The Board of Selectmen signatures will be notarized by Karen Summit.*

Bob Snow made a motion to sign the State Local Initiative Program Compliance Certificate for 870 Haverhill Street - Unit 36, Joseph Perry second, all in favor - aye (5-0).

The Board signed the form and Summit notarized it.

### **JOINT MEETING – 7:15 p.m. Conservation Commission**

- Discuss suggested names for 390 Wethersfield Street property

Joseph Perry made a motion to open the Joint Meeting with the Conservation Commission. This vote was not completed because a quorum of the Conservation Commission was not present. Eagan said the suggested names can still be discussed, but the Conservation Commission cannot take any votes since they don't have a quorum. Curt Turner said he is the Vice Chairman of the Conservation Commission and the secretary of the Community Preservation Act Committee which voted to spend the money for this property. He said he recused himself from all matters relating to this as he is an abutter, as is Mr. Pierce. He said since the Town has purchased the property, he thinks he can speak about the naming of it. The other Conservation Commission members present didn't object to him speaking on this topic tonight.

He said the Conservation Commission sent a letter to the Board of Selectmen suggesting a name of Batchelder Reservation, since the Batchelder Brook runs through the property. He said the name Batchelder is significant to the three pieces of land that make up the Girl Scout property. He said Ruth Batchelder Alexander and her husband donated multiple acres of salt marsh land to the Conservation Commission. He said Reservation is part of the name, it implies conservation land. He said Brent Baeslack suggested the word Conservation or Camp as part of the name, but he would like to avoid attracting recreational vehicles. He said twenty acres of the entire 200 acres of the property will be maintained by the YMCA. Robert Garner of the Conservation Commission concurred with Turner's opinion on the name. He said the word reservation conveys a passive use of the property, which is appropriate. Sam Streiff of the Conservation Commission said there is nothing in Town named after the Town founder Rogers, and he thinks Rogers Reservation should be considered.

Chairman Merry said he has given this thought as well and is leaning towards using the name of the original owner of the property, Paul Thurston Dodge. He said the Dodge family is from Rowley, and he outlined some information about the family's history. He said Dodge sold this land in the early 1960s during the Vietnam War when he couldn't find apple pickers. He said if Dodge didn't choose to sell this land to the Girl Scouts and sold it to a developer instead, this discussion tonight wouldn't be taking place.

Eagan read the email from the YMCA regarding naming the camp area "Cedar Mill." Merry said he is unsure if the information in the email happened or not, he hasn't seen it in history books, and there is plenty of cedar in the area, so he is unsure why they would have imported it from England.

Petersen said it is important to note that the public entrance to the Conservation Commission land will probably be through Smith Lane and not the current entrance by the camp. Pierce said it would be nice to put up some signage about the entrances, as there is some confusion about this. Petersen said he has no objections to the camp calling itself what it wants. He said a proposal for the Conservation land is Dodge

Batchelder Reservation, so that both names are recognized. Merry said the camp can be named one thing and the Conservation Commission area can be named something else. Snow said he likes Streiff's idea regarding Rogers.

The members of the Conservation Commission said they will discuss this as a Board at their July 7, 2015 meeting. Perry said he likes Rogers. Snow said another option is to name the property after Veterans, such as Corporal Marr, who the Town placed a wreath from Wreaths Across America on his grave.

**PUBLIC HEARING – 7:30 p.m.** - Mill River Winery for liquor license alteration of premise application

Chairman Merry read the following:

*Chairman Robert Merry reads the notice of public hearing on the application from Grape Island, Inc. d/b/a Mill River Winery for an Alteration of licensed premises for their existing Farmer Winery Pouring Permit.*

Chairman Merry read the public hearing notice. He said, "Chairman Merry calls for a motion to open the hearing."

Bob Snow made a motion to open the Public Hearing on the application from Grape Island, Inc. d/b/a Mill River Winery for an Alteration of licensed premises for their existing Farmer Winery Pouring Permit, Cliff Pierce second, all in favor - aye (5-0).

Public Hearing opened at 7:48 p.m.

Merry said that the hearing was advertised in the June 16, 2015 edition of The Daily News. Merry called the applicant forward and asked him to discuss the application.

Rick Rousseau said there are two areas that they would like to address. He said the first area is the area directly abutting the tasting room, which has a double door, and is a 20' by 15' outside area. He said it would be nice to have people sit there during warmer weather, and it may serve as a temporary bar if it gets busy inside. He said the second area is the vineyard where people can buy a bottle of wine and take it into the vineyard. He said there are a couple of picnic tables, and people bring their lunch. He said it is a fenced in, controlled area. Pierce asked if Rousseau has spoken to the ZBA about this. Rousseau said he has spoken to the Building Inspector who said this is for an outside area, not in the building, and he didn't see a problem with it. Eagan said she asked the Building Inspector to review the ZBA permit in concert with the application and he said there were no issues.

Pierce said he doesn't agree and this is an expansion of a use, a creation of an accessory use, which he doesn't think was presented to the ZBA when the initial ZBA

permit was issued. He said this should be presented to the ZBA and they should make a decision to amend the special permit or not. Eagan said Ken Ward enforces the Special Permit. Pierce said this alteration of use may not conflict with the terms of the Special Permit, but the ZBA didn't consider this use when the Special Permit was issued. He said this should go back to them to determine the appropriate next step. Rousseau said Ward reviewed the first paragraph of the Special Permit, and based his decision on that.

Merry read the following:

*The applicant has paid all taxes light and water bills.*

*The Building Inspector reviewed the ZBA decision to make sure this application posed no issues. He is satisfied that there are no issues. The Fire Chief and Health Agent also reported that they did not have any issues with this application. The Police Chief's concerns are detailed on the attached email.*

Merry read the Chief's email.

Petersen said this is an area attached to the building, and they now serve glasses for tasting, people don't sit there and consume wine like at a bar or lounge for a couple of hours. He said they aren't turning this into a lounge. Co-Owner Donna Martin said they are a Farmer Winery and produce the wine there. She said people primarily taste the wine, but on Friday, during the last two hours they are open, they do serve small glasses of wine. Rousseau said this is in accordance with their pouring permit. Martin said there is no intention to do anything further. Petersen said his concern is if they sell a bottle of wine, and they are expanding from tasting to allowing consumption on the premises. Rousseau said many other wineries are doing this, it is common practice. He said regarding the Police Chief's email, there are two different types of TIPS certification, one for on premises and another for off premises, and the staff has passed either type, and some have received training for both types. He said they have discussed policies where they might not allow a couple to drink a bottle of wine, but would consider it for a group of four. He said people don't have to finish the bottle, it can be re-corked and then legally transported.

Pierce said he is concerned about the location and said the corner of Route 1 and Wethersfield Street is the one of the worst traffic intersections, and there has been two deaths there. He said allowing the expansion of the premises there may distract motorists and he is opposed to allowing this at that corner, and this should go back to the ZBA for review.

Chairman Merry read the following:

*Chairman Merry asks if there is anyone present at the meeting who would like to speak on the application. He asks that the individual clearly state their name and address.*

Curtis Turner of Wethersfield Street said that he supports the use of the vineyard with a condition that it is limited to parties of two to four with no more than that at any time. Rousseau said there are three tables that seat four to six people and it would usually be a family, a couple or a group of four people. He said this wouldn't be a big uncontrolled or unobserved group of people.

Curtis Turner said he has turned the corner on several occasions and has seen people there, which is a distraction. He said recently a truck plowed into the Knowles Service Station.

Chairman Merry asked the members of the Board of Selectmen if they have any further questions or comments. Snow asked where the tasting area is. Rousseau said it is on the side facing Wethersfield Street, and is a 15 foot area around the door, not the whole lawn area. Pierce said he doesn't think we should encourage any type of distraction at that area. Snow said it is a tough intersection, but this area is set back off the road. Martin said she and Rousseau have discussed planting arborvites as a natural barrier, which would shield the customers from seeing Route 1, and people driving wouldn't see the customers. Pierce said that would be a change of the site, which again would have to go to the ZBA, and it is up to the ZBA to see if that is a significant change. Snow said there are a lot of distractions on Route 1 and he doesn't see a problem with this little area. Curtis Turner said he supports the planting of the trees. Snow said the intersection has been better since the blinking light has been installed. Petersen said if this is authorized, we should request that the trees are planted as a barrier. He said he defers to the Building Inspector's judgment that this is authorized, he understands Pierce's argument, and we don't normally refer anything directly to the ZBA. Eagan said the question is if the alteration of premises is covered under the current ZBA Special Permit, and the Building Inspector did review the ZBA Special Permit. Merry said The Building Inspector said, "He is satisfied that there are no issues." Pierce said he looked at the terms of the Special Permit and doesn't see anything that conflicts, but this particular accessory use was never presented to the ZBA or approved by them. Perry said to resolve this issue, the hearing can be continued, Rousseau can go to the ZBA, then come back to the Board of Selectmen. Pierce said he is not concerned about the use of the vineyard, they can do something to eliminate the distraction at the intersection, and all of this should be presented to the ZBA. Rousseau said he will do this if necessary. Pierce said the ZBA should approve the whole use with the sitting area and barrier, and they may decide this is a minor modification that doesn't require a public hearing.

Chairman Merry read the following:

*If the Board is satisfied with the application and there are no further questions of the applicant, the Chairman can call for a motion to close the public hearing. After the Board closes the public hearing, the Board discusses the application and votes. The application needs to go to the ABCC for further review and approval.*

*The Board signs the ABCC Form 43. The license application will then be sent into the State for review.*

Bob Snow made a motion to close the Public Hearing on the application from Grape Island, Inc. d/b/a Mill River Winery for an Alteration of licensed premises for their existing Farmer Winery Pouring Permit, Joseph Perry second, all in favor - aye (5-0).

Public Hearing closed at 8:15 p.m.

Snow said he agrees with Petersen that the Building Inspector rendered his decision and said this was okay, and if he had any qualms, he would have transferred this to the ZBA. Petersen said a condition of approval could be that a fence or shrubbery must be installed, and the area cordoned off. Perry agreed and said the Building Inspector could then review it again. Pierce said he would like the matter to go back to the ZBA, and the Board was concerned about traffic there years ago. Petersen said for their original license there was concern about traffic, the entrance and exit and the parking area, but we can't control people looking in, and he is not sure they can restrict a business based on people looking in. Petersen said the public hearing can be continued, or the Board can approve this with conditions. Merry said we can't control people when they are driving, and there would be no businesses if they tried to.

Dave Petersen made a motion to authorize Mill River Winery's expansion as outlined with the patio outside of the tasting room and the vineyard with the condition that they provide a sketch of where the natural barrier is to be installed, and present this to the Building Inspector for approval, Joseph Perry second, all in favor - aye (5-0).

Eagan said the condition will be added into the complete description of the licensed premises.

The Selectmen signed Form 43.

## **GENERAL BUSINESS**

1. Letter of resignation from Michael Cook as Deputy Shellfish Constable

Chairman Merry read the letter.

Bob Snow made a motion to accept this resignation with regrets, Dave Petersen second, all in favor - aye (5-0).

2. Letter of resignation from John E. Grundstrom as Deputy Shellfish Constable

Chairman Merry read the letter.

Joseph Perry made a motion to accept this resignation with regrets, Dave Petersen second, all in favor - aye (5-0).

The Board requested that a thank-you letter be sent to the individuals resigning.

3. Letter of resignation from John H. Grundstrom as Shellfish Constable

Chairman Merry read the letter.

Dave Petersen made a motion to accept this resignation, Joseph Perry second, all in favor - aye (5-0).

4. Lift hiring freeze for Shellfish Constable position

Chairman Merry said, "With the resignation of John Grundstrom from his position of Shellfish Constable, the Board needs to vote to lift the hiring freeze so that this position can be posted."

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

5. Letter of resignation from Assistant Town Accountant Patricia Testa

Chairman Merry read the letter.

Dave Petersen made a motion to accept this resignation, and to send her a letter of thanks, Bob Snow second, all in favor - aye (5-0).

6. Lift hiring freeze for Assistant Town Accountant position

Chairman Merry said, "With the resignation of Patricia Testa from her position of Assistant Town Accountant, the Board needs to vote to lift the hiring freeze so that this position can be posted."

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



7. Request from Triton Regional School District Family Engagement Coordinator Melissa Roy to use Eiras Park playground for Park Pals program

Chairman Merry read the following:

*Please see the attached request.*

*This has been reviewed by Tim Southall, Highway Surveyor Patrick Snow and Police Sergeant Steven May and they have no concerns with this request.*

*Fire Chief Broderick suggests that they have a cell phone and some basic first aid skills in case there are any medical issues, but noted due to the proximity to the Police Station this should not be a problem.*

Petersen said this is a free program run with grant money. Merry asked if there are insurance concerns. Eagan said anyone can use Eiras Park, and we can get a certification of insurance from Triton, naming the Town as an additional insured for liability. She said this is a parent supervised group, and Melissa Roy will also be present. Perry said the insurance certificate is a good idea, Snow said it can't hurt.

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

8. Request from Essex County Greenbelt to hold road bike event on September 13, 2015

Chairman Merry read the following:

*Please see the attached request.*

*The ride will begin at 9:00 a.m. and 100 to 200 bikers are expected. Only the 50 mile route will travel on Route 1A from Ipswich, through Rowley, to Newbury. They have provided a certificate of insurance naming Rowley as an additional insured. Medical safety concerns from Chief Broderick have been adequately addressed. The Police Chief and Highway Surveyor do not have any concerns with this event.*

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

9. Road Opening Permit request from National Grid to open 54 Bennett Hill Road for new gas service

Dave Petersen made a motion to approve this road opening permit request, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the permit.

## **OLD BUSINESS**

### 1. Review updated Town Procurement Policy

Chairman Merry said the Town Procurement Policy is being updated by Eagan, and she will provide an overview of the changes to the Board. Eagan said the Board has a draft of the updated policy that includes: expand on disposition of public property less than \$10,000; to allow for online auction feature; addition of language for disposition of property worth \$10,000 or more; on page two, Chapter 7C is being updated; and language was tweaked requiring prevailing wages, workers compensation insurance, etc.

Joseph Perry made a motion to authorize Eagan to distribute the updated policy once it is completed, Bob Snow second, all in favor - aye (5-0).

### 2. Review and sign The Carrell Group contract for Public Safety Building Feasibility Study

Chairman Merry said, "This contract is still under legal review and will be ready for the July 13<sup>th</sup> meeting."

### 3. Award and sign information services consulting contract with PRS Group

Chairman Merry read the following:

*We received one response to our computer consultant solicitation from PRS Group, Inc.*

*Information Services Coordinators Sue Bailey and Karen Summit have reviewed the submittal and recommend the Board of Selectmen award the contract to PRS Group, Inc.*

*The Board needs to vote to authorize Chairman Merry to sign the contract.*

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

Eagan said this is the same company that has been providing service to the Town, this is a new contract with some tweaks.

4. Review engineering proposal from Tata & Howard on Prospect Hill road reconstruction

*The project team met last week to start planning for the Prospect Hill Road reconstruction.*

*We agreed that the most prudent approach would be to hire a civil engineering firm to prepare and file the NOI with the Conservation Commission, design the stormwater drainage, etc.*

*Attached is a proposal from Tata & Howard. If the Board is satisfied with this proposal, please vote to accept the proposal.*

Petersen said this is a jointly funded project between the Board of Selectmen and the Board of Water Commissioners. He said the Board of Selectmen is taking the lead and there is a lot of work on the consensus related items such as stormwater.

Dave Petersen made a motion to accept the proposal from Tata & Howard, Joseph Perry second, all in favor - aye (5-0).

## **NEW BUSINESS**

1. Discuss Community Preservation Committee – Selectmen's seat

Chairman Merry read the following:

*The Community Preservation bylaw establishes a committee consisting of seven voting members. The seven members are appointed by his/her respective boards/committees. The term is for three years.*

*The bylaw is attached.*

Perry said he has been appointed as the Housing Authority Representative to the CPC. Pierce said he has been the Planning Board representative to the CPC, and he hopes to resign from the Planning Board. He volunteered to be the Board of Selectmen's Representative to the CPC and the Planning Board can find a new representative.

Dave Petersen made a motion to appoint Cliff Pierce as the Selectmen's representative to the CPC, Bob Snow second, all in favor - aye (5-0).

2. Vote to accept gift from Whallen Family for the Independence Day Celebration on the Town Common

Chairman Merry read the following:

*The Whallen Family has given the Town a \$50.00 donation to go towards the Town's Annual Independence Day Celebration on the Town Common, which was held on June 27.*

*The Board of Selectmen needs to vote to accept this gift.*

Dave Petersen made a motion to accept the gift from the Whallen family, Bob Snow second, all in favor - aye (5-0).

Snow said a thank-you letter should be sent to the Whallen family.

3. Letter from Maryann "Mo" Levasseur re: Personnel Board vacancy

Chairman Merry read the letter. Petersen said Dick Curran resigned from the Personnel Board effective tomorrow. He said he is happy to continue serving on the Personnel Board, Levasseur is active in the community, and he recommended that she be appointed.

Dave Petersen made a motion to appoint Maryann Levasseur to the Personnel Board, Bob Snow second, all in favor - aye (5-0).

4. Sign Merrimack Valley Regional Transit Authority Council on Aging van lease document

Chairman Merry read the following:

*COA Director Maryellen Mighill has sent the Board the Merrimack Valley Regional Transit Authority FY 16 Vehicle Operating Agreement for the COA van.*

*The Board of Selectmen needs to vote to authorize Chairman Merry to sign the agreement.*

Bob Snow made a motion to authorize Chairman Merry to sign the Merrimack Valley Regional Transit Authority Council on Aging van lease agreement, Joseph Perry second, all in favor - aye (5-0).

Merry signed the agreement.

5. Memo from Conservation Agent Brent Baeslack re: TW Excavating Corp. of an access gate installation

Chairman Merry read the memo.

Dave Petersen made a motion to accept the donation from TW Excavating Corp., Bob Snow second, all in favor - aye (5-0).

The Board requested that a thank you letter be send to TW Excavating Corp.

7. Letter from John P. Carr, Esq. regarding Grievance against Herrick Farm

Chairman Merry read the following:

*Attorney John Carr has filed a grievance under the Town's Right to Farm General Bylaw on behalf of his clients, Cynthia H. Lucia and William H. Herrick, III, Trustees of the Lucia/Herrick Realty Trusts against the Herrick Farm.*

*Under Section 4 of the Right to Farm Bylaw, the Board of Selectmen may refer this grievance to the Agricultural Commission. (Bylaw is attached.)*

*Does the Board of Selectmen wish to vote to refer this grievance to the Agricultural Commission pursuant to the provisions of Section 4 of the Right to Farm Bylaw?*

Petersen said he recommends referring this to the Agricultural Commission, and asking them to give the Board of Selectmen a recommendation. Merry said he agrees.

Joseph Perry made a motion to refer this matter to the Agricultural Commission, Bob Snow second, all in favor - aye (5-0).

8. Discuss letter from Department of Telecommunications and Cable

Chairman Merry read the letter. Eagan said there is an ascertainment process that involves public outreach, hearings and comments. Merry said this is typically done three years in advance, and a committee is appointed to work on this. Petersen said we can solicit residents who are interested. He said we can add this on the Announcements at the Selectmen's meetings and advertise this on Rowley Community Media. He said this can be a five member committee with letters of interest due by August 1, 2016, and Janet Morrissey can staff this committee.

Dave Petersen made a motion to establish a Cable Advisory Committee made up of five members, including Janet Morrissey as the staff person, Bob Snow second, all in favor - aye (5-0).

10. Memo from Town Planner Kirk Baker re: antenna additions at Crown Castle cell tower and authorize signing of building permit

Chairman Merry said, "Please see attached memo from Kirk Baker. The Board needs to vote to authorize Chairman Merry to sign the building permit application as landowner."

Merry read the memo from Kirk Baker.

Dave Petersen made a motion to authorize Chairman Merry to sign the building permit application as landowner, Joseph Perry second, all in favor - aye (5-0).

11. Discuss Water Department Issues

- a. Institution of Demand Fee on late water payments
- b. Policy on signing Water Department Employee payroll vouchers
- c. Policy on signing bills payable vendor vouchers
- d. FY 15 Water Department Budget balance update from Town Accountant Susan Bailey

Chairman Merry read the following:

- a. *The Water Board voted on the attached policy at their last meeting. Treasurer/Collector Karen Summit has asked me to bring this to your attention. Recently, the Board of Selectmen voted to direct the Water Board to cease discussions concerning waiving a customer's interest charges. This item had been on their meeting agendas several times and they had been in discussions with a customer during a recent meeting. The Board of Selectmen informed the Water Board that they had no authority to do so under the provisions of Mass. General Laws Chapter 40 section A-F. Karen is also questioning their authority to set a demand fee. This fee appears to be under the purview of the Treasurer/Collector. Debbie is having Town Counsel Judy Pickett review this. (See attached info.)*
- b. *The payroll for Town employees is processed every two weeks. The Water Department employee payrolls are not being signed off on a timely basis. To make this process more efficient, the Board may want to consider having the Water Superintendent be the signatory for the Water Department payroll.*
- c. *The bills payable vendor vouchers are also not being signed by the Water Commissioners in a timely fashion. Due to the volume of expenses related to the operation of the new water treatment plant, there are many bills that need to be processed and paid in a timely fashion. The staff has to make several attempts to reach commissioners to sign bills. Does the Board of Selectmen wish to authorize the Water Superintendent to be the signatory on the Water Department bills payable vendor vouchers?*
- d. *The Town Accountant has submitted the attached memo regarding the status of the Water Department's FY 15 budget balances.*

Petersen said he, Snow and others have been attending the Water Board meetings and at each meeting there is an extended discussion about the bills and payroll not being signed. He said they voted on a policy to sign bills and payroll only at meetings, which are held every other week. He said this policy will hold up the process and vendors look for payment within thirty days, and with the Town schedule of paying bills bi-weekly, it could be four to five weeks before a vendor received payment, and this may create service issues. He said the Board of Selectmen controls this process and can authorize the Water Superintendent to sign the payroll and bill vouchers. He said he is not sure why the Water Commissioners cannot sign the payroll and bills in a timely fashion, and why they cannot sign them outside of meeting times. Water Commissioner John Manning clarified that this problem is not for the entire Water Board. He said he checked with Karen Summit on Friday, who said they were all signed. He said if there are unsigned, he would like to see them so he can help facilitate getting signatures. Merry said the checks are from the Town of Rowley, not the Water Department, and late payments reflect on the Town which he doesn't like. Eagan said the deadline for bills to Accounting is Tuesday at 10:00 a.m., but the Water Board doesn't meet until Tuesday night.

Dave Petersen made a motion to authorize the Water Superintendent to sign the payroll and bill vouchers, Bob Snow second, all in favor - aye (5-0).

Merry read the email from Karen Summit re: Water Demands. Petersen read Article 13 from the October 2008 Special Town Meeting warrant. Merry said this Article passed voice unanimous. Petersen said we should advise the Water Board about this and ask them to rescind their vote.

John Manning said he is here as a citizen and not as a representative to the Water Board. He said he asked a lot of questions at the last meeting, this was in place before and seemed to be a reasonable activity. Merry said there are laws behind what can or cannot be done, and these need to be researched before a decision can be made.

Merry read the memo from Town Accountant Susan Bailey Re: Water Department. Petersen said at each Water Board meeting he has attended, certain Water Commissioners, except for Manning, accuse the Superintendent of overspending the budget. He said he is thrilled to see this memo and asked that this be distributed to the Board of Water Commissioners. He said their accusations of overspending are garbage, this puts it in black and white, and the Water Board signs off on all of the bills, so how can she be overspending. Manning said he asked for the budget on his first day and it is obvious that this is under control. Petersen said we should attach a cover letter highlighting that due to the conservative spending policies of Superintendent Wiser, the Water Department will end the year with a unexpended budget lines, and to attach Sue Bailey's memo and send it to the Water Board. He said the Water Department is a

great Department, they are working as a team, the Water Board tables many issues on the agenda and discusses a number of issues that don't exist.

Eagan said a couple of years ago, the Water Department hired an internal Accountant who works out of the Treasurer's Office. She said the internal Accountant is highly qualified, with her MBA degree, she does a spectacular job, and we are fortunate to have her. She said the internal Accountant does the Peachtree accounting work and we have checks and balances in place so that an experience like the mis-spending on the Water Department garage doesn't recur.

Larry White said the Water Department had \$10,000 in the budget for the development of Standard Operating Procedures (SOPs). He said Superintendent Wisner presented forty SOPs that she generated herself, so the \$10,000 was saved. He said these SOPs are crucial for moving toward an automated system.

Dave Petersen made a motion to send the Town Accountant's memo with a cover letter to the Board of Water Commissioners , Bob Snow second, all in favor - aye (5-0).

#### 12. Appointment FY 16 Election Workers

Chairman Merry read the letter from Susan Hazen re: Appointment FY 16 Election Workers. Petersen recused himself since his wife is on the list. Merry said they can do the list in blocks, and he has to recuse himself for the last section.

Joseph Perry made a motion to appoint Annetta Kelly, Mary Ellen MacDonald, Marion Madden and Joan Petersen as Election Workers for the FY16 Election season, Bob Snow second, all in favor - aye (4-0). Dave Petersen –RECUSED.

Joseph Perry made a motion to appoint Mary Bright, Martha Chase Geary, Joan Lyons and Marion Musial as Election Workers for the FY16 Election season, Dave Petersen second, all in favor - aye (5-0).

Dave Petersen made a motion to appoint Michelle Ford, Robert Johnson, Susan E. Leach, Sally McRae, G. Robert Merry and Mary Ellen Mighill as Election Workers for the FY16 Election season, Bob Snow second, all in favor - aye (4-0). Bob Merry – RECUSED.

#### 13. Appoint Attorney Steven Fletcher special counsel

Chairman Merry read the following:



*The Board needs to appoint Attorney Steven Fletcher as special counsel so that he can continue to represent the Town on litigation matters that he has been involved in.*

Dave Petersen made a motion to appoint Attorney Steven Fletcher as special counsel, Bob Snow second, all in favor - aye (5-0).

14. Appoint Attorney Gary S. Brackett special counsel

Chairman Merry read the following:

*The Board needs to appoint Attorney Gary Brackett as special counsel so that he can continue to represent the Town on litigation matters that he has been involved in.*

Dave Petersen made a motion to appoint Attorney Gary Brackett as special counsel, Bob Snow second, all in favor - aye (5-0).

15. Set meeting schedule for July, August and September

Chairman Merry read the following:

*We need to set the meeting schedule. The proposed meeting schedule is as follows:*

- *July 13*
- *July 27*
- *August 10*
- *August 24*
- *September 7 - Labor Day - no meeting*
- *September 14*
- *September 21*
- *September 28*

Joseph Perry made a motion to set the meeting schedule as outlined, Bob Snow second, all in favor - aye (5-0).

16. Discuss Recycling Center Hours for Independence Day Holiday – Saturday, July 4\*

Chairman Merry read the following:

*Does the Board of Selectmen wish to open the Recycling Center on the Independence Day holiday, Saturday, July 4?*

*Also, does the Board wish to also open on Sunday, July 5 to allow residents who could not make it on the holiday?*

*Recycling Operator Calvin Cockman is available and can work both days.*

Petersen said there may be reduced usage over the holiday weekend, but if Cockman is available and there is enough money in the budget, we can keep the center open both days. Pierce said he is going on Saturday, and he thinks a lot of people will go.

Bob Snow made a motion to keep the Recycling Center open on both Saturday, July 4, 2015 and Sunday, July 5, 2015 from 8:30 a.m. until 12:30 p.m., Joseph Perry second, all in favor - aye (5-0).

Larry White said this should be posted on the website and Rowley Community Media.

**FY 16 RE-APPOINTMENTS**

1. Agricultural Commission
2. Animal Control Officer and Alternate Animal Control Officer
3. Harbormaster and Assistant Harbormasters
4. Local Census Liaison for the Federal Census
5. Mooring Clerk
6. Assistant Town Clerk
7. Limited Health Agents
8. Board of Registrars
9. Parking Clerk
10. Planning Board Associate
11. Sandy Point Advisory Committee member
12. Cannoneer
13. Limited Lighting Bylaw Enforcement Agent
14. Merrimack Valley Planning Commission
15. Eastern Essex Veterans District
16. MBTA Advisory Board
17. Personnel Board – Selectmen’s representative
18. Zoning Review Committee – Selectmen’s representative and Building Inspector representative

Joseph Perry made a motion to re-appoint the following Agricultural Commission members, Dave Petersen second, all in favor - aye (5-0).

Agricultural Commission	Dianne Short	6/30/2018
Agricultural Commission	Elizabeth Tucker	6/30/2018

---

Bob Snow made a motion to re-appoint the following positions, Cliff Pierce second, all in favor - aye (5-0).

Animal Control Officer	Reed Wilson	6/30/2016
------------------------	-------------	-----------

Animal Control Officer	Carol Laroque Alt. Inspector	6/30/2016
------------------------	---------------------------------	-----------

---

Bob Snow made a motion to re-appoint the following positions, Cliff Pierce second, all in favor - aye (5-0).

Harbormaster	William DiMento	6/30/2016
Harbormaster	Fred Hardy, Assistant	6/30/2016
Harbormaster	David S. Kent, Assistant	6/30/2016
Harbormaster	Frank Price	6/30/2016

---

Bob Snow made a motion to re-appoint Susan Hazen as the Local Census Liaison for Federal Census through June 30, 2016, Cliff Pierce second, all in favor - aye (5-0).

---

Bob Snow made a motion to re-appoint the following Mooring Clerks, Cliff Pierce second, all in favor - aye (5-0).

Mooring Clerk	Susan Hazen, Town Clerk	6/30/2016
Mooring Clerk	Barbara DiMento	6/30/2016
Mooring Clerk	Susan Leach	6/30/2016

---

Bob Snow made a motion to re-appoint Barbara DiMento as the Assistant Town Clerk through June 30, 2016, Cliff Pierce second, all in favor - aye (5-0).

---

Bob Snow made a motion to re-appoint the following Limited Health Agents, Cliff Pierce second, all in favor - aye (5-0).

Limited Health Agents	Susan Hazen, Town Clerk	6/30/2016
Limited Health Agents	Barbara DiMento	6/30/2016
Limited Health Agents	David W. Roberts	6/30/2016

Limited Health Agents	Susan Leach	6/30/2016
Limited Health Agents	Donald Russo	6/30/2016

---

Bob Snow made a motion to re-appoint the following Board of Registrar members, Cliff Pierce second, all in favor - aye (5-0).

Board of Registrars	Barbara DiMento	6/30/2016
Board of Registrars	Mildred Dummer	6/30/2016
Board of Registrars	Gordon Densmore	6/30/2016
Board of Registrars	Susan Hazen, Town Clerk	6/30/2016

---

Bob Snow made a motion to re-appoint the following Parking Clerks, Cliff Pierce second, all in favor - aye (5-0).

Parking Clerk	Susan Hazen, Town Clerk	6/30/2016
Parking Clerk	Barbara DiMento	6/30/2016
Parking Clerk	Susan Leach	6/30/2016

---

Bob Snow made a motion to re-appoint Jean Pietrillo as an Associate Member of the Planning Board through June 30, 2016, Cliff Pierce second, all in favor - aye (5-0).

---

Bob Snow made a motion to re-appoint William DiMento and John Manning as Sandy Point Committee Members through June 30, 2016, Cliff Pierce second, all in favor - aye (5-0).

---

Bob Snow made a motion to re-appoint G. Robert Merry as the Cannoneer through June 30, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Merry - RECUSED

---

Bob Snow made a motion to re-appoint Kirk Baker as the Limited Lighting Bylaw Enforcement Agent through June 30, 2016, Cliff Pierce second, all in favor - aye (5-0).

---

Dave Petersen made a motion to re-appoint Joseph Perry as the Alternate Selectmen's Representative to the Merrimac Valley Planning Commission through June 30, 2016, Bob Snow second, all in favor - aye (4-0). Joseph Perry - RECUSED

---

Dave Petersen made a motion to re-appoint Bob Snow as the Selectmen's Representative to the Merrimac Valley Planning Commission through June 30, 2016, Joseph Perry second, all in favor - aye (4-0). Bob Snow - RECUSED

---

Dave Petersen made a motion to re-appoint Bob Snow as the Selectmen's Representative to the Eastern Essex Veterans District through June 30, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - RECUSED

---

Dave Petersen made a motion to re-appoint Bob Snow as the Selectmen's Representative to the MBTA Advisory Board through June 30, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - RECUSED

---

Bob Snow made a motion to re-appoint Dave Petersen as the Selectmen's Representative to the Personnel Board through June 30, 2016, Joseph Perry second, all in favor - aye (4-0). Dave Petersen - RECUSED

---

Joseph Perry made a motion to re-appoint Ken Ward and Bob Merry to the Zoning Review Committee through June 30, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Merry - RECUSED

## **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - a. **Fence Viewer** – three positions;
  - b. **Wood, Lumber & Bark Inspector**; and
  - c. **Zoning Board of Appeals Associate** - two open seats
  - d. **Historical Commission-Historic District Commission** – two seats
  - e. **Parks and Recreation Committee** – two seats
  - f. **Open Space Committee** is seeking membersFor 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.
- Rowley Public Library is offering discounts to Lowell Spinners baseball games. For more information contact the Rowley Public Library at 978-948-2850

## **ADJOURN**

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 10:08 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Meeting Memo regarding 7:00 p.m. Appointment – Treasurer/Collector Karen Summit and Town Clerk Susan Hazen for signing of FY 16 capital bond paperwork
2. FY 16 capital bond paperwork
3. Request from Conservation Commission for Board of Selectmen to execute the Acknowledgement of Accuracy of Baseline Documentation for the Bradstreet Farm Conservation Area, and excerpt of Baseline Report
4. Meeting Memo regarding New Business #9: Sign Local Initiative Program Compliance Certificate for 870 Haverhill Street, Unit 36 – affordable housing unit
5. Local Initiative Program Compliance Certificate for 870 Haverhill Street, Unit 36 – affordable housing unit signed paperwork and notarization
6. Letter from Shepard Law Offices Re: 870 Haverhill Street, unit 36 (a/k/a Unit 3C), Rowley, MA
7. Meeting Memo regarding 7:15 p.m. Joint Meeting– Conservation Commission - Discuss suggested names for 390 Wethersfield Street property
8. Email from Merri-Lynn Lathrop Re: Rowley Camp Lease
9. Meeting Memo regarding 7:15 p.m. Public Hearing: Mill River Winery for liquor license alteration of premise application
10. Email from Police Chief Robert Barker RE: Mill River Winery
11. ABCC Form 43 for Mill River Winery
12. Memo from Amy Lydon to Board of Selectmen RE: Alteration of Premises application from Mill River Winery, including complete application and attachments
13. Letter of resignation from Michael Cook as Deputy Shellfish Constable
14. Letter of resignation from John E. Grundstrom as Deputy Shellfish Constable
15. Letter of resignation from John H. Grundstrom as Shellfish Constable

16. Meeting Memo regarding General Business #4: Lift hiring freeze for Shellfish Constable position
17. Letter of resignation from Assistant Town Accountant Patricia Testa
18. Meeting Memo regarding General Business #6: Lift hiring freeze for Assistant Town Accountant position
19. Meeting Memo regarding General Business #7: Request from Triton Regional School District Family Engagement Coordinator Melissa Roy to use Eiras Park playground for Park Pals program
20. Request from Triton Regional School District Family Engagement Coordinator Melissa Roy to use Eiras Park playground for Park Pals program
21. Email feedback from Parks & Recreation Committee, Highway Department, Police Department, and Fire Department about Park Pals Program
22. Meeting Memo regarding General Business #8: Request from Essex County Greenbelt to hold road bike event on September 13, 2015
23. Request from Essex County Greenbelt to hold road bike event on September 13, 2015, including route map, route written routes, certificate of liability insurance
24. Email feedback from Highway Department, Police Department, and Fire Department about Essex County Greenbelt bike event
25. Road Opening Permit request from National Grid to open 54 Bennett Hill Road for new gas service
26. Meeting memo regarding Old Business #1: Review updated Town Procurement Policy
27. Updated Town Procurement Policy
28. Meeting memo regarding Old Business #2: Review and sign The Carrell Group contract for Public Safety Building Feasibility Study
29. Meeting memo regarding Old Business #3: Award and sign information services consulting contract with PRS Group
30. Request for Price Quotation for Computer Consultant completed by PRS Group, Inc., including attachments
31. Meeting memo regarding Old Business #4: Review engineering proposal from Tata & Howard on Prospect Hill road reconstruction
32. Email from Ryan Neyland of Tata and Howard re: Prospect Hill Access Road Improvements Proposal, including attached proposal
33. Meeting memo regarding New Business #1: Discuss Community Preservation Committee – Selectmen’s seat
34. Community Preservation Bylaw
35. Meeting memo regarding New Business #2: Vote to accept gift from Whallen Family for the Independence Day Celebration on the Town Common
36. Letter from Maryann “Mo” Levasseur re: Personnel Board vacancy
37. Meeting memo regarding New Business #4: Sign Merrimack Valley Regional Transit Authority Council on Aging van lease document
38. Merrimack Valley Regional Transit Authority Council on Aging van lease documents
39. Memo from Conservation Agent Brent Baeslack re: TW Excavating Corp. of an access gate installation

40. Letter from T.W. Excavating regarding donation of labor for gate installation
41. Four photos of new gate
42. Meeting memo regarding New Business #7: Letter from John P. Carr, Esq. regarding Grievance against Herrick Farm
43. Letter from John P. Carr, Esq. regarding Grievance against Herrick Farm
44. Right to Farm Bylaw
45. Letter from Department of Telecommunications and Cable
46. Meeting memo regarding New Business #10: Memo from Town Planner Kirk Baker re: antenna additions at Crown Castle cell tower and authorize signing of building permit
47. Memo from Town Planner Kirk Baker re: antenna additions at Crown Castle cell tower and authorize signing of building permit
48. Meeting memo regarding New Business #11: Discuss Water Department Issues
49. Email from Karen Summit re: water demands, including attachments
50. Email from MaryBeth Wiser re: Bill warrant
51. Memo from Susan Bailey to Board of Selectmen re: Water Department
52. Town of Rowley Actual and Budgeted Expenses and Encumberance July 2014 thru June 25, 2015
53. Letter from Susan Hazen re: Appointment FY 16 Election Workers
54. Meeting memo regarding New Business #13: Appoint Attorney Steven Fletcher special counsel
55. Meeting memo regarding New Business #14: Appoint Attorney Gary S. Brackett special counsel
56. Meeting memo regarding New Business #15: Set meeting schedule for July, August and September
57. Meeting memo regarding New Business #16: Discuss Recycling Center Hours for Independence Day Holiday – Saturday, July 4
58. Matrix of FY 16 Re-appointments