

MINUTES OF THE BOARD OF SELECTMEN MEETING

November 2, 2015,
Meeting held at Town Hall, 7:00 p.m.

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

PUBLIC ATTENDEES: John Kotsiras; Deborah A. Johnson; Henry Rolfe - Independent Press; Steve Comley; Lawrence White

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Request from the Agricultural Commission to appoint Dennis Donoghue to the Agricultural Commission

Chairman Merry read the request letter.

Joseph Perry made a motion to appoint Dennis Donoghue as an Alternate Member of the Agricultural Commission through June 30, 2018, Cliff Pierce second, all in favor - aye (5-0).

OLD BUSINESS

1. Discuss and re-issue revised One Day Liquor License application for the Clark School for Paint Night Fundraiser

Chairman Merry read the following:

The Clark School submitted a request for a one-day liquor license for the wrong date which was approved by the Police Chief and the Selectmen. Their initial request was for November 27, 2015, but should have been for November 6, 2015.

*The Police Chief has signed off on the revised application for November 6, 2015.
Attached is the updated One Day Liquor license.*

*Does the Board wish to request that the Clark School return the One-Day license issued
for November 27, 2015?*

Dave Petersen made a motion to grant the one day license for November 6, 2015 and to request they return the one day license granted for November 27, 2015, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the license.

CITIZEN QUERY 7:05 p.m. – 7:10 p.m.

Deborah Johnson from 449 Main Street in Rowley said she wants to bring to the Board's attention two letters that she dropped off to the Board of Selectmen and the Town Administrator. She said the first was dated October 23, 2015 and the second was dated October 27, 2015. She asked the Board to set a date for a hearing on this matter, which is very important, and to let her know when this hearing will be. She said it needs to happen as soon as possible since the clock is ticking and a court date has been set. Merry said we will get back to her. Petersen asked if this is a civil or criminal matter. Johnson said it is a criminal matter in court however information has come to light in the last six weeks about a matter related to the Rowley Police Department, that needs to be brought before the Board of Selectmen. Petersen said if this is a criminal matter, he recommends that this not be dealt with until after the criminal case is settled. He said the Board isn't authorized to do criminal investigations and may get in the way of the case. He said if there is an issue with the Police Department it can be dealt with after the case is settled. Johnson said this is related to a 2011 investigation by Detective Gamache and it was closed by him in 2011. She said some information has come to light that doesn't conflict at all with the criminal investigation, there is another Detective investigating the matter now. Petersen asked if the criminal investigation involves the same matter. Johnson said yes. Petersen said he would prefer to wait until after the criminal case is heard. He said he is concerned about discussing a case that is in court because it may impinge the outcome of the case. He said Gamache retired eleven months ago and any issues can be dealt with once the case is completed, but the Board can decide. Merry said we need to get Town Counsel advice. Petersen agreed and said if a retired officer is involved there is nothing they can do at this point. Pierce asked if Lieutenant May reviewed this. Snow said this is Citizen's Query and the Board cannot comment on an issue brought up, but can only listen and take it under advisement. He said we can review this with Town Counsel. Johnson asked if there is a question on the present investigation for example on the last eight months at the Police Department, which Gamache is not involved, if the Board is recommending not to

hear this. Snow said the Board cannot comment during Citizens Query and can only listen. Johnson asked if the Board is deferring action on the letters submitted. Snow said no, he said he recommends that what they've heard goes to Town Counsel.

Steve Comley, Sr. said he submitted a letter last Thursday and asked when the Board is going to address this or have a hearing . Merry said he assumes once the Board has read the letter, they can look at it and see what they can do, and this is as far as we can go in Citizen's Query. Comley said there are important questions in the letter that need to be answered. Merry said that is your opinion.

Citizens Query closed.

OLD BUSINESS

2. Update on Pine Grove School – School Building Authority meeting

Chairman Merry said, "Vice Chairman Perry attended this meeting and will update the Board. "

Perry said Petersen also attended this meeting and there were also four people from the State. He said they discussed the grant to do work at the Pine Grove School. He said the project could range from building a brand new school to a remodel. He said there were ninety-one applications for grants that were whittled down to forty, and Pine Grove School is still in the running. He said fifteen to seventeen projects will be chosen, and we are hopeful. He said normally the grant covers 50% of the project, and the schools earn more points for certain things such as if the building is clean. He said in January they will let us know if we have been selected, and if we aren't, we can reapply. He said the study on the proposal could cost \$500,000. He said school renovations would be funded in 2018. He said hopefully we will be in the mix, but Rowley also has the public safety building project coming up. He said two Newburyport Schools were funded through this grant, one was a renovation and another was a new school.

Petersen said the cost can be between \$500,000 and \$1,500,000 and in the Spring there would be an override. He said we should be notified in late January. He said the group toured the school and a lot of questions were asked. He said the Superintendent and Assistant Superintendent made it clear that we are competing for this funding, and the taxpayers are going to have to make some tough decisions.

Perry said the Town has spent several thousand dollars on the boiler, and it looks great. Petersen said the school badly needs new electrical, sprinklers, roof, and the kitchen is inadequate. He said there has not been a major improvement to the school in twenty-five years.

3. Intervale Circle Update – approve Meridian Associates surveying work, metes/bounds description and street layout plan

Chairman Merry read the following:

Meridian Associates has provided Debbie with the attached proposal for the surveying work, metes and bounds description and the production of a recordable street layout plan. Attorney Judy Pickett has reviewed the proposal and recommends the Board approve it. Phil Pattison, the Senior Surveyor at Meridian, did similar work on Christopher Road so they are familiar with this development.

Also, Judy has made arrangements to have Cynthia Needles, the title attorney we used for Christopher Road, to do the title work.

The Board needs to vote to authorize either the Chairman or the Town Administrator to sign the proposal.

Dave Petersen made a motion to authorize either the Chairman or the Town Administrator to sign the proposal, Bob Snow second, all in favor - aye (5-0).

4. Update on Open Meeting Law and Public Records Law Informational Session set for November 17, 2015 at 7 p.m.

Chairman Merry said, "The attached notice was emailed to all Department Heads and hardcopies were put in all Department mailboxes. Rowley Community Media will be recording this meeting."

Merry read the memo sent out by Eagan.

MINUTES

- March 30, 2015

Joseph Perry made a motion to approve the minutes from March 30, 2015, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - Abstained. Dave Petersen - Abstained

- April 9, 2015

Bob Snow made a motion to approve the minutes from April 9, 2015, Joseph Perry second, all in favor - aye (3-0). Cliff Pierce - Abstained. Dave Petersen - Abstained

- September 14, 2015

Bob Snow made a motion to approve the minutes from September 14, 2015, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - Abstained

- September 21, 2015

Bob Snow made a motion to approve the minutes from September 21, 2015, Cliff Pierce second, all in favor - aye (5-0).

- October 19, 2015

Dave Petersen made a motion to approve the minutes from October 19, 2015, Joseph Perry second, all in favor - aye (4-0). Bob Merry - Abstained

- October 26, 2015

Chairman Merry read the memo.

Dave Petersen made a motion to approve the minutes from October 26, 2015, Joseph Perry second, all in favor - aye (3-0). Bob Merry - Abstained Bob Snow - Abstained

ANNOUNCEMENTS

- Household Hazardous Waste Recycling Day – November 14 from 8:30 a.m. to 12:30 p.m. at the Highway Department facility, 40 Independent Street
- 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**;
 - e. **Zoning Board of Appeals** – one seat
 - f. **Zoning Board of Appeals Associate** - two seats
 - g. **Historical Commission-Historic District Commission** – two seats
 - h. **Parks and Recreation Committee** – two seats; and
 - i. **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.
- Water Department will be flushing hydrants throughout Town starting on October 26 through November 12.

ADJOURN

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Dave Petersen so moved, Bob Snow second, all in favor - aye (5-0).

Open meeting adjourned at 7:28 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Request from the Agricultural Commission to appoint Dennis Donoghue to the Agricultural Commission
2. Meeting Memo regarding Old Business #1: Discuss and re-issue revised One Day Liquor License application for the Clark School for Paint Night Fundraiser
3. Revised One Day Liquor License application for the Clark School for Paint Night Fundraiser
4. One Day Liquor License issued to the Clark School for November 6, 2015
5. Meeting Memo regarding Old Business #2: Update on Pine Grove School – School Building Authority meeting
6. Meeting Memo regarding Old Business #3: Intervale Circle Update – approve Meridian Associates surveying work, metes/bounds description and street layout plan
7. Proposal from Meridian Associates
8. Meeting Memo regarding Old Business #4: Update on Open Meeting Law and Public Records Law Informational Session set for November 17, 2015 at 7 p.m.
9. Memo from Deborah Eagan regarding OML and Public Records Session
10. Draft Minutes for March 30, 2015
11. Draft Minutes for April 9, 2015
12. Draft Minutes for September 14, 2015
13. Draft Minutes for September 21, 2015
14. Draft Minutes for October 19, 2015
15. Draft Minutes for October 26, 2015