

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

July 11, 2016

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

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

**PUBLIC ATTENDEES:** Elizabeth Tucker; Jim Shirley; Linda Shirley; Bernard Cullen; Henry F. Rolfe; Lawrence White; Karen O'Donnell; Vanessa Johnson-Hall; William Mehaffey; Jimmy Lue

### **CALL MEETING TO ORDER**

Vice Chairman Snow called meeting to order at 7:00 p.m. He said the meeting is being audio and visually recorded digitally.

### **MOMENT OF SILENCE**

A moment of silence was observed for the Police Officers killed in Dallas.

### **PLEDGE OF ALLEGIANCE**

Bob Merry led the Pledge of Allegiance.

### **GENERAL BUSINESS**

1. Request from Harbormaster Bill DiMento to lift the hiring freeze for the positions of pump out boat operators

Vice Chairman Snow read the email request from Bill DiMento.

Dave Petersen made a motion to lift the hiring freeze for the positions of pump out boat operators, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry - ABSENT

2. One day liquor license application from Marilyn Tilbury c/o Stephanie's Village Pancake House

Vice Chairman Snow said everything seems to be in order.

Dave Petersen made a motion to approve the one day liquor license application from Marilyn Tilbury c/o Stephanie's Village Pancake House, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry - ABSENT

The Selectmen signed the license.

3. Ratify appointment of Howard Vogel to the Open Space Committee

Vice Chairman Snow read the letter from the Conservation Commission regarding the appointment of Howard Vogel.

Cliff Pierce made a motion to ratify the appointment of Howard Vogel to the Open Space Committee, Bob Merry second, all in favor - aye (4-0). Joseph Perry - ABSENT

4. Road Opening Permit Applications from the Water Department to open the following streets for hydrant replacements: 22 Main St. at Prospect St., 52 Main St., 272 Central St., 330 Central St., 10 Pleasant St., 40 Pleasant St., 134 Glen St., 178 Haverhill St., 143 Haverhill St., and 1000 Haverhill St.

This paperwork for this item was not provided by the Water Department for the meeting.

**7:00 – 7:15 p.m. CITIZEN QUERY**

There were no Citizen Queries.

**GENERAL BUSINESS**

5. Accept donation from Charlie and Jeff Eiras for the following: dugout repairs; painting of dugouts; and the purchase and installation of a new sign

Vice Chairman Snow read the following:

*Tim Southall of the Recreation Committee has informed us that Charlie and Jeff Eiras made the following donations to the Town:*

- *Repaired the dugouts at Eiras Park;*
- *Painted the dugouts at Eiras Park; and*
- *Purchased and installed a new sign at Eiras Park*

*The Board needs to vote to accept these donations.*

Cliff Pierce made a motion to accept these donations, Bob Merry second, all in favor - aye (4-0). Joseph Perry – ABSENT

Dave Petersen made a motion to send a thank-you letter to Charlie and Jeff Eiras for these donations, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry - ABSENT

## **OLD BUSINESS**

1. Update from Building Inspector Ken Ward on Turner Enterprises, 746 Haverhill St.

Vice Chairman Snow read the memo from Building Inspector Ken Ward. Petersen said they have been removing the junk and the yard is pretty much cleared.

2. Update on Kid's Kingdom Playground Project

Vice Chairman Snow read the following:

*The date for the Community Build is Saturday, September 17. The rain date will be Sunday, September 18<sup>th</sup>. Maryann, "Mo" Levasseur of the Solace for Stephanie organization will be coordinating the volunteers for the community build. Tim Southall of the Recreation Committee will be working with the vendor, Dibble & Sons, on the delivery of the equipment. As the time draws nearer, Debbie will have more information on the Community Build Day.*

**7:15 p.m. APPOINTMENT\*** Vanessa Johnson, Assistant Director of Land Conservation, Essex County Greenbelt Association and Conservation Agent Brent Baeslack to discuss acquisition of a conservation restriction and application for a State Land Grant

Vice Chairman Snow read the following:

*Ms. Johnson has prepared the Local Acquisitions for Natural Diversity (LAND) Grant application for the Board's review. The packet includes the following:*

- *Grant Application*
- *Two draft warrant articles*
- *Conservation Restriction Application Form and Draft Conservation Restriction*
- *LandVest Appraisal Report*
- *Letter to be voted on by the Board of Selectmen and signed by Vice Chairman Snow designating Conservation Agent Brent Baeslack as the Municipal Project Manager of the grant application.*

*The Board of Selectmen needs to take the following votes:*

*1) vote to approve the filing of the grant application and to have the Vice Chairman of the Board sign on the application on behalf of the Board of Selectmen, and*

*2) vote to authorize Rowley Conservation Agent Brent Baeslack to be the Municipal Project Manager. Chairman Snow will need to sign the letter after the Board votes to authorize him to do. Town Counsel Tom Mullen has prepared a letter stating that the Board of Selectmen is the Chief Executive Officer of the Town. This letter will be included in the packet.*

*Also attached in the packet is the Projected FY 17 and FY 18 CPA Fund balances. The balance sheet shows two scenarios – the first scenario shows the balance if the State funds the grant at the maximum of 58%, and the second scenario shows the balance if the State funds the grant at 40%.*

Eagan reviewed what is included in the packet. Johnson said two articles have been drafted for the warrant. Snow read the FY 17 CPC Balance Sheet. Petersen said Greenbelt, the Mehaffey family and the State met approximately a year and a half ago and at some point in those negotiations, realized they needed \$450,000 for this. He said nobody came to the Board of Selectmen or the Town Administrator to find out what projects may be in the pipeline. He said a concern is that there may be other pieces of property that the Town may want to purchase. He said if people want to spend taxpayer money, they should come to the Town. He said if we get the planned reimbursements, that leaves the CPC balance at \$232,000 going into FY 18. He said if any other land becomes available, we would not be in a position to pursue it. He said he is concerned about stripping the CPC account down. Snow said the Selectmen are the ones in the hot seat going into Town Meeting.

Pierce said the article would be contingent upon the receipt of the \$350,000 through Greenbelt donations or the Grant. He said we should put the issue of when Greenbelt contacted us behind us, and address the project on its merits. He said this project would protect a working farm and prevent the development of 6 to 7 houses, and this land is contiguous to other protected land. He said he believes the CPC is primarily for the protection of Open Space. He said this may affect our ability to participate in future projects, but we need to address projects as they come up and we need to address projects on their merits. He said we should move forward on this project which has a lot of merit. He said the CPC will still need to meet about this, and we still need town meeting vote to move this forward. Merry agreed with Pierce and said this is a unique opportunity. He said it probably won't move forward without the State Grant. Snow said he doesn't like to be painted into a corner, and the Board should have been at the table. He said he doesn't want to set a precedent for projects being moved forward like this. He said he understands the merits of the project but doesn't like being forced into it.

Petersen said he disagrees a little with Pierce. He said CPC money isn't only for Open Space, it is divided between Open Space, Historical/Recreation and Affordable Housing. He said the application shows the Town has 4,000 acres of Open Space, so we don't have a shortage of Open Space. He said we need money for historical renovations to our buildings and we have a lack of playing fields. He said he will probably vote on this because he believes the taxpayers should have a say. He said he is concerned about where this goes in the future. He said not too long ago we received a request through the back door to build a bridge over a river. He said we should have

a process and procedures. He said he is not happy about the process but is supportive of the Mehaffey project. He said in the past, such as the Girl Scout project, Greenbelt met with the Town on day one.

Petersen said on the CR, it says when the Town and Greenbelt disagree on an issue involving the CR, Greenbelt has the final say. He said if the language is written this way, he is unsure about why the Town is on the CR, other than for the funding of it. Johnson said this is a draft and everything is open for negotiation. Baeslack said normally the draft CR goes to the Conservation Commission, and working with Town Counsel a suitable format is brought to the Selectmen. He said he was surprised by that language as well. Petersen said he is concerned about submitting this and then making major changes to it. Pierce said this is a draft, and changes to it are anticipated. Johnson said she would intend to finalize the CR before Town Meeting.

Petersen said on the Grant application, the primary issue is public access to the property. He said the general public has the right of access via a trail, and there is no mention of a parking lot.

Petersen said in the middle of the property is a 2.6 acre parcel not covered by the CR that remains with the Mehaffey Farm. He said if the Mehaffey family decides not to farm any longer, or decides to sell the land, there is no requirement in the CR for them to continue to farm. He said if someone buys the house, the land around it would remain open space, but the new owner could tear down the buildings and build a new house. Pierce said you can't require someone to farm, but farming is the only activity permitted under the CR. He said this is similar to the Country Club where the golf course is the only permitted activity under the CR.

Baeslack said there is language about parking in the draft CR and this is an obvious topic to address because Newbury Road doesn't have parking. Petersen said it should say up front in the CR that there is going to be a certain amount of parking spaces. He said those are his main concerns. He said the taxpayers should have the final say.

Libby Tucker asked if it could be revealed what the bank appraisal of the property was. Pierce said \$510,000. Johnson said this is the value of the CR. Eagan said this is on page 6 of the appraisal. Tucker asked if the property would be taxed differently. Merry said the acreage preserved stays at 61A. Bernie Cullen said he doesn't understand the details of the CR. He said he is familiar with the price paid for the total ownership of the Girl Scout and Bradstreet properties. He said this doesn't seem like a good buy for the acreage, and the Massachusetts taxpayers are handing the Mehaffey family an income. Johnson said she spoke to the Grant administrator and was told they typically fund Grants at the full amount. Cullen said we are spending a lot of money for open space for private ownership of it.

Johnson thanked the Board for the many meetings. She said she is sorry the Board feels it has been painted into a corner, that was not her intention. She said she needed to work with the landowners, and the price of the whole deal was never negotiable. She

said the percentage split between the CR and the DCR was not known until maybe the end of May. She said the process in Rowley is very different than that in other communities she has worked in. She said they feel they are bringing an opportunity to the Town. Petersen said his main point and criticism is that projects of this magnitude that partake in Town funds need to first contact the Town Administrator who will reach out to other Boards, so that questions can be asked. Pierce said he appreciates Greenbelt filing the Grant application.

Cliff Pierce made a motion to approve the filing of the grant application and to have the Vice Chairman of the Board sign on the application on behalf of the Board of Selectmen, Bob Merry second, all in favor - aye (4-0). Joseph Perry – ABSENT

Cliff Pierce made a motion to authorize Rowley Conservation Agent Brent Baeslack be Municipal Project Manager, Bob Merry second, all in favor - aye (4-0). Joseph Perry – ABSENT

Eagan said there are two versions of the Town Meeting article, and asked which one the Board would like to use. Pierce said one has numbers, the other is blank.

Dave Petersen made a motion to use the version with the numbers included, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

## **NEW BUSINESS**

5. Letter from APEX Entertainment to photograph Town Hall as part of a movie location scouting project.

Vice Chairman Snow read the following:

*Apex Entertainment is scouting locations on the upper North Shore for a film called "Chappaquiddick." The film company is looking at hallways and offices in older Town Hall buildings to film a scene of the Edgartown Police Chief's office back in the 1960s. They would like to take pictures of the Selectmen's Office, the Treasurer's Office and the Assessors' Office and send these pictures to the movie's director for review. Jimmy Luc, the Assistant Location Manager for Chappaquiddick, stopped by the office today to look at the offices. Both Treasurer Karen Summit and Principal Assessor Sean McFadden had no objections to Mr. Luc taking pictures of their offices. Mr. Luc also wants to get a picture of the entryway and hallway. If the Board has no objections, the Board should vote to give Mr. Luc and APEX Entertainment permission to take the pictures as requested.*

Jimmy Luc said Peter Goblen has been to Town Hall to scout out the various rooms that would be filmed, and he has provided a list of the offices requested. Petersen asked them to notify the Selectmen's Office if photos of the Town Hall Annex are taken.

Bob Merry made a motion to give Mr. Luc and APEX Entertainment permission to take the pictures as requested, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

### **OLD BUSINESS**

3. Review Request for Qualifications for Design Services for an Elevator Addition at Rowley Town Hall Annex

Vice Chairman Snow read the following:

*The Request for Qualifications for Design Services for an Elevator Addition at Rowley Town Hall Annex are complete. The RFQ follows the process under G.L. c.7C §§ 44-57 and under the Town's Designer Selection Procedures which were updated this past June.*

*We made a change on page 3 on the last paragraph to include the basement as part of the elevator. The elevator will run from the basement to the first floor and to the second floor. We also included the Town's Designer Selection Procedures to the packets. The RFQ is scheduled to be released at 11:00 a.m. tomorrow morning. The RFQ will be advertised in the July 12<sup>th</sup> edition of the Daily News and in the July 13<sup>th</sup> edition of the Central Register. Debbie is asking the Board to vote to authorize her to release the RFQ at 11:00 a.m. tomorrow.*

Merry outlined areas of the building where the elevator was proposed to be installed in the past. Eagan said this is a feasibility study, and the architect will tell the Town where in the building the elevator should go. She said the elevator may service the basement if possible, and it will be a commercial grade elevator. Petersen said the elevator should access the basement so the Town can use this space as office space or record storage.

Pierce asked if this project is required due to ADA. Petersen said to use the upstairs space as public space, we are required to have an elevator. Eagan said under the Architectural Access Board, we are required to have a full blown commercial elevator to access public office space. She said at Town Hall we have a Limited Access Elevator which is sufficient since there are no public office spaces upstairs at Town Hall.

Dave Petersen made a motion to authorize Eagan to release the RFQ for an Elevator Addition at Rowley Town Hall Annex at 11:00 a.m. July 12, 2016, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

### **NEW BUSINESS**

1. Stable License Application from Stephen Comley, II, for Grand View Farm, 50 Mansion Drive

Vice Chairman Snow said everything appears to be in order.

Dave Petersen made a motion to approve the stable license from Stephen Comley, II, for Grand View Farm, 50 Mansion Drive, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

The Selectmen signed the license.

2. Discuss summer concerts on the Town Common and request from Ben Eramo of 3 Blocks East Band to hold concert on the Town Common

Vice Chairman Snow read the following:

*Debbie spoke with Ben Eramo and he told her the band is available to hold the concert at 6:00 p.m. on Saturday, August 6<sup>th</sup>. Debbie is asking for the Board to vote to hold the 3 Blocks East Band Concert to start at 6:00 p.m. and run through 8:00 p.m. on the Town Common, so that an Official Action Notice can be issued and distributed.*

Dave Petersen made a motion to hold the 3 Blocks East Band Concert on August 6, 2016, starting at 6:00 p.m. and run through 8:00 p.m. on the Town Common, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

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

Eagan said this is a renewal of the lease for the Council on Aging Van.

Dave Petersen made a motion to authorize Snow to sign the lease, and Pierce to attest to Snow's signature, Bob Merry second, all in favor - aye (4-0). Joseph Perry – ABSENT

4. Discuss request from Rowley Board of Water Commissioners to have the Board of Selectmen and Highway Department issue blanket road opening permits for the Water Department

Dave Petersen made a motion to table this agenda item, Bob Merry second, all in favor - aye (4-0). Joseph Perry – ABSENT

Snow said he would like the full Board present to discuss this item.

6. Request from Water Superintendent MaryBeth Wiser to charge FY 16 expenses related to the Water Treatment Plant failure to the Extraordinary and Unforeseen budget line

Dave Petersen made a motion to approve the request from Water Superintendent MaryBeth Wisner to charge FY 16 expenses related to the Water Treatment Plant failure to the Extraordinary and Unforeseen budget line, Cliff Pierce second, all in favor - aye (4-0). Joseph Perry – ABSENT

### **FY 16 BUDGET TRANSFERS\*\***

1. MGL Ch. 44 § 33B(b) transfer request from Fire Chief James Broderick from Fire Department Call Wages to Fire Department Wages

Bob Merry recused himself and sat in the audience at 8:34 p.m.

Dave Petersen made a motion to approve this transfer request, Cliff Pierce second, all in favor - aye (3-0). Joseph Perry – ABSENT Bob Merry - RECUSED

### **ANNOUNCEMENTS**

- The Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted during the hours of 9:00 a.m. to 5:00 p.m.
- The Town has the following vacancies:
  - a. **Fence Viewer** – three positions;
  - b. **Wood, Lumber & Bark Inspector**;
  - c. **Zoning Board of Appeals Associate** - three seats
  - d. **Parks and Recreation Committee** – one seat;
  - e. **Open Space Committee** – two seats; and
  - f. **Deputy Shellfish Constables** – two positionsFor 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**

Bob Merry returned to the Selectmen's table at 8:35 p.m.

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

Open meeting adjourned at 8:36 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Meeting Memo regarding 7:15 p.m. APPOINTMENT: Vanessa Johnson, Assistant Director of Land Conservation, Essex County Greenbelt Association and Conservation Agent Brent Baeslack to discuss acquisition of a conservation restriction and application for a State Land Grant
2. Signatory page for Grant application
3. Letter from Vice Chairman Snow regarding Local Acquisition for Natural Diversity (LAND) Grant Program Municipal Project Manager
4. Letter from Town Counsel Thomas Mullen regarding Board of Selectmen as Chief Executive Officer
5. Projected CPC FY17 and FY 18 balances
6. Memo to Selectmen from Debbie Eagan regarding the Land Grant
7. Completed Land Grant Application form, including maps
8. Two draft Town Meeting Warrant Articles for Mehaffey project
9. Conservation Restriction Application Form and Draft Conservation Restriction
10. LandVest Appraisal Report Mehaffey project
11. Email from Bill DiMento regarding Pump Out Boat Operator part time positions – request to hire
12. One day liquor license application package from Village Pancake House for September 25, 2016
13. Letter from Brent Baeslack regarding Conservation Commission Representative to Open Space and Recreation Committee
14. Meeting memo regarding General Business #4: Road Opening Permit Applications from the Water Department to open the following streets for hydrant replacements: 22 Main St. at Prospect St., 52 Main St., 272 Central St., 330 Central St., 10 Pleasant St., 40 Pleasant St., 134 Glen St., 178 Haverhill St., 143 Haverhill St., and 1000 Haverhill St.
15. Meeting memo regarding General Business #5: Accept donation from Charlie and Jeff Eiras for the following: dugout repairs; painting of dugouts; and the purchase and installation of a new sign
16. Memo from Ken Ward regarding Turner Enterprises, 746 Haverhill Street, including attached pictures
17. Meeting memo regarding Old Business #2: Update on Kid's Kingdom Playground Project
18. Meeting memo regarding New Business #5: Letter from APEX Entertainment to photograph Town Hall as part of a movie location scouting project.
19. Letter from APEX Entertainment to photograph Town Hall as part of a movie location scouting project
20. Meeting memo regarding Old Business #3: Review Request for Qualifications for Design Services for an Elevator Addition at Rowley Town Hall Annex
21. Request for Qualifications for Design Services for an Elevator Addition at Rowley Town Hall Annex
22. Letter from Amy Lydon to Stephen Comley, Jr. regarding stable license
23. Application package for a stable license submitted by Stephen Comley, Jr.

24. Meeting memo regarding New Business #2: Discuss summer concerts on the Town Common and request from Ben Eramo of 3 Blocks East Band to hold concert on the Town Common
25. Merrimack Valley Regional Transit Authority Council on Aging van lease document
26. Meeting memo regarding New Business #4: Discuss request from Rowley Board of Water Commissioners to have the Board of Selectmen and Highway Department issue blanket road opening permits for the Water Department
27. Meeting memo regarding New Business #6: Request from Water Superintendent MaryBeth Wisner to charge FY 16 expenses related to the Water Treatment Plant failure to the Extraordinary and Unforeseen budget line
28. Email correspondence between Debbie Eagan and MaryBeth Wisner regarding WTP failure
29. MGL Ch. 44 § 33B(b) transfer request from Fire Chief James Broderick from Fire Department Call Wages to Fire Department Wages