

MINUTES OF THE BOARD OF SELECTMEN MEETING

March 28, 2016

Meeting held at Town Hall, 6:30p.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: Lawrence White – FINCOM & OSRC; Jack Cook; Peter Dalzell - Cemetery Commissioner; Arthur Page - Cemetery Commissioner; Lisa Page; Bill Gaynor - Cemetery Commissioner; Dennis Roy - Cemetery Task Force; Stewart Little - Town Common Newspaper; Carol Soucy; Henry Rolfe – Independent Press; Judy Pickett - Town Counsel

CALL MEETING TO ORDER

Chairman Merry called meeting to order at 6:30 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE

Arthur Page led the Pledge of Allegiance.

JOINT MEETING 6:30 p.m.– Board of Cemetery Commissioners and Cemetery Task Force to discuss legal opinion on the Cemetery with Town Counsel Judy Pickett and letter from Board of Cemetery Commissioners to discuss additional money for wage account

Chairman Merry called for a motion to open the Joint Meeting with the Cemetery Task Force and the Board of Cemetery Commissioners to order by a roll call vote. Bob Snow so moved, Joseph Perry second, all in favor, roll call vote: Robert Merry - aye, Joseph Perry - aye, David Petersen -aye; Dennis Roy - aye; Robert Snow - aye; Arthur Page - aye; Peter Dalzell - Aye; Bill Gaynor - aye. Karen Summit - ABSENT Cliff Pierce - ABSENT

Joint meeting opened at 6:32 p.m.

Bob Snow said he is a member of the Cemetery Task Force and sat in the audience at 6:32 p.m.

Chairman Merry read the following:

The Board has received a legal opinion from Judy Pickett on Cemetery operations. She is in attendance tonight.

Attached are the following:

- *Legal Opinion*
- *Cemetery Bylaw*
- *Town Report and Payroll Summary*
- *FY 17 Cemetery Budget*
- *Accounting Reports of the Revolving Fund and the Sale of Lots & Graves*

Pickett said she was asked to respond to three questions from the Cemetery Task Force, and her memo addresses these questions. She said the first question was regarding the Open Meeting Law, and there were no additional questions on that item. She said the second item was on Chapter 41 Section 108 where all elected Town Officials are required to have their salary and compensation set out in a special warrant article and voted on at Town Meeting. Cemetery Commissioner Arthur Page asked Pickett if she is referring to the May 7, 1984 Supreme Court decision. Pickett said that court case doesn't deal with Chapter 41 Section 108. She said in that case the Treasurer filed a suit asking whether or not the Cemetery Commissioners were subject to Chapter 41 Section 108, if there was a violation of the conflict of interest laws and if the wages for the Cemetery Commissioners were too indefinite to be understood. She said the Court didn't rule on these questions, but ruled on something else entirely. She said the Court ruled that it is not the function of the Treasurer to make inquiries in the determination of payment authorized by the Board of Selectmen. She said according to the ruling, only the Board of Selectmen or the Town Accountant are authorized to make this type of inquiry. She said the Court did not answer the three questions presented by the Treasurer, and these are the same questions being asked tonight. Pickett read the following from the court case, "The basis of our holding, however, is not that the commissioners are entitled to an hourly wage, as was determined by the judge. That is a matter we do not decide. Rather, we conclude that the treasurer is required to pay any bills or payrolls submitted to her with the approval of the town accountant and board of selectmen, and therefore has no standing to challenge the commissioners' rights to the payments." She said the case wasn't decided on the points that were raised and that is why we are back here today. Page read the following from the Court case, "A judge of the Superior Court entered a judgment holding that "the payment of an hourly wage to the Commissioners is lawful and in compliance with any and all provisions of G.L. c. 41, Section 108, G.L. c. 268A, Section 21A and G.L. c. 44, Section 31.." Pickett said the Supreme Court ruled that the Treasurer had no standing and they didn't rule on the issues the Treasurer raised. Pickett confirmed that she is referring to Case 393 Mass. 1, the same case that Page has. Pickett read the following from the Court case, "Finally, the treasurer argues that the 1963 and 1964 votes do not satisfy the 1968 conflict of interest law, G.L. c. 268A, Section 21A, which statute requires the approval of an annual town meeting before a member of a municipal commission shall be eligible for appointment to any position under the supervision of such commission. We do not reach the treasurer's arguments because we agree with the defendants that the

treasurer had no authority to withhold payment on the vouchers presented to her.” She said they don’t reach the actual questions raised by the Treasurer and that is why we are back here.

Jack Cook said he is a previous member of the Cemetery Commission for thirty-nine years and they have been through all of this. He said he is confused because this is in the law book decided on September 10, 1984. He said he would like Ms. Pickett to answer what the Supreme Court struck down in that book. He said they went through this many times with Arthur Ross as the Town’s attorney, and they are the lowest paid outfit and the Town is trying to get a Public Works Department. He said he will be the first person to stop the Town from getting a Public Works Department. He said the Highway, Cemetery and Tree Departments are doing a great job. He said he is a previous member of the Board of Selectmen, they are carrying on this task force and the next thing there will be an ISIS force. Merry asked Cook to calm down. Cook apologized and said he is trying to make a point. He said Jack DiMento suggested that they set up a revolving account, they did and now \$250 of \$500 for each grave is put into it. He said the revolving account was created to run the Cemetery. Merry said Cook is going over the cliff and not talking about what we are here to discuss. Cook said the Cemetery and Shellfish Departments use revolving accounts; in 1963/1964 they were authorized to use the revolving accounts to pay their salaries. Cook said last week a Commissioner said he put his own hours in, and he didn’t charge a nickel for plowing the Cemetery. Petersen said we need to get back to the issues at hand: if the Commissioners are legally able to receive hourly wages.

Page said they don’t get a paycheck as Commissioners. Petersen said you can be a Commissioner or a Laborer, not both. Gaynor said the opinion was that the lady who denied them from getting paid was wrong and there is no opinion that says they cannot get paid. Petersen said everyone present except for Jack Cook and the three Cemetery Commissioners agree that the case did not decide the issues presented by the Treasurer. Gaynor said this has been the practice from 1984 – 2015 and asked when this was brought to Pickett’s attention. Eagan said Pickett started this in September, she had a personal tragedy and she finished it as soon as she could. She said this came up because a Cemetery Commissioner submitted a payroll for payment of twenty-six hours in one day.

Petersen said we are trying to come up with a solution to this issue, and at any time someone could bring a lawsuit or go to the Attorney General’s Office with a complaint. He said there are Open Meeting Law and Conflict of Interest issues and the Commissioners cannot continue to hire themselves as laborers. Gaynor asked how they violate the Open Meeting Law since they meet at the Library and take minutes. Pickett said that if there is a quorum present while preparing a grave, they should not be discussing business. Page said the Town of Rowley Bylaw says that the Commissioners have to be at the opening and closing of the graves. Pickett said the Commissioners could attend the opening or closing, but would need to post a meeting and not discuss other business. Page said they don’t discuss other business at the burials. Pickett asked how the Commissioners decide who works. Gaynor said the funeral director calls him to schedule the burial, and he (Gaynor) contacts the other two

Commissioners. He said Peter Dalzell runs the backhoe and Arthur page uses his own truck and doesn't get paid for it. Petersen said it is a violation of the Open Meeting Law for Gaynor to call the other two Commissioners. He said if there was a Laborer or Foreman working for the Cemetery, they would make the arrangements. He said we have been getting a heck of a deal, but this isn't being done legally. Gaynor said an option would be to have three unpaid Commissioners, like the Water and Light Departments, and a separate group doing the work. Petersen said a concern of his is if a person doesn't want to dig graves, they can't be a Commissioner and we need to come to some solution to comply with the law. Petersen said we have Pickett's opinion and we are here to discuss it. Gaynor said the Commissioners aren't lawyers, they are elected time and time again, and they have been operating like this since the 1960s, and the Town is breaking the law. Petersen said it is up to the Town to make the changes needed.

Pickett said she spoke to Attorney James Crowley at the DOR and he said the norm in the State is to have three elected Cemetery Commissioners and an administrator who takes care of the scheduling, provides clerical help and there is a labor force. She said Crowley agreed with her opinion and the only way to solve this is to not pay themselves as laborers or become laborers. Page said if they resign, under 268A they would have to wait a minimum of thirty days before they could become a laborer. Perry said the Water Commissioners are not licensed to do the work, they supervise the Department, and this is the same scenario as the Light Department. He said this is where the Cemetery Department needs to move towards. Snow said the Commissioners should be setting policy. Pickett said the biggest concern is Chapter 41, Section 108, and the Cemetery Commissioner minutes should state certain things such as who is present and who is voting. Gaynor asked Pickett how she has seen their minutes since he has them and they haven't been released. Cook said since 1976 on, he didn't finish his statement. Merry said that is ancient history and the laws have changed, and we are looking at today.

Petersen said the issue is that the Commissioners cannot hire themselves to work as laborers. Page said they would gladly work as laborers if they got their regular pay, or they could get a stipend like Ipswich does. He said he has never charged for the use of his equipment and he is trying to help the Town. Petersen said there is no doubt the Town is getting a good deal, but it needs to be done legally even if it means we have to pay more money.

Roy said the Task Force would like the Cemetery Commissioners to meet and decide how the Department should be restructured. He said the Task Force can work with them to find the cheapest and best way to move forward. Gaynor said they are looking into three alternatives, but don't have all the numbers yet. Roy said then the Task Force can have another meeting with the Cemetery Commissioners and hopefully agree on how to move forward. He said the budget season is ending and we need the new structure in place for next fiscal year.

Petersen said the main purpose of the meeting tonight is to get everyone on board that the 1984 case was tossed out because the Treasurer has no standing, and we need to address these questions today. He asked if everyone agrees that the Commissioners cannot be laborers after reading the legal opinion. He said Elected Officials have restrictions on what they can and can't do. Snow said the Task Force needs to meet with the Cemetery Commissioners to review the three options, we can have Town Counsel review the proposed solution and move forward from there. Peter Dalzell said we just got the opinion a couple weeks ago. Roy said it shouldn't be too difficult to put the budget together once the structure of the Department is worked out, and we will need to figure out how to handle the rest of fiscal year 2016. Petersen said the Finance Committee meets tomorrow and can review the budget as submitted, and any necessary changes can be made at the Fall Town Meeting. He said the Revolving Account can't be used to pay the Commissioners wages, but it can be used to pay for summer help. Roy said the wages on their budget show the Commissioners being paid \$20.20 per hour, and that needs to be corrected.

Peter Dalzell asked what they do if someone dies tomorrow. Roy said they can hire a temporary laborer or use someone from the Highway Department until the Department has their own staff person. Dalzell said they can continue as they are. Petersen said there are approximately 31 deaths per year, so there will probably be six deaths between now and July 1st. He said we may have to hire an existing employee at time and a half, or hire a private digging service. He said they can't continue to hire themselves, this has to be done legally. Dalzell said he was told as long as they were making good progress to correct the issues, they could keep doing what they have been doing, but he is getting a different answer now. Petersen said he will not say they can continue as they have been and recommended that they hire an outside person, but that is a Cemetery Commission decision. He said the Commissioners cannot continue to hire themselves. Page said they don't have any money to hire anyone. Roy said there is a \$12,000 balance in the Cemetery Revolving Account that can be used. Gaynor said there is a lot of work coming up: they do a spring cleanup removing baskets and wreaths, and they loam and seed areas and begin mowing and seeding. Petersen said it is up to the Cemetery Commissioners to decide how to do this work, and said maybe the community service workers from the court system could help. Dalzell asked if there are issues with the operation of the Shellfish and Harbormaster Departments. Petersen said there are issues that will be looked into eventually. Snow said now that the law has been explained, the Commissioners have to work within the law, and if someone passes away, the Commissioners need to hire someone to dig the graves. Cook said they will need time to post the job. Petersen said the Commissioners can post an emergency meeting and come to an agreement on who to hire for the short term and plan out how to handle this in the future. Cook asked if there is a chance that the Commissioners can receive a stipend. Petersen recommended that the budget be submitted without a stipend, work on a solution, and if a stipend is agreed to, this can be funded at the Fall Town Meeting. Eagan said it may be easier for the Commissioners to meet this week and look into how to handle the wages and stipend and prepare something for the budget now.

Merry said as Elected Officials, the Cemetery Commissioners swear under oath in front of the Town Clerk that they will perform their duties under the laws of the Commonwealth of Massachusetts and the Town of Rowley to the best of their abilities. He said Section 8 says the Commissioners will supervise the Cemetery operations, and the Commissioners need to come up with a proposed solution to this problem. Gaynor said Merry is repeating himself and they are working with the Task Force on this. Eagan said the Commissioners can prepare a revised budget for next week's Selectmen's meeting. Snow said he will call Dalzell to coordinate setting a meeting up.

Petersen said the Commissioners have requested a transfer for FY16, but this doesn't need to be looked at tonight. He said there is under \$2,000 in the wages line that can be used to pay an outside firm, or the revolving account could be used. He said there is plenty of money to get through the end of the fiscal year. Cook asked about the balance in the Perpetual Care Account, which people from out of Town put money into when they buy a lot. Larry White said the balance is \$2,437.

Chairman Merry called for a motion to adjourn the Joint Meeting with the Cemetery Task Force and the Board of Cemetery Commissioners by a roll call vote. Dave Petersen so moved, Joseph Perry second, all in favor, roll call vote: Robert Merry - aye, Joseph Perry - aye, David Petersen - aye; Dennis Roy - aye; Robert Snow - aye; Arthur Page - aye; Peter Dalzell - Aye; Bill Gaynor - aye. Karen Summit - ABSENT Cliff Pierce - ABSENT

Joint meeting adjourned at 7:34 p.m.

Bob Snow returned to the Selectmen's table.

CITIZEN QUERY 7:10 p.m. – 7:15 p.m.

Citizen Query was held from 7:35 p.m. - 7:45 p.m. There were no Citizens Queries.

GENERAL BUSINESS

1. Discuss request from Village Pancake House to have a fundraiser in which attendees bring their own beer and wine

Chairman Merry read the following:

An incomplete one-day liquor license was submitted on March 14, 2016 for an event at the Village Pancake House on April 14, 2016. A message was left for the applicant on March 15, 2016 requesting the following additional information:

- *Information on the method to limit consumption;*
- *Sketch of the floor plan showing location of the bar; and*
- *Authorized source on the ABCC list that is supplying alcohol for the event*

A representative of the Pancake House called back on March 18, 2016 and indicated that this would be a BYOB event. The Town has no policy for BYOB events on commercial property. Does the Board wish to develop a BYOB Policy?

Merry said he recommends that the Board develop a policy. Henry Rolfe asked why not make them get a liquor license and who will limit people at the event from drinking too much. Merry said this is a one-day event. He said there are two sample policies. Perry said BYOB is not allowed if an establishment has a liquor license.

Merry read the memo from Amy Lydon. Eagan said the one-day liquor license application form is not the correct form for the event they are proposing, and the Board needs to adopt a policy. She said the one-day license is vetted by the Police Department, liquor liability insurance and TIPS training are requested, a layout of the event and the number and age of people attending is requested. She said this is a totally different process.

Perry said the sample from Carlton does a good job of spelling out the requirements and said Rowley can adopt most or all of this policy.

Bob Snow made a motion to look into creating a policy for BYOB events, Joseph Perry second. The vote was not completed.

Merry suggested that the Pancake House call the Mill River Winery and see if they can help. Petersen said a policy can be adopted tonight and revised later. Snow asked if the Board is superseding their authority. Petersen said we are trying to accommodate the Pancake House's request and if the policy is voted on tonight, we can check with Town Counsel tomorrow. Eagan said this is a policy. Perry said he would like to adopt Charlton's policy with some possible modifications with the premise that we check with Town Counsel tomorrow. Merry recommended the sample policy from South Hadley. Perry said the Board can revisit this in the coming months to come up with a policy similar to Charlton's policy. Merry said the South Hadley policy can be used as a template to allow the Pancake House to have their event. Petersen agreed.

Dave Petersen made a motion to adopt a BYOB Policy based on the sample from South Hadley, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Eagan asked if we should give the policy to the Pancake House and allow them to proceed. She said the ABCC is not involved in this type of event. Petersen said an application form should be created consistent with the policy. Eagan said we can allow the BYOB event with a condition that they follow the policy. Merry said the posting from Charlton can be used.

Dave Petersen made a motion to approve the BYOB request from the Pancake House on April 14, 2016, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

2. Letter from Fire Chief James Broderick regarding appointment of Mathew Ross to the position of Non-Certified Call Firefighter

Broderick said Ross has been with them for a while and was in the last class. He said he graduated at the beginning of March and his certification came through today. He said he is now a certified firefighter one/two and he did very well in the class.

Dave Petersen made a motion to appoint Matthew Ross as a Call Firefighter, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Broderick said there are 24 total firefighters in the Department, 21 call members and 3 staff.

3. Transfer of Class II Dealer's License located at 264 Newburyport Turnpike from William Cuddy of Hamilton Used Cars LLC to Louis Falzone, Jr. of All State Auto Sales, effective April 1, 2016

Chairman Merry read the following:

William Cuddy has indicated that he will return his Class II Dealer's license to the Town after selling cars on March 31, 2016, which is the last day of his lease. Louis Falzone, Jr. has submitted an application for this Class II Dealer's license effective April 1, 2016, the first day of his lease. Mr. Falzone indicated that he wishes to start selling cars on April 1, 2016.

Does the Board wish to approve this transfer, but not release the new license to Mr. Falzone until Mr. Cuddy returns his license?

Merry said that would be wise.

Joseph Perry made a motion to approve this transfer with the condition that the license not be released until Cuddy returns his license, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

The Selectmen signed the license.

NEW BUSINESS

1. Principal Assessor Sean McFadden Employment Agreement

Chairman Merry read the following:

The Board of Assessors has submitted Sean's contract renewal. The only items that have changed are:

- *Section 6 – the years have been updated to FY 17, 18, and 19. The longevity amount is \$375 to match the Personnel Plan amount for 15 years.*
- *Section 10 A – Vacation was changed to match the Personnel Plan for 15 years.*

The Board will need to vote and sign the document.

Petersen said McFadden does an excellent job and has been here for many years. He said he would like to keep him on board if we can with minimal changes to the contract.

Dave Petersen made a motion to sign the Employment Agreement with Sean McFadden, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

The Selectmen signed the contract.

2. Town Administrator Deborah Eagan Employment Agreement

Chairman Merry read the following:

Debbie's employment agreement is up for renewal. Section 6 Salary has been updated to reflect FY 17.

The Board will need to vote and sign it.

Petersen said Eagan does a great job. Merry said they would be in a heap of trouble without her.

Dave Petersen made a motion to sign the Employment Agreement with Deborah Eagan as submitted, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

The Selectmen signed the contract.

OLD BUSINESS

1. Award contract for Highway Department roof project

Chairman Merry read the following:

Six bids were received for the Highway Garage Roofs Replacement Project. One Way Painting and Roofing of Lynn, MA was the low bidder at \$17,755.00. The reference checks have been completed.

We recommend that the contract be awarded to One Way Painting and Roofing, and that the Board authorize Chairman Merry to sign the contract once it is returned by the vendor.

Joseph Perry made a motion to award the contract to One Way Painting and Roofing, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Petersen asked what the project budget is. Eagan said she believes \$25,000.

2. Discuss the following:

- FY 17 Triton Budget Update;
- Pine Grove School Project and School Building Committee, and;
- Triton Stadium Project update

Perry said at the District Communications Meeting last Wednesday, new assessment numbers were presented. He said he is happier with the new numbers which Rowley's increase went from \$569,000 to \$488,138, which is a decrease of \$81,516. He said Triton's FY17 increase of \$488,138 is still well over the Town's 2.5% tax increase plus new growth, but it has moved in the right direction. He said the School Committee will take the final vote on Wednesday.

Perry said regarding the School Building Committee, even though Rowley's reimbursement rate with the State is 49.6%, Triton's rate of 48.47% needs to be used since this is part of a regional school district. He said Ipswich had a 45% reimbursement rate from the State and their feasibility study cost \$1,000,000, but that was for a brand new school. He said he checked with other towns that did a school renovation project and he recommends a lower amount of \$600,000 for the feasibility study.

Perry said regarding the Stadium, White Construction from New Hampshire was chosen. He said they met the \$4,000,000 budget without the press box and the lift going up to it. He said the School Committee will award the contract and the project should be starting April 11th with a target of opening in September. He said there will be bleachers, padding and turf.

3. Discuss Public Safety Building Project

Chairman Merry said, "Dave Petersen will update the Board on the informational hearing on this project."

Petersen said he encourages everyone to view the Police and Fire station videos that are posted to the Town's web page. He said information will be presented on the projects with the PTA on April 5, 2016. Perry said he will work with Rowley Community Media to get that meeting recorded. He said the architect, Lieutenant May and Chief Broderick will do presentations on the public safety building, and the Pine Grove School renovation project will be presented. He said the Fire Department has outlived its life and the Police Department has multiple buildings which have been added on. He said it will be a combined project for both stations, the architect did a nice job and the cost will be \$11.5 million. He said in the long run, this will be money well spent. Snow said construction costs are increasing 4% per year. Petersen said the Town is in deperate need for these stations and this is a good investment. He said the Treasurer has put together some estimates and he doesn't have the exact numbers with him but he thinks on an average house value of \$418,000, it will cost approximately \$350 annually for the public safety buildings. He said the PTA is trying to get people to register to vote. He said this project requires approval at Town Meeting on May 2, 2016, as well as at the Town Election on May 10, 2016. Snow said the funding for this is a debt exclusion override, so once this is paid off, it is done.

4. Review Town Meeting Warrants and ballot questions

Chairman Merry read the following:

Debbie is still working on the Town Meeting warrants.

Attached is draft of the Pine Grove School Article and Ballot Question and the Police and Fire Station Article and Ballot Question.

Bond Counsel has reviewed and edited Debbie's draft, however Debbie needs to ask them to include the dollar amount in the actual question and article. Debbie has confirmed with Town Clerk Susan Hazen that she can accept the final wording on the ballot question up until noontime on April 5th, which will give us until next Monday's meeting to finalize the wording. Unless, however the Board prefers to leave the ballot questions and article without the amounts in them. The amount is in the motion.

Debbie has one Capital Borrowing request article on the Annual Town Meeting. (A copy is attached.)

Debbie will be working on the warrants this week, so that the Board can review them at next week's meeting.

Petersen asked Broderick to let the architect know that the Town will be using \$11.7 MM as the figure instead of the original \$11.1 MM. Eagan said on the draft reviewed by

bond counsel, no amount was included. She said many towns don't include an amount on the ballot or article, but Rowley generally does, similar to the stadium project from last year. Merry said the number will bring people out to learn more. Petersen said we should be upfront and include it. He said the numbers are \$600,000 for Pine Grove School and \$11,700,000 for the public safety building. Henry Rolfe asked how much the renovation of the school will cost. Perry said that is a couple years down the road and this amount is just for the feasibility study. Eagan said there will be a modest capital borrowing approved by the Treasurer/Collector. Petersen said the capital requests have been cut back to the absolute needs and there is \$25,000 for computers, \$23,000 for defibrillators and a highway sander.

FY 17 Budgets Finance Committee; Accounting; Agricultural; Fire Department; Schools; Veterans; Insurance; Cemetery; Shellfish Commissioners; Hydrants

Finance Committee:

Bob Snow made a motion to approve the Finance Committee's FY17 budget , Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Accounting:

Dave Petersen made a motion to approve the Accounting FY17 budget , Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Agricultural:

Joseph Perry made a motion to approve the Agricultural FY17 budget , Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Fire Department:

Bob Merry recused himself and left the room at 8:36 p.m. because he has relatives who are firefighters and these are their wages.

Broderick reviewed Form 1, said the Chief's wages are increasing by 1.46% and the Captain wages are level funded since they are in the Union and this needs to be negotiated. He said the Call Firefighter wages are increasing by \$9,567 since there are three new recruits and the pay for each is increasing. Broderick said the Call Firefighters are paid for their hours spent at the Academy once they finish the classes. He said expenses are level funded. He said the budget includes \$18,000 for a repair to Engine One and four sets of turnout gear.

Dave Petersen made a motion to approve the Fire Department FY17 budget , Bob Snow second, all in favor - aye (3-0). Cliff Pierce - ABSENT. Bob Merry - RECUSED.

Bob Merry returned to the Selectmen's table at 8:40 p.m.

Schools:

Perry said Triton's new assessment is included. He said Whittier has five new students at \$18,000 per student. He said Essex Aggie's assessment increased by 23.21% or \$14,000. Eagan said that number is hard to pin down at this moment, as they have two juniors that are likely to return and two new applications from Rowley. She said these transition costs need to be worked out and the budget can be higher or lower.

Dave Petersen made a motion to reluctantly approve the School FY17 budget since we have no choice, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Veterans:

Bob Snow said the numbers were reviewed several times as well as the population figures, and these are the numbers they came to.

Joseph Perry made a motion to approve the Veterans FY17 budget, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Insurance:

Eagan said the health insurance is increasing by 6.5% in FY17 and we have a shortfall this year.

Dave Petersen made a motion to approve the Insurance FY17 budget, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - ABSENT. Bob Merry- RECUSED because he is on the Town's health insurance plan as a retired Town employee.

Cemetery:

Petersen said this should be held until next week after the Cemetery Commissioners meet.

Joseph Perry made a motion to table the Cemetery FY17 budget, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Shellfish:

Bob Snow made a motion to approve the Shellfish FY17 budget, Joseph Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT.

Hydrants:

Eagan said she received a follow up from the Superintendent on the cost break-out and the Selectmen approved this already.

Larry White said he met with Superintendent Wisner yesterday and she was going to see if the Commissioners would accept level funding this budget. He said she is trying to work with the Town on this. Snow asked what other towns are charged. White said he doesn't know, but they are all charged for hydrants. Petersen said the Tata & Howard rate study recommended a flat \$35,000 and asked why is this being increased from the rate study recommendation. He said he is meeting with Wisner tomorrow and will encourage level funding this budget. Snow said he would like to see what other towns get charged. Petersen said we have level funded our charges to the Water Department, and we will pay what we are charged, but this is big money now with a tough budget season.

ANNOUNCEMENTS

- The Water Department will be flushing fire hydrants beginning on Tuesday, April 19, 2016 and will continue until completion. Flushing will take place 7:00 a.m. – 3:00 p.m., Monday – Friday. During this time, customers may experience some discoloration in the water, although measures have been taken to minimize the interruption. For more information contact the Water Department at 800-553-5191 or go to the Water Department website at www.rowleywater.com. The Flushing Schedule has been posted to the homepage of the Town's website: www.townofrowley.org.
- Annual Town Meeting is May 2 and Annual Town Election: Tuesday, May 10th
- The Rowley Water Department 2015 Annual Water Quality Report is available online at www.rowleywater.com. If you would like a copy of the report mailed to you, contact Customer Service at 800-553-5191 or stop by the Water Department Office at 401 Central Street or Town Hall at 139 Main Street
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – one seat;
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals Associate** - three seats;
 - e. **Parks and Recreation Committee** – one seat;For 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.
- Please visit the link off of the homepage of the Town's website: www.townofrowley.org for more information regarding these upcoming Library events: Rowley Reads celebrates Dr. Who Day – Saturday April 2, 2016 from 1-4 p.m.; Rowley Reads book discussions to be held on April 4, 2016 and April 12, 2016 on "The Time Machine" by H.G. Wells.

ADJOURN

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

Open meeting adjourned at 9:01 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding Joint Meeting 6:30 p.m. – Board of Cemetery Commissioners and Cemetery Task Force to discuss legal opinion on the Cemetery with Town Counsel Judy Pickett and letter from Board of Cemetery Commissioners to discuss additional money for wage account
2. Memo from Judith Pickett regarding Legal Opinion on Board of Cemetery Commissioners dated March 4, 2016
3. Cemetery Bylaw
4. Summary of Meeting Discussion on data from Town Reports 3/24/16 prepared by Cemetery Task Force Karen Summit 3.25.16
5. Cemetery FY 2017 Budget packet
6. Accounting report of expenditures of account 01-491-5420-000 for the period of July 2014 - June 2015
7. Email from Sue Bailey to Deborah Eagan regarding Cemetery Revolving Balance is \$12,802.19, including attachment
8. Accounting report for account 26-491-3308-000, Sale of Lots and Graves for the period of July 2015 - June 2016
9. 393 Mass. 1 Supreme Judicial Court of Massachusetts, Essex. Treasurer of Rowley v. Town of Rowley et al. argued May 7, 1984. Decided Sept. 10, 1984.
10. Meeting memo regarding General Business #1: Discuss request from Village Pancake House to have a fundraiser in which attendees bring their own beer and wine

11. Memo from Amy Lydon to Board of Selectmen regarding BYOB One-Day Liquor License Application
12. One Day Liquor License submitted by Village Pancake House
13. Excerpt of ABCC's FAQs
14. Sample Carry-In Alcoholic Beverage Policy from South Hadley
15. Sample Request from BYOB application/renewal from Charlton, and Charlton's approval certificate
16. Letter from Fire Chief Broderick to Deborah Eagan regarding Appointment of Probationary Firefighter Mathew Ross to the position of Non Certified Call Firefighter
17. Wage action form for Mathew Ross
18. Certificate of Attendance from Massachusetts Firefighting Academy issued to Matthew Ross
19. Meeting memo regarding General Business #3: Transfer of Class II Dealer's License located at 264 Newburyport Turnpike from William Cuddy of Hamilton Used Cars LLC to Louis Falzone, Jr. of All State Auto Sales, effective April 1, 2016
20. Letter from William Cuddy dated March 21, 2016 regarding used car license
21. Letter from Gino Tzortis regarding Class II License at 264 Newburyport Turnpike
22. Application for a Class II License from Louis Falzone, Jr. of All State Auto Sales
23. Class II License issued to All State Auto Sales
24. Class II License issued to Hamilton Enterprises Used Cars LLC
25. Meeting memo regarding New Business #1: Principal Assessor Sean McFadden Employment Agreement
26. Memo from Board of Assessors to Board of Selectmen regarding Employment Contract between the Town of Rowley and the Sean M. McFadden, Principal Assessor, including attached contract
27. Meeting memo regarding New Business #2: Town Administrator Deborah Eagan Employment Agreement
28. Employment Agreement with Deborah Eagan
29. Meeting memo regarding Old Business #1: Award contract for Highway Department roof project
30. Meeting memo regarding Old Business #2: Discuss the following:
 - FY 17 Triton Budget Update;
 - Pine Grove School Project and School Building Committee, and
 - Triton Stadium Project Update
31. Email from Brian Forget to Debbie Eagan regarding Pine Grove MSBA Update
32. Meeting memo regarding Old Business #3: Discuss Public Safety Building Project
33. Meeting memo regarding Old Business #4: Review Town Meeting Warrants and ballot questions
34. Draft Town Meeting Articles and Ballot Questions
35. Bulletin 11-01: MSBA Feasibility Study Vote Bulletin for Cities and Towns
36. Town of Rowley, Massachusetts - ATM draft article and motion

37. FY 17 Budgets:

Finance Committee; Accounting; Agricultural; Fire Department; Schools; Veterans; Insurance; Cemetery; Shellfish Commissioners; Hydrants; Memo from MaryBeth Wisser regarding Explanation of Fire Hydrant Rentals - FY17; email from Deborah Eagan to MaryBeth Wisser regarding Hydrant Budget