

MINUTES OF THE BOARD OF SELECTMEN MEETING

September 12, 2016, 2016
Meeting held at Town Hall, 7:00 p.m.

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

PUBLIC ATTENDEES: Henry F. Rolfe – Independent Press; Lawrence White - FINCOM; Brent Baeslack, Conservation Agent; Bernard Cullen; Chris Trotta - Boy Scouts; Chuck Trotta

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 7:02 p.m. He said the meeting is being audio and visually recorded digitally.

PLEDGE OF ALLEGIANCE

Brent Baeslack led the Pledge of Allegiance.

MOMENT OF SILENCE – In reflection of the 15th Anniversary of September 11, 2001 tragedy

A moment of silence was observed. Snow said the candlelight ceremony at the Congregational Church was moving. He said flowers placed at the Memorial were donated by Country Gardens and placed by the Rotarians. Perry said we will not forget this tragedy. Merry said we lost three Rowley residents in this tragedy – members of the Trentini and Olsen families.

GENERAL BUSINESS

1. Accept letter of resignation from Administrative Assistant Katherine Pelletier

Chairman Perry read the resignation letter.

Bob Snow made a motion to accept the resignation with regrets, Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

2. Request from Water Superintendent MaryBeth Wisner to lift the hiring freeze for the position of administrative assistant

Chairman Perry said, "Water Superintendent MaryBeth Wisner has requested the Board of Selectmen to lift the hiring freeze for the position of administrative assistant. The Board needs to vote to lift the freeze effective August 31, 2016."

Bob Snow made a motion to lift the hiring freeze for the position of administrative assistant, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT

3. Review list of Road Opening Permits for the Water Department to open the following roads:
 - 235 Dodge Road
 - 20 Clay Lane

Chairman Perry read the following:

Road Open Permits were signed off by the staff for the Water Department to perform emergency leak repairs to 235 Dodge Road and to replace a broken hydrant at 20 Clay Lane.

Copies of the permits are in the Chairman's folder.

4. Letter from Police Chief Scott Dumas regarding reserve dispatcher re-appointment

Chairman Perry read the letter from Chief Dumas.

Dave Petersen made a motion to rescind the appointment of Melissa Alleruzo as Reserve Dispatcher, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

7:10 – 7:15 P.M. CITIZEN QUERY

Henry Rolfe said the Rowley Board of Selectmen has been going into Executive Session without first meeting in Open Session as shown on the April 11, 2016 agenda. He said a statement issued by the Attorney General's Office indicates that this practice is one of the most frequent Open Meeting Law violations. He said on August 8, 2016, the Board convened in Open Session and then the Executive Session was the last order of business.

Larry White of Central Street asked what the status is for the three Towns to meet to discuss the Triton School budget. He said a meeting in September was mentioned a couple of months ago. He said with the Pine Grove School project, the Police and Fire Stations Project and the Triton Stadium, the taxpayers cannot afford another quantum leap in the Triton budget.

GENERAL BUSINESS

5. Letter from the Independent Living Center regarding Annual Meeting on October 19

Chairman Perry read the following:

The Independent Living Center of the North Shore and Cape Ann has sent an invitation to attend their FY 17 Annual Meeting, which is scheduled for Wednesday, October 19th from 5:30 to 7:00 p.m. at their office in Salem, MA. We've had a representative from the Board attend this meeting in the past. Will there be a representative attending this year?

Perry said he will attend. He said this is a fun group that does great work, such as providing housing and transportation for special needs adults.

6. Review Zoning Board of Appeals Special Permit Application submitted by Michael Young for replacing and enlarging an existing building at 759 Main Street

Chairman Perry read the first page of the Special Permit Application. Petersen said he doesn't have any issues with this. Merry said this is a 19' x 19' building that has been there forever. He said in the 1970s, two ladies bought the building and wanted to open an antique shop, but it was never finished. He said in the past an asbestos removal company had piled bags of asbestos on the property.

The Board had no comments for the ZBA on this application.

APPOINTMENT 7:15 P.M. Conservation Agent Brent Baeslack and Scout Christopher Trotta of Troop 15 to discuss Eagle Scout project at Dodge Reservation

Chairman Perry read the letter from Conservation Agent Brent Baeslack. Perry said he drives by this frequently and thinks it is a great idea. Baeslack provided a hard copy of the presentation to the Selectmen and introduces Scout Christopher Trotta. Petersen asked if this is an Eagle Scout project. Trotta said yes. Trotta reviewed the potential kiosk locations using the presentation slides, and said the kiosk will be modeled after the existing kiosk at Hunsley Hills. Baeslack said the Conservation Commission has reviewed this and supports it. He said the location labeled A is on the border of the camp area, and near where people will be accessing the trails. He said this is a choke point and no native plants will be affected by the kiosk installation. Perry said this is a good location, and is visible. Merry said this is a great idea and will help prevent people from getting lost. Petersen said he has no objections. Snow said this is fine. Perry asked what the time frame is. Trotta said he has until April 5th to complete the project.

Bob Snow made a motion to approve the project for Scout Trotta to install a kiosk at the Dodge Reservation, Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

GENERAL BUSINESS

7. Review Zoning Board of Appeals application filed by Vincent D'Amato, Jr. for appeal of a decision made by the building inspector for property at 52 Christopher Road

Chairman Perry read the first page of the Special Permit Application.

The Board had no comments for the ZBA on this application.

8. Request from the Jeanne Geiger Crisis Center, Inc. to hang banner on the Town Common backstop promoting the October 2 Annual Walk Against Domestic Violence

Chairman Perry read the following:

The Geiger Crisis Center has requested permission from the Board of Selectmen to hang a banner on the Town Common backstop promoting their annual Walk Against Domestic Violence.

They have provided the name and cell phone number of someone from the Geiger Center who will be responsible for the banner.

Dave Petersen made a motion to allow the Geiger Crisis Center to hang the banner on the Town Common backstop promoting their annual Walk Against Domestic Violence, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

9. Request from YMCA to hold Annual Rowley Poker Road Race

Chairman Perry read the following:

The YMCA has requested to hold their Annual Rowley Poker Run on Saturday, October 1, 2016 at 9:00 a.m. The race course will be:

- *Camp Cedar to Wethersfield*
- *Left on Wethersfield to Hillside*
- *Right on Hillside to Weldon Pond Rd*
- *Turn on Weldon Pond Rd. (At 1.5 mi.) and reverse course back to Camp Cedar Mill*
- *Finish at top of hill before Whispering Pines cabin!*

A Police detail will be hired, there will be volunteers along the course. Water, bagels and fruit will be served after the race, and the use of the Town Common is not required.

The Highway Surveyor and Health Agent have no comments or concerns about this event.

Chief Dumas met with race organizer Gerry Beauchamps and said, "We discussed some options, all of which I am comfortable with. I believe we will be able to safely handle the event, with one detail officer, a duty officer, and volunteers."

Gerry Beauchamps confirmed that there will be an EMT on the course in response to the question raised by Fire Captain Mark Emery.

Bob Snow made a motion to approve the request from YMCA to hold Annual Rowley Poker Road Race, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT

OLD BUSINESS

1. Update on Kid's Kingdom Playground Project and Volunteers

Chairman Perry read the following:

Amy spoke with Tim Southall this morning regarding the timeline for the playground installation. Tim said that the old playground structure was taken down this past weekend and the area is secured with caution tape. The Highway Department is being reached out to for help in disposing of the old equipment.

On Thursday, Tim will meet with Dibble & Sons and the Rowley Light Department to have the holes drilled for the new equipment. The new playground equipment will be delivered, as scheduled, on Friday.

The community build is scheduled for this Saturday, September 17th beginning at 8:00AM. We are seeking volunteers aged 16 and older to assist with the playground installation and to bring a shovel, rake, and wheelbarrow, if possible. Please contact the Selectmen's Office for more information.

2. Discuss status of the drought and watering the playing fields

Chairman Perry said, "The status of the drought has not changed, despite recent rainfall and cooler temperatures. The Town's playing field irrigation wells were shut off on August 31 and will remain off."

3. Update on Apex Entertainment's request to film a scene of the movie Chappaquiddick at Town Hall

Chairman Perry read the following:

The filming scheduled has reduced. Jimmy Luc of Apex Entertainment met with the Town Clerk, Treasurer/Collector, Principal Assessor and Debbie and Amy last week to go over the revised plan. No one had any objections to the trimmed down schedule.

Thursday, October 6 – dressing of the set (the building can be open for business as usual). This set preparation should take a few hours

Friday, October 7 – filming. The building will need to be closed. The Town Hall offices (Town Clerk, Treasurer and Assessors) will work out of the Annex for their normal Friday hours. There will be no parking issues because the Library is closed on Fridays. Jimmy has discussed this with Library Director Pam Jacobson.

Monday, October 10 – Columbus Day – the movie crew will decommission the set. The Town Hall will be close for the holiday.

4. Update on Annex Parking Lot project

Chairman Perry read the following:

Last week, Cassidy Corporation did the excavation, grading and placing the hard pack gravel at the site. Debbie is working with Cassidy to schedule the paving. This project will provide additional parking for employees and visitors to the Annex and Senior Center.

Attached is a picture of the work completed last week.

Perry said they have done a really good job with the prep work and they are ready to do the paving. Larry White asked if the position of the proposed elevator will impact the parking lot. Petersen said they met this morning with two of the three architects who bid on the project, and the final architect interview will take place tomorrow. He said there hasn't been a determination where the elevator will go, the architect chosen will provide options and the Board will decide. He said he doesn't anticipate that the parking lot will be impacted.

NEW BUSINESS

1. Discuss letter from Henry Rolfe regarding Open Meeting Law violation and response

Chairman Perry read the following:

During the August 22 Citizen Query portion of our meeting, Mr. Henry Rolfe presented the Board with a letter on an Open Meeting Law violation.

The Board needs to vote on the attached response and authorize Chairman Perry to sign it.

Perry read the letter from Rolfe, and the drafted response letter.

Bob Snow made a motion to sign the response letter, Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

2. Open warrant for Fall Special Town Meeting

Chairman Perry read the following:

The Board needs to vote to open the November 14, 2016 Fall Special Town Meeting Warrant and to close it on Monday, October 3, 2016 at 4:00 p.m.

Bob Snow made a motion to open the Fall Special Town Meeting Warrant and to close it on Monday, October 3, 2016 at 4:00 p.m., Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

3. Review and discuss Earth Removal Permit Application filed by Gateway II Trust of 1997

Chairman Perry read the following:

Gateway II Trust of 1997 has submitted an Earth Removal application to remove approximately 2,000 cubic yards of soil from 414 Haverhill Street as part of their project to build a health care facility and day care center. Several Town boards have already reviewed this project and given the requisite permits.

Joe Coughlin, the representative of Gateway II Trust will be sending us the certified abutters list and a plan showing the topography of the area and where the soil will be removed. We will also ask him for a reuse plan for the soil.

The Board needs to review the permit application tonight. The permitting process requires a public hearing, in which a notice must be published in the Daily News once in each consecutive weeks of the hearing date, with the first public to be not less than fourteen days before the day of the hearing. The Board of Selectmen's regulations call for a \$200.00 application. Debbie recommends that the Board waive the fee in lieu of the requiring the applicant cover the costs to place the two legal notices in the Daily News, since the cost for advertising the hearing will be substantially higher than the \$200.00 fee. The abutters must also receive the notice.

We will request that the application be reviewed by other Town departments and boards, including the Building Inspector, Conservation Commission, Board of Health,

Planning Board, Zoning Board of Appeals, Highway Surveyor, Police Department and Water Department.

Possible public hearing dates are October 3 and October 17.

In addition to the application, the Earth Removal Bylaw and the Board of Selectmen Special Permit Rules and Regulations are attached.

Merry said the Fire Department should be included on the distribution for review. Eagan said the certified abutters list is forthcoming with the plan showing the topography of the area. She said the \$200 fee was not included, and since there is no revolving fund to deposit the fee into, the Selectmen's account absorbs the advertising cost. She suggested that the Board consider waiving the fee and to instead require that the applicant pay the advertising costs, which she estimates could be \$400.

Dave Petersen made a motion to waive the application fee and require the applicant to pay the advertising costs, and to set the hearing date for October 3, 2016, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

4. Memo from Board of Water Commissioners regarding amending Water Use Restriction Bylaw to include all private wells

Chairman Perry read the memo from the Board of Water Commissioners. Merry said in the first paragraph, in the third sentence, the word "all" was handwritten in. Petersen said Judy Pickett should review the wording and draft the article. Petersen asked if there will be a fine involved. Cullen said there will be a fine in the same amount for non-authorized water use, but we cannot turn off a private well. Petersen asked who assesses and enforces the fines. Eagan said that is in the bylaw, and she believes the Police Department does. Merry asked if this will apply to all well owners and if so what happens to farmers who need to water their animals and vegetables. Cullen said farmers are already protected under State regulations. Petersen asked about residents being able to water their gardens. Merry said these questions need to be addressed in the bylaw. Eagan said the water use restriction bylaw is tied to the State Emergency Drought, and Town Counsel said this bylaw needs to be triggered by the State's issuance of drought announcements. Merry said the biggest concern is the livestock, since the MSPCA can take the animals away. Cullen said the watering of livestock is unambiguous in the state law. Snow said a lot of rain barrels are being put in around town.

5. Memo from Water Superintendent MaryBeth Wiser regarding Special Town Meeting Warrant articles for the paving of 401 Central Street and expense related to the DEP Sanitary Survey

Perry read the memo from Superintendent Wiser. Petersen said he recently saw an advertisement for the 401 Central Street paving bid, and asked why it is being advertised before the funding is available? He said regarding the second request, the

Board needs to see a breakdown of the costs. Cullen said these costs are being driven from the specifics in the report from the DEP. Petersen said funding this from the stability will fund will strip this fund of a good portion of money, and the DEP should give the Town time to fund this within the budget. Cullen said the Water Board has discussed asking the DEP to clarify if the expectation is for the Town to plan out these expenditures, or to execute the items as soon as possible. He said the Chair is in favor of doing only what is practical. Petersen said the DEP is allowing the Town two years to move the little league field, and he would expect them to give a one to three year timeframe to address the issues from the Sanitary Survey. Cullen said if we don't do these, the DEP will slap our hands and issue punitive fines. Petersen said we need to see the cost breakdown and the timeline to do these items, he said something doesn't seem right. Eagan said we should be able to send a response to the DEP with a timeline and priorities to get these items done. She said we are in the middle of the fiscal year, and the DEP is aware that the budgets are set in the Spring, with an opportunity for funding in the Fall. She said the response can indicate that the Town agrees with all of the DEP findings. Perry said the estimate that Tata & Howard prepared is based on the DEP letter, the costs are broken down, but no timeline is provided. Eagan read the last paragraph of the Tata & Howard letter. Cullen said the repair to well 2 is being pushed, it may be precautionary to do all this now, but the DEP may force us to make the repairs immediately. Petersen said we should take a step back and if we can do this through next year's budget it will give us time to assess the issue. He said we should give a time table to the State.

Perry recommended asking the Water Board to find out from the DEP what the timeframe is for the compliance request and to provide the Board with this additional information. Petersen said the request for funding for the parking lot is all set and can be accepted for the warrant. He said we should hold off on the second request until we get clarification on the timeline and plan. He said his desire is to put off some items until FY18. Eagan said the Board of Water Commissioners can present the plan to the DEP and they can let the Town know if the plan is not reasonable. Petersen said we can revisit this next week. Perry said we need to send a memo requesting more information on the warrant article and to see a copy of the reply sent to the DEP. Petersen said we need to see the violations from the DEP. Cullen said he has seen it and it was ambiguous, it was not clear if they were looking for a plan or for the Town to just do the work. He said this request is a literal interpretation of the letter.

Dave Petersen made a motion to send a request to the Board of Water Commissioners requesting the report from the DEP and the reply sent on September 15, 2016, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

6. Discuss purchase of flag for the Town Common

Chairman Perry read the memo from Amy Lydon. Merry said the Prisoner Of War flag that has been flying below the American flag on the Town Common was donated about a year ago, and is tattered. He said his wife repaired it once, and he took it down when there was a recent hurricane threat. He said both American flags at the Town Common

and the Cemetery were torn and his wife has repaired them. Snow asked if it is a cotton flag. Merry said yes, and it was donated. Snow said at a military base, three flags are flown and they use smaller storm flags. Merry said the POW flag has been taken down, the Flag Honoring Law Enforcement Officers were discussed at the recent Law Enforcement Rally on the Town Common, that he looked up prices online for an embroidered Flag Honoring Law Enforcement Officers. He said a 3' by 5' flag costs \$35. Petersen said his concern is that this is not an official flag. Merry said neither is the POW flag. Petersen said he believes the POW flag has been authorized by Congress. He said he supports the Police, is a retired Officer himself and is a Vietnam veteran, He strongly recommended replacing the POW flag with another official POW flag and said the veterans will be upset if the POW flag is not replaced. Snow suggested that this be tabled until the Board has more information about the various flags. Petersen said if the Flag Honoring Law Enforcement Officers is not an official flag, he doesn't want it flying on the same pole as the American flag. He said this is a nice idea, but it will set a precedent for the Town to fly unofficial flags. He said we need to check if the POW flag is an official flag.

Bob Snow made a motion to table this agenda item until the Board has more information, Dave Petersen second, all in favor - aye (3-0). Cliff Pierce - ABSENT Bob Merry - PRESENT

7. Discuss donations to HAWC and Rowley Food Pantry

Chairman Perry read the memo from Karen Summit and the letter from HAWC.

Bob Snow made a motion to use the interest from the Henderson Charitable and Henderson Worthy Poor account to make these donations, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT

MINUTES

- August 22, 2016

Dave Petersen made a motion to approve the minutes from August 22, 2016, Bob Merry second, all in favor - aye (3-0). Cliff Pierce - ABSENT Bob Snow - ABSTAIN

- August 22, 2016 Executive Session

Approval of these minutes were postponed.

ANNOUNCEMENTS

- The Town's website has tips from the Massachusetts Emergency Management Agency on how to protect your property from hurricane damage. Go to www.townofrowley.net for helpful tips for homeowners and boat owners
- Kid's Kingdom Playground Community Build – Saturday, September 17. Volunteers are needed. For more information, please contact the Selectmen's Office

- The Rowley Council on Aging is inviting Town officials and the public to walk with them during the Walk to End Alzheimer's on September 18 in Andover. Please contact the Council on Aging for more information at 948-7637.
- The Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted.
- Water Department Customer Billing cycle will change effective November 1, 2016. Meters will be read on or about the first of every month. Details on the change are posted on the Town's website, www.townofrowley.net
- The Town has the following vacancies:
 1. **Fence Viewer** – three positions;
 2. **Wood, Lumber & Bark Inspector**;
 3. **Zoning Board of Appeals Associate** – two seats
 4. **Parks and Recreation Committee** – one seat;
 5. **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.

ADJOURNMENT

There being no further business before the Board, Chairman Perry 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 8:52 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter of resignation from Administrative Assistant Katherine Pelletier
2. Meeting memo regarding General Business #2: Request from Water Superintendent MaryBeth Wiser to lift the hiring freeze for the position of administrative assistant
3. Meeting memo regarding General Business #3: Review list of Road Opening Permits for the Water Department to open the following roads:
 - 235 Dodge Road
 - 20 Clay Lane
4. Road Opening Permits for the Water Department to open 235 Dodge Road
5. Road Opening Permits for the Water Department to open 20 Clay Lane
6. Email correspondence regarding Dig safe #

7. Letter from Police Chief Scott Dumas regarding reserve dispatcher re-appointment
8. Meeting memo regarding General Business #5: Letter from the Independent Living Center regarding Annual Meeting on October 19
9. Letter from the Independent Living Center regarding Annual Meeting on October 19
10. Zoning Board of Appeals Special Permit Application submitted by Michael Young for replacing and enlarging an existing building at 759 Main Street
11. Letter from Conservation Agent Brent Baeslack regarding Eagle Scout project at Dodge Reservation
12. Map of proposed kiosk locations at Dodge Reservation
13. Presentation slides from Scout Christopher Trotta of Troop 15 used to explain Eagle Scout project to Selectmen
14. Zoning Board of Appeals application filed by Vincent D'Amato, Jr. for appeal of a decision made by the building inspector for property at 52 Christopher Road
15. Decision made by the building inspector for property at 52 Christopher Road
16. Meeting memo regarding General Business #8: Request from the Jeanne Geiger Crisis Center, Inc. to hang banner on the Town Common backstop promoting the October 2 Annual Walk Against Domestic Violence
17. Meeting memo regarding General Business #9: Request from YMCA to hold Annual Rowley Poker Road Race
18. Meeting memo regarding Old Business #1: Update on Kid's Kingdom Playground Project and Volunteers
19. Flyer for Volunteers needed for the Community Playground Installation
20. Meeting memo regarding Old Business #2: Discuss status of the drought and watering the playing fields
21. Meeting memo regarding Old Business #3: Update on Apex Entertainment's request to film a scene of the movie Chappaquiddick at Town Hall
22. Meeting memo regarding Old Business #4: Update on Annex Parking Lot project
23. Color photo of Annex Parking Lot
24. Meeting memo regarding New Business #1: Discuss letter from Henry Rolfe regarding Open Meeting Law violation and response
25. Letter from Henry Rolfe regarding Open Meeting Law violation
26. Response letter to Henry Rolfe regarding Open Meeting Law violation, including enclosures
27. Meeting memo regarding New Business #2: Open warrant for Fall Special Town Meeting
28. Meeting memo regarding New Business #3: Review and discuss Earth Removal Permit Application filed by Gateway II Trust of 1997
29. Earth Removal Permit Application filed by Gateway II Trust of 1997
30. Earth Removal Bylaw
31. Board of Selectmen Special Permit Rules and Regulations
32. Memo from Board of Water Commissioners regarding amending Water Use Restriction Bylaw to include all private wells

33. Memo from Water Superintendent MaryBeth Wisner regarding Special Town Meeting Warrant articles for the paving of 401 Central Street and expense related to the DEP Sanitary Survey
34. Estimate of Probably Construction Costs 401 Central Street
35. Tata & Howard letter regarding Budgetary Estimates Sanitary Survey Compliance Projects
36. Memo from Amy Lydon to Board of Selectmen regarding Police Flag
37. Print-out from Amazon.com for a flag honoring law enforcement officers
38. Memo from Karen Summit regarding Henderson Charitable Trust and Henderson Worthy Poor Account
39. Letter from HAWC dated July 22, 2016
40. Draft Minutes from August 22, 2016