

## **MINUTES OF THE BOARD OF SELECTMEN MEETING**

September 14, 2015,  
Meeting held at Town Hall, 7:00 p.m.

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

**PUBLIC ATTENDEES:** Henry F. Rolfe, Ind. Press; Brent Baeslack, Conservation Commission; Justin Flodman, Boy Scout Troop 15; James Broderick, Fire Department; John Manning, Rowley Water Board; Karen Summit, Treasurer

### **CALL MEETING TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance by Eagle Scout Justin Flodman

### **CITIZEN QUERY 7:05-7:10 p.m.**

Citizens query opened at 7:05 p.m. and closed at 7:10 p.m. There were no Citizens Queries.

### **GENERAL BUSINESS**

1. Road Opening Permit application from Rowley Water Department to open 5 and 19 Circuit Drive for the purpose of an emergency water repair

Bob Snow made a motion to sign and approve the Road Opening Permit application from Rowley Water Department to open 5 and 19 Circuit Drive for the purpose of an emergency water repair, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

The Selectmen signed the permit.

2. Road Opening Permit application from Rowley Water Department to open 19 Christopher Road for an emergency water repair.

Bob Snow made a motion to sign and approve the Road Opening Permit application from Rowley Water Department to open 19 Christopher Road for the purpose of an

emergency water repair, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

The Selectmen signed the permit.

3. Letter from Scoutmaster Jack Ross Troop 13 re: Michael Dalzell's Eagle Scout rank

Chairman Merry read the letter from Scoutmaster Jack Ross.

Dave Petersen made a motion to send a congratulatory citation, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Merry said Dalzell did a great job on this project and he saw this being put together.

4. Request from Cub Scouts Pack 15 to use Town Common for annual recruiting and popcorn fundraiser

Chairman Merry read the email request.

Joseph Perry made a motion to allow Cub Scouts Pack 15 to use the Town Common for annual recruiting and popcorn fundraiser on October 4, 2015 from 1p.m. to 5 p.m., and to put up a banner and a lawn sign as requested, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

5. Discuss September 11, 2001 Memorial and donations from Ipswich Rotary and Country Gardens

Chairman Merry read the following:

*We did not have September 11th services at the memorial this year due to the rain. There will be a ceremony next year to mark the 15th anniversary led by Reverend Bob Hagopian of the Congregational Church.*

*The Ipswich Rotary did a fantastic job in sprucing up the memorial. Country Gardens graciously donated the plants and the Ipswich Rotary, led by Rotary President Bob Gravino, installed the plantings and cleaned up the landscaping around the memorial. Bob Snow took pictures (see attached) of the memorial after the Rotarians finished their work.*

*Does the Board wish to send thank-you letters to Country Gardens and the Ipswich Rotary for their donations and time spent to maintain this important Town Memorial.*

Merry said the Rotary did a fantastic job and the bushes surrounding the Memorial were out of control. Merry showed the photos of the Memorial. Perry thanked Snow for providing the pictures. Snow said this is the 14th anniversary of the September 11,

2001 tragedy. He said he bumped into Fire Chief Broderick on Friday and they went to the Memorial and had a moment of silence at 8:40 a.m. to remember the Rowley families and the fire fighters.

## **APPOINTMENTS**

7:15 p.m. Conservation Agent Brent Baeslack for signing of 9 Turcotte Memorial Drive deed and Justin Flodman to discuss Eagle Scout project

Chairman Merry read the following:

*Conservation Agent Brent Baeslack is here tonight for two items – the signing of the deed for 9 Turcotte Memorial Drive and to meet Justin Flodman who is interested in doing an Eagle Scout project at the Dodge Reservation.*

- 1) *9 Turcotte Memorial Drive – The May 4, 2015 Annual Town Meeting approved an article that authorized the Board of Selectmen to transfer this 2.01 tax title parcel at 9 Turcotte Memorial Drive to the Conservation Commission. Brent has worked with Attorney Judy Pickett in writing the deed and it is now ready for the Board of Selectmen to sign. The parcel is forested wetlands and is contiguous to other open space parcels. The Board needs to vote to sign the deed. Brent will notarize it.*

Dave Petersen made a motion to sign the deed, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

The Board signed the deed and Baeslack notarized it.

Merry read the following:

*Brent and Justin Flodman of Troop 15 will discuss expanding the trail network in the Dodge Reservation as part of an Eagle Scout project.*

Justin Flodman said he would like to explain the purpose, explain how the project will be done and seek approval from the Board of Selectmen. Flodman reviewed slides for the Board.

Perry asked if signage is needed on the trails. Baeslack said yes, and directional arrows. Merry asked if the trails will be named. Baeslack said this hasn't been asked before, and they could be named. Merry said it may be nice to name them and suggested Brookside Farm and Rivers Edge Trail as possible names. He said Doyle's Farm was originally called Rivers Edge Farm. Baeslack said the trail is established and not mushy, it is flat, and this will create a loop so that you don't have to turn around and take the same trail back. He said it is marvelous that Flodman has chosen this as a project. Snow said Baeslack has done a great job with this area. Perry asked if the

loop is one mile in length. Baeslack said it is 1.5 miles. Petersen said he and his wife walked in this area from Eiras Park, it is beautiful and an easy route good for elderly people. He said he is so happy the Town bought this land, it is an asset that will be used into the future. He thanked and congratulated Baeslack for his work above and beyond his duties, and he thanked the Scouts. Snow said Flodman did an excellent presentation.

Joseph Perry made a motion to approve this project, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

7:30 p.m. Fire Chief/REMA Director James Broderick to discuss MEMA Emergency Preparedness Month

Chief Broderick said every year in September, it is Emergency Preparedness Month, and this year the Governor made a proclamation of this. He discussed the five areas outlined on the MEMA website: 1. Be Informed 2. Make a Plan 3. Build a Kit 4. Get Involved. Merry said being a Ham radio operator is another way to get involved. Snow said everyone should know how to purify water using bleach.

7:45 p.m. Nate Comley to discuss Flea Market license application

Chairman Merry read the following:

*This item needs to be tabled since the applicant needs to get a special permit from the Planning Board under the revised Rowley Protective Zoning Bylaw's establishment of a Flea Market/Antique Store Overlay District, before getting the flea market license from the Board of Selectmen.*

Joseph Perry made a motion to table this discussion until he is ready to appear before the Board, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

## **NEW BUSINESS**

1. Review Site Plan Application submitted by Clarke Associates LLC for two family residential dwelling on Assessors Map 24 Block 137 Lot 1

Chairman Merry read the following:

*Town Planner Kirk Baker has sent a Site Plan Review application packet to the Board of Selectmen for comments. The application is for a two-family dwelling on Church Street. The Planning Board is holding a hearing on this application next week. Does the Board have any comments that they wish to submit to the Planning Board on this application?*

The Board had no comment on this application.

2. Great Marsh Garden Club request to use Town Hall Auditorium for "Designing Gardens with Trees and Shrubs"

Chairman Merry reviewed the application. Perry said his wife is a member of the Great Marsh Garden Club, and he may be joining.

Dave Petersen made a motion to approve this request, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

3. Discuss Town Hall and Annex trash and recycling removal contract

Chairman Merry read the memo from Amy Lydon regarding the Request for Price Quotation Trash Removal and Recycling.

Dave Petersen made a motion to award the contract to JRM Hauling & Recycling, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

4. Review and discuss Disclosure by Non-Elected Municipal Employee of Finance Interest and Determination by Appointing Authority submitted by Shellfish Constable Travis Kneeland

Chairman Merry read the following:

*Travis is filing this disclosure because of his family's shellfish business. His family's business has a commercial clamming permit and harvests clams from the Rowley flats.*

*Travis contacted the State Ethics Commission and they advised him to file the Section 19 Disclosure and to present it to the Board of Selectmen for a determination on whether this particular matter and the financial interest identified in the Section 19 Disclosure is not so substantial as to be deemed likely to affect the integrity of the services which the Board of Selectmen and Town may expect from the employee.*

*The Board of Selectmen needs to review the Section 19 Disclosure form. The section that falls under the "Appointing Authority" is on the bottom half of the second page. If the Board of Selectmen makes a determination, the Selectmen must sign under the "Appointing Authority Signature" line and include any comments under the "Comment" section.*

Petersen said the Board spoke to Kneeland about this when he came in for the interview and he has no issues.

Dave Petersen made a motion to have Bob Merry sign the disclosure form, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

5. Discuss Water Department issues – treatment plan, water main leaks, Pingree Farm Road and Water Board executive session meetings

Chairman Merry read the following:

*Water Treatment Plant - The Water Treatment Plant has moisture issues, security panel ground fault problems, basin issues. Water Main Leaks - The Water Department recently conducted a leak detection survey. Pingree Farm Road needs to be graded.*

Petersen said besides chasing the Superintendent, the Water Board isn't getting much done on the issues. He said the Water Treatment Plant issues are a problem because of funding. He said these issues should have been addressed when the plant was built, nothing was done, time has passed and now the Water Department may have to fund this. He said Superintendent Wisser was working on these issues before she was suspended, which may have halted now. Merry said the basins were not plumbed as they should have been. Water Commissioner Manning said Wisser was working on using SRF money to address these issues, and this money cannot be used now. Petersen said regarding Pingree Farm Road, it was made passable last fall, the Water Board originally supported this plan, but didn't support it at Town Meeting and it was voted down. Manning said he wasn't a Commissioner at the time of Town Meeting and he opposed it since it wasn't presented well. Petersen said not a lot can be done until there is another Town Meeting. He said Manning is working hard on some of these issues, but the other Water Board members are oblivious to these problems.

Merry read the following:

*Water Board Executive Meetings*

1. *September 11, 2015 - Meeting*

- *Meeting Agenda does not comply with the Open Meeting Law.*
- *John Manning sought a Legal Opinion from Labor Counsel Joe Fair. Debbie distributed the opinion to the Water Board on Wednesday, September 9. John Manning read it into the record prior to the Water Board convening an executive session. The Water Board willfully and intentionally disregarded the opinion of counsel and proceeded to go into executive session*

Manning read the email from Attorney Fair regarding the September 11, 2015 Executive Session. He said he read this to his colleagues and they still made the motion to go into Executive Session. He said he opposed the vote, then left the meeting. Manning read the attached statement into the record. Petersen said he attended this meeting and after Manning read this email, it was obvious the other two Water Board members had already made up their minds. He said there was correspondence before the meeting for Wisser to be prepared to leave the truck, etc. He said Wisser should have received proper notice and she requested to have this in open session, but Toomey said no because she didn't request that before the meeting. He said the Superintendent was

outside with a group of people and Toomey asked her if she was coming to the meeting. He said Wisner replied no and it was her right to have it in open session, and Toomey said that was insubordination. He said the whole thing is illegal and her reputation is being sullied. He said Wisner has done no wrong and has done more work in one year than the previous Superintendent did in the last twenty years. He said Wisner has been covering the Administrative Assistant position and she gets in early to get work done before the office opens and the other employees arrive. He said the amount of information that Wisner provided is phenomenal and she is bending over backwards to do all of this. He said he is so frustrated. He said a headline on the January 1, 2015 edition of The Daily News was "Water Department Crisis," and the article talks about the Board of Water Commissioners having a complete lack of cooperation, respect and ability to work with the Superintendent. He said we have gone nowhere except backwards. He said Wisner is working so hard for the Town, the Water Board has a complete lack of respect for her, and they put her on a two week suspension with pay. He said they appointed a temporary Superintendent, but he won't vote to pay for this. He said they have hired a person to investigate after three grievances were filed against Toomey. He said Toomey has led the charge to suspend Wisner and this is outright intimidation and retaliation, and Wisner will likely sue the Town. He said Toomey should have recused himself from this issue. He said Toomey responded to one of the grievances with Stuart L. Dalzell Sr.'s response included with his own. He said Manning has sought guidance from Eagan on the grievances, and Attorney Fair said Toomey should recuse himself and Manning should set up the hearing. He said Manning has reached out to the other Commissioners to try to schedule this, but has gotten no response. Eagan said the process should be to schedule a hearing for the second step grievance, and the Vice Chair should preside, since the Chairman is the subject of the grievance. She said at the same time that Manning was trying to coordinate this, the Water Board set up an emergency meeting, posted within 48 hours, with an unclear agenda. She said the meeting was not a special meeting, and the timing of it caused the grievance hearing to be held in abeyance.

Petersen said this is totally illegal, Wisner requested the meeting to be held in open session and this was denied and she was suspended. He said she has committed no crimes. He said Wisner was authorized to sign payroll and bills, and she is on a salary. He said he refuses to pay a temporary Superintendent, and he is not paying for an investigation. He said all of this was done in an illegal meeting and he questions under what authority the Water Board can do an investigation. He said this is an absolute mess and if this is brought to the Attorney General, Toomey and Dalzell should be personally fined for the maximum amount for these flagrant violations. He said Manning tried to advise them, but was ignored. He said the Board of Selectmen and Town Administrator spend 75% of the week on Water issues that are not necessary. He said we have a good Superintendent, the Water Commissioners have been a thorn for many years who think they are right and everyone else is wrong.

Manning said he became a Water Commissioner at the time of the \$20 surcharge fiasco, they spoke about it and then it was rescinded. He said many people are

watching and since Friday he has been approached by many people asking about a recall. He said the recall paperwork should be coming by the beginning of next week.

Snow said three weeks ago, he took us down memory lane, now we need to move to the next step and do away with the Board of Water Commissioners and put their responsibilities under the Board of Selectmen. He said we have been going down this road for five years, it feels like Ground Hog's Day. He thanked Manning for stepping up and said the people at home should be irate. He said people need to go to the Water Board meetings and their actions with issues such as deer gate and garage gate are appalling. He said he is sick and tired of this road and it is time to get the Board of Water Commissioners out of the picture and put this under the Selectmen.

Petersen said a few meetings ago, Stuart L. Dalzell Sr. handed out information about when the Water Board creation was authorized at Town Meeting. He said his theory is if Town Meeting created the Water Board, then Town Meeting can rescind that vote and make the Selectmen the Water Commissioners again. He said the Act was enacted in 1946, in 1953 the Water Board was created, so for six years the Selectmen acted as the Water Commissioners. Petersen made a motion for the Town Counsel to research if this is possible. This vote was not completed.

Petersen said the Water Board needs to be fined for these flagrant violations and they are setting the Town up for a humungous lawsuit from the Water Superintendent. He said he hopes the Water Board doesn't think they have the authority to fire employees. He said the employees work for the Town under the Personnel Plan which needs to be followed. He said they do what they want illegally. He said the DEP just authorized the Town to run the plant on 24 hour automatic, and without the staff, it will need to be run manually. Snow said he can't remember one time when Town Counsel gave advice and someone went against it. Merry said he worked at the Light Department for thirty-five years and they always followed Town Counsel's advice knowing if they didn't, Town Counsel wouldn't be able to defend them.

Merry read the following:

- *The Board of Water Commissioners apparently hired Paul Provost to be the interim superintendent during the illegal executive session*
- *The Board of Water Commissioners hired William Moschella of Saugus, MA, an attorney to conduct an investigation during the illegal executive session*
- *Chairman Merry has asked Debbie to prepare a draft Open Meeting Law Complaint on the September 11 meeting. The Board needs to review this and approve it*
- *Does the Board wish to file Open Meeting Law complaints for the August 25, 2015 Water Board executive session, and for Mr. Toomey and Mr. Dalzell's conducting of business outside of a public meeting pursuant to a response to a grievance filed by an employee? If so, does the Board wish to authorize Chairman Merry and Debbie to file these complaints?*



- *Does the Board wish to notify Weston & Sampson that actions by the Water Board during the September 11th meeting to hire their company were done in an illegal executive session and is, therefore an invalid contract because it was not made in compliance with the Open Meeting Law.*

Dave Petersen made a motion to file Open Meeting Law complaints for the August 25, 2015 Water Board executive session, and for Mr. Toomey and Mr. Dalzell's conducting of business outside of a public meeting pursuant to a response to a grievance filed by an employee, and to authorize Chairman Merry and Debbie to file these complaints, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Bob Snow made a motion to notify Weston & Sampson that actions by the Water Board during the September 11th meeting to hire their company were done in an illegal executive session and is, therefore an invalid contract because it was not made in compliance with the Open Meeting Law, and as a result the Board of Selectmen will not sign-off on payment for these services, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Dave Petersen made a motion to have the Town Administrator ask Town Counsel to research how the Selectmen can act as the Board of Water Commissioners, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Dave Petersen made a motion to notify the Board of Water Commissioners, since it was not included in Wisers's suspension notice, that she will receive her normal pay during the suspension, and notify them that Eagan was authorized to sign the payroll and bills in Wisers's absence after John Manning reviews them, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Eagan asked if the Board wishes to send a notice to Moschella and said it is unclear in what capacity he is working. Manning said he doesn't know who Moschella is or how he was appointed. He said he did receive a call from Moschella today and Moschella told him he was retained by the Rowley Board of Water Commissioners to investigate Superintendent MaryBeth Wisers at which point he stopped Moschella, told him he didn't approve of this, he doesn't know who he is or why he was hired and to never contact him again.

Dave Petersen made a motion to notify Moschella that actions by the Water Board during the September 11th meeting to hire their company were done in an illegal executive session and is, therefore an invalid contract because it was not made in compliance with the Open Meeting Law, and as a result the Board of Selectmen will not sign-off on payment for these services, and he is not allowed beyond the lobby of the Water Department. Further discussion followed.

Snow said he would like to know if Moschella has been on the property or through the Water Department records. He said if he hasn't been authorized, or if he was authorized in an illegal meeting, he shouldn't be on Water Department property beyond the public areas of the property. Petersen read the email on the last page of the packet from Toomey. Petersen said neither Weston & Sampson nor Moschella should be paid since they were illegally hired. Snow said we should think about an injunction if Moschella or Weston & Sampson enter the property, it will be the Town who is on the hook if they trip and fall on the property. Manning said for the record he had nothing to do with that letter sent to Provost of Weston & Sampson or Moschella. Petersen said this was all predetermined before Friday's meeting, and the Town and taxpayers are being set up for a major lawsuit. He said Toomey and Dalzell have private agendas that have nothing to do with having a safe, creditable water system. He said we are spending money on legal fees and Toomey is chuckling. He said when he runs into Water Department employees, they have nothing but praise for the Superintendent, they watch the Selectmen's meetings, and this affects them too. He said two times in the history of the Water Department we have lost 90% to 100% of the Water Department employees at once. He said if we lose Wiser, we will have to recruit from a small group of people, and why would someone want to come here. Perry thanked Manning for coming.

Eagan reminded the Board that there is a motion on the table by Mr. Petersen to notify Moschella that actions by the Water Board during the September 11th meeting to hire their company were done in an illegal executive session and is, therefore an invalid contract because it was not made in compliance with the Open Meeting Law, and as a result the Board of Selectmen will not sign-off on payment for these services, and he is not allowed beyond the lobby of the Water Department, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

2. Discuss Town Counsel Tom Mullen's open meeting law and public records law presentation

Chairman Merry read the following:

*When Town Counsel Tom Mullen was appointed, he offered to provide the Town with a presentation on the state Open Meeting Law and state Public Records Law at no charge to the Town.*

*Attorney Mullen recently contacted Debbie to schedule the presentation. Attorney Mullen is available either during the day or evening. Which time slot does the board prefer? The presentation can be video-recorded, so that town officials and employees who could not attend and can view it.*

Snow said it is important for elected officials to take part in this presentation. Petersen said he would suggest having this in the evening since most Board members work during the day. Eagan outlined the schedule when Boards normally meet and

suggested Tuesday as a good night. Petersen said this can be held here or in the Library. Eagan said this is a free service.

Dave Petersen made a motion to accept the offer for the presentation and have Eagan work out the schedule with Tom Mullen, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

## **OLD BUSINESS**

1. Vice Chairman Joseph Perry to provide update on Triton School Committee September 9 School Committee Meeting discussion on the stadium project and Fall Special Town Meeting

Chairman Merry read the following:

*At their meeting on September 9, 2015, the Triton School Committee voted to approve the stadium project. The Town doesn't need an appropriation of funds at this point, so there is no need for a Fall Town Meeting. Vice Chairman Perry will update the Board on the meeting.*

Perry said the cost of the stadium has increased, and on September 9, 2015, the School Committee voted to move forward with the stadium renovation project, and they sent the Towns a letter on September 10, 2015 from the Superintendent. He said the project cost is \$4,000,000. He said \$800,000 is from gifts and donations and the remaining \$3,200,000 will be funded through bonds. He said number prepared by Assistant Superintendent Brian Forget project annual revenues of \$219,000 from rental of the stadium, which may increase to \$232,000. He said the figures have a 10% contingency built in. He asked the Board to carefully consider Annex #7 which is about how the revenues will be used and how the Towns will pay the cost of the stadium. He said there will be a District Communications Meeting in October to discuss this and he would like another Board member to attend this with him. He said there are two more meetings before the District Communications Meeting, and he asked the Board to instruct him after they review it. Eagan said there is no need for an immediate Town Meeting, and the first assessment will show up in FY 17.

2. Discuss recruitment process for police chief position

Chairman Merry read the following:

*The job description for the police chief is complete. Chief Barker's last day will be December 24, 2015. How does the Board wish to proceed with the replacement process for the police chief position?*

Petersen said he has been thinking about this since the last meeting and he was intrigued by Merry's statement regarding the former Georgetown chief. He said we haven't had anyone assess the Police Department and there is only one internal candidate eligible to apply, who has been Lieutenant for a short time. He asked the Board to consider having an Interim Chief for one to one and a half years, who would analyze the department and make recommendations after six months. He said interim chiefs are typically retired chiefs who come in under a contract and there are no insurance costs to the Town.

Merry said in 1973 the Police Chief was killed in the line of duty, and since then we have had a local from Newbury for four to five years, then two outsiders who both worked about a year, then Barry became Chief, then Barker. Petersen said the Town pays 52.5% of health insurance premiums, while other Towns pay 75% so it will be hard to draw candidates. He said the pool of candidates is relatively small and we should take our time and work on the station if it is approved.

The consensus was for Bob Merry to contact the former Georgetown Chief and update the Board at the next meeting. Petersen said maybe Barry or Barker can tell us what is available. Perry said we can do an interim for one year and then extend if necessary.

### 3. Update on Friends of the Rowley Public Library Chili Cook-off

Chairman Merry read the following:

*Tim Young, the President of the Friends of the Rowley Public Library, would like to follow up on the following details of the Chili Cook-off scheduled for Saturday, September 26, 2015:*

- 1. The tent will be set up on the Thursday prior to the event and taken down on either Monday or Tuesday following the event.*
- 2. Can they move their 10 x 6 Chili Banner from its current location at the Library entrance and install it on the Gazebo (on the Route 1A side) sometime this week? They would take down on September 27th.*
- 3. Can they use the parking lot at Town Hall on the day of the event?*
- 4. Can they borrow the Selectmen's hot dog steamer for this event?*

Eagan said Young has been working very hard pulling the details together and informing the Board of any changes. She said if they do put up a tent, she is not sure if there is an issue with the Farmer's Market. Petersen said he has no problem with these requests, Young is conscientious and he runs a great program. Perry said this is a great fundraiser, and they do a terrific job with it.

Joseph Perry made a motion to accept all of the amendments presented, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

## **MINUTES**

- March 16, 2015

Merry said he read the executive session agenda in error. Petersen said if it wasn't in the motion, it shouldn't be added, and we can add a statement that the agenda was read.

Dave Petersen made a motion to accept the minutes without Tim Toomey's comments. Eagan said these minutes have already been approved by the Selectmen. Petersen withdrew his motion. He said the minutes should not be changed.

Dave Petersen made a motion to leave the minutes as approved on August 25, 2015, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - ABSENT Bob Merry was present for the meeting, but abstained from this vote.

## **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - a) **Shellfish Commissioners** – two seats
  - b) **Cable Advisory Committee** – seeking five members
  - c) **Fence Viewer**– three positions;
  - d) **Wood, Lumber & Bark Inspector**; and
  - e) **Zoning Board of Appeals Associate** – two seats
  - f) **Historical Commission-Historic District Commission** - two seats
  - g) **Parks and Recreation Committee** - two seats
  - h) **Open Space Committee** is seeking one memberFor 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 Chili Cookoff will be held on Saturday, September 26, 2015 from 2:00 p.m. to dusk on the Town Common.

There being no further business before the Board, Bob Merry called for a motion to adjourn. Bob Snow so moved, Dave Petersen second, all in favor- aye (4-0). Cliff Pierce - ABSENT

Open meeting adjourned at 9:43 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS**

1. Road Opening Permit, Rowley Water Department, 5 and 9 Circuit Drive, Emergency Water Repair
2. Road Opening Permit, Rowley Water Department, Christopher Road, Emergency Water Repair
3. Letter from Jack Ross, Scoutmaster Troop 13 Ipswich, regarding Michael Dalzell gaining the rank of Eagle Scout
4. Meeting Memo regarding General Business #4: Request from Cub Scouts Pack 15 to use Town Common for annual recruiting and popcorn fundraiser
5. Email request from Cub Scouts Pack 15 to use Town Common for annual recruiting and popcorn fundraiser
6. Meeting Memo regarding General Business #5: Discuss September 11, 2001 Memorial and donations from Ipswich Rotary and Country Gardens
7. Photos of the September 11, 2001 Memorial
8. Meeting Memo regarding 7:15 p.m. Appointment: Conservation Agent Brent Baeslack for signing of 9 Turcotte Memorial Drive deed and Justin Flodman to discuss Eagle Scout project
9. Email from Brent Baeslack regarding Draft Deed for Turcotte Drive
10. Signed Deed for Turcotte Drive
11. Acceptance of grant by Conservation Commission for Turcotte Drive
12. Vote of May 4, 2015 Annual Town Meeting to transfer 9 Turcotte Drive to Conservation Commission
13. Email from Brent Baeslack to Selectmen regarding Scout Service Project Presentation, and attached presentation
14. Letter from Fire Chief James Broderick re: MEMA September Emergency Preparedness Awareness Month and excerpts from MEMA's webpage
15. Meeting Memo regarding 7:45 p.m. Appointment: Nate Comley to discuss Flea Market application
16. Excerpt from May 4, 2015 Special Town Meeting Article #21
17. Meeting Memo regarding New Business #1: Review Site Plan Application submitted by Clarke Associates LLC for two family residential dwelling on Assessors Map 24 Block 137 Lot 1
18. Email from Town Planner Kirk Baker regarding Site Plan Review Application - Clarke Associates LLC and attachment
19. Great Marsh Garden Club of Rowley, application for the use of the Town Hall Auditorium, March 8, 2016
20. Letter from Amy Lydon: Request for Price Quotation Trash Removal and Recycling
21. Request for Price Quotation for trash removal and recycling service dated August 19, 2015, including prevailing wages
22. Trash removal quote form from JRM Hauling & Recycling
23. Meeting Memo regarding New Business #4: Review and discuss Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority submitted by Shellfish Constable Travis Kneeland
24. Disclosure filed by Shellfish Constable Travis Kneeland

25. Meeting Memo regarding New Business #5: Discuss Water Department Issues – treatment plant, water main leaks, Pingree Farm Road and Water Board executive session meetings.
26. Email from Debbie Eagan to Water Board regarding legal opinion on September 11, 2015 meeting agenda
27. Draft Open Meeting Law complaint against Toomey and Dalzell for September 11, 2015 violation, including exhibits
28. Email from John Manning read into the record at the meeting
29. Meeting Memo regarding New Business #6: Discuss Town Counsel Tom Mullen’s open Meeting law and public records law presentation
30. Meeting Memo regarding Old Business #1: Update on Triton School Committee September 9 School Meeting discussion on the stadium project and Fall Special Town Meeting
31. Triton Stadium Renovation Project Funding Update as of August 19, 2015 and draft MOU
32. Letter from Triton dated September 10, 2015 regarding the official School Committee vote to incur debt for the stadium project
33. Meeting Memo regarding Old Business #2: Discuss Recruitment process for police chief position
34. Meeting Memo regarding Old Business #3: Update on Friends of the Rowley Public Library Chili Cook-off
35. Minutes of the Board of Selectmen Meeting March 16, 2015 (insertion on page 2 requested by Water Chair Timothy Toomey)
36. Rowley Public Library announcement of September’s Artist-of-the-month, Dan Fionte