

MINUTES OF THE BOARD OF SELECTMEN MEETING

November 16, 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 7:03 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. Notice from Georgetown Planning Board regarding public hearing on a special permit and site plan application filed by Healthy Pharms Inc.'s for a Registered Marijuana Dispensary at 401 East Main Street, Georgetown

Chairman Merry read the public hearing notice. He said he read the notice so that the public is aware of this project. He said this site abuts the Town of Rowley in our water well protected district. Pierce said the Planning Board is looking into this and has discussed sending a letter to explain the concern about the potential impact to Rowley's well area, and or them to consider storm water management. He said there is not much more Rowley can do. He said Georgetown's bylaws allow for these facilities, but Rowley's bylaws do not. Petersen said the Water Superintendent and a member of the Board of Selectmen should attend this meeting to get the facts since it is in the well protected district.

CITIZEN QUERY 7:05 p.m. – 7:10 p.m.

There were no Citizens' Queries.

MINUTES

- August 10, 2015

Dave Petersen made a motion to approve the minutes from August 10, 2015, Bob Snow second, all in favor - aye (4-0). Bob Merry - Abstained.

7:15 p.m. APPOINTMENT* - Conservation Agent Brent Baeslack to discuss the Merrimack Valley Planning Commission Pictometry program.

Chairman Merry read the email from Brent Baeslack to Debbie Eagan and the letter from Merrimack Valley Planning Commission. Baeslack showed imagery for 344 Wethersfield Street and said that this imagery illustrated that violations had taken place. He said there are two resolutions of imagery: community and neighborhood. He said the Conservation Department uses this imagery for: management and protection of natural resources; enforcement of Wetland Protection bylaws; to review permit applications and to view properties from a difference view and in relation to other properties. He said the pictures are taken before leaves sprout on trees for a clearer view. He said in 2012, the Selectmen placed an article on the Town Meeting Warrant to fund the expense of the pictometry, so that the departments who use this didn't have to divide the cost for it amongst their budgets. He said there may be subdivision proposals coming before town boards and it would be nice to have updated imagery. He said most developments in progress when the photos were last taken have been completed. He said if enough towns don't sign up, the flight for the new imagery may not happen.

Petersen said there is a two year pay option and asked if they fly once per year. Baeslack said they fly once and collect both types of imagery. He said most state imagery is taken when trees are in bloom, and can be used to calculate distances, areas, the height of buildings and shows streams and ponds. Petersen asked if one flight covers two years. Baeslack said yes, after two years there is enough new building and activity to make it worthwhile to obtain new imagery. Snow said this is a worthwhile tool. Bernie Cullen of Wethersfield Street asked if the Town already has the imagery and if it is available. Merry said yes, but the data is from April 2014 and is stale. Baeslack said it is hard to say how useful the new information will be, but as the Conservation Agent, having the best information available for his Board will help them make the best decision. Cullen said the cost is \$10,000 and we already have 95% - 98% of the functionality baked in, and we can wait four years since what we are paying for at this point is minimal. Merry said you don't see the same picture this imagery provides by walking the ground. Pierce said lot lines change and the imagery can help identify wetlands violations, which can occur overnight. Merry said \$5,000 per year seems to be a good investment for valuable information. Baeslack said the decision is to possibly participate, since the flight won't happen if other North Shore communities

don't sign up for this. Perry said this would be paid for out of the FY17 budget, and the flight would happen in April of 2016. Larry White of Central Street asked if the angle of the imagery can be changed. Baeslack said five perspectives are available. Snow said the imagery provided through this program are much more in-depth than those provided by Google Earth and we can see the boundary lines for properties. Petersen said it is incumbent upon the Board of Selectmen to provide the latest information to Town Departments, this can affect citizens in Town, and this is a valuable tool. Baeslack said this imagery helps him to respond to calls that he receives and helps him decide if he needs to visit the property.

Deborah Johnson asked if individual property owners can request an aerial photo of their property. Baeslack said yes, but with a footnote that the image is not survey registered. Cullen asked if the lot lines come from the tax records. Baeslack said yes. Cullen said the Assessor's maps have significant errors, and his neighbor's septic system was put in based on them, and they were thirty to fifty feet off. He said his neighbor's system was put onto his property and it had to be moved. Petersen said this imagery is not intended to take the place of doing a survey, but gives a general picture. Snow said we are lucky to have the Merrimack Valley Planning Commission and they are a great resource for the Town.

Dave Petersen made a motion to participate in the flight in the Spring of 2016, Joseph Perry second, all in favor - aye (5-0).

Chairman Merry signed the original agreement from Merrimack Planning Commission.

NEW BUSINESS

1. Discuss letter from Town Clerk Susan Hazen re: certificate of recall of Water Board Commissioner Timothy Toomey

Chairman Merry read the following:

The Board of Selectmen has received a Certificate of Recall of Water Commissioner Timothy Toomey from the Board of Registrars.

Chairman Merry will read the Certificate into the record and enter the Petition documents from Town Clerk Susan Hazen into the record.

In accordance with the Town's Recall Bylaw, the Board of Selectmen, upon receipt of the Certificate, "shall forthwith give written notice of the receipt of the Certificate to the officer sought to be recalled. . ."

Chairman Merry will read a letter addressed to Timothy Toomey notifying him of the Certificate. Chairman Merry will call for a vote to sign and direct the Town Administrator to send the letter to Mr. Toomey.

Merry read the letter from the Board of Registrars to Timothy Toomey, and the draft letter from the Board of Selectmen to Timothy Toomey.

Pierce suggested changing the language in the draft letter from the Board of Selectmen to Timothy Toomey from “if you fail to resign” to “unless you resign.” He said as written it sounds harsh and implies that the Board is seeking Toomey’s resignation. Eagan said the letter was written by Town Counsel Thomas Mullen. Petersen said he accepts the letter as written by Mullen.

Dave Petersen made a motion to acknowledge receipt of the petition and certificate and for the Board to sign and send to Toomey the letter advising him of his rights under the recall petition as written, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the letter.

ANNOUNCEMENTS

Bob Merry announced that the date displayed on the video of tonight’s recording of November 13, 2015 is incorrect, and that it will be edited to reflect the correct date of November 16, 2015.

- Friends of the Rowley Public Library Holiday Basket Raffle
- 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.

ADJOURN

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

Open meeting adjourned at 8:02 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Notice from Georgetown Planning Board regarding public hearing on a special permit and site plan application filed by Healthy Pharms Inc.'s for a Registered Marijuana Dispensary at 401 East Main Street, Georgetown
2. Draft Minutes August 10, 2015
3. Email from Brent Baeslack to Debbie Eagan regarding MVPC Pictometry 2016 Request Interest Letter to Rowley
4. Letter from Merrimack Valley Planning Commission regarding MVPC Pictometry 2016
5. Meeting memo regarding New Business #1: Discuss letter from Town Clerk Susan re: certificate of recall of Water Board Commissioner Timothy Toomey
6. Letter from Board of Registrars to Board of Selectmen regarding Recall Petition against Timothy Toomey
7. Letter from Board of Selectmen to Timothy Toomey regarding Certification of Recall Petition
8. Signed Recall Petition for Timothy Toomey