

MINUTES OF THE BOARD OF SELECTMEN MEETING

October 17, 2016, 2016
Meeting held at Town Hall, 5:30 p.m.

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

PUBLIC ATTENDEES: Henry F. Rolfe – Independent Press; Lawrence White - FINCOM; Bernard Cullen; Nerissa Wallen

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 5:32 p.m.

PLEDGE OF ALLEGIANCE

Bob Merry led the Pledge of Allegiance.

EXECUTIVE SESSION – Collective bargaining strategy AFSCME Local 2905, Teamsters Local 170, Massachusetts Coalition of Police (MCOP) Local 360

Chairman Perry called for a motion to go into Executive Session for the following purpose: To discuss collective bargaining strategy - AFSCME Local 2905, Teamster Local 170 and Massachusetts Coalition of Police (MCOP) Local 360 because an open meeting may have a detrimental effect on the bargaining position of the Town; and to return to open session. Bob Snow so moved, Dave Petersen second, all in favor - roll call vote: Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, David Petersen - aye. Robert Merry - RECUSED and left the room at 5:34 p.m.

Executive session opened at 5:34 p.m.

Executive session adjourned and open session resumed at 6:47 p.m.

Dave Petersen made a motion to recess until 7:00 p.m., Bob Snow second, all in favor - aye (4-0). Bob Merry - ABSENT

Open session resumed at 7:04 p.m. Chairman Perry reminded the audience that the meeting is being audio and visually recorded digitally.

CHAIRMAN'S COMMENTS

Chairman Perry said last Friday night the first football game was played in the new Triton Stadium with a sold out crowd. He said this was the first home game played in

the past five years. He said it was a pleasure to see the field, stadium and amenities building. He said it was a tough loss to North Reading, but it was fun to be there, and Petersen and Merry also attended.

GENERAL BUSINESS

1. Letter from Police Lt. Stephen May announcing his retirement

Chairman Perry read Lt. Stephen May's letter.

Bob Snow made a motion to accept Lt. May's resignation with regrets and to send him a letter of appreciation, Dave Petersen second, all in favor - aye (5-0).

2. Request from Police Chief Scott Dumas to lift hiring freeze for position of lieutenant

Chairman Perry read the request from Police Chief Scott Dumas to lift hiring freeze for position of lieutenant.

Dave Petersen made a motion to lift the hiring freeze for the position of lieutenant, Bob Snow second, all in favor - aye (5-0).

3. Sign November 8, 2016 Election Warrants

Bob Snow made a motion to Sign November 8, 2016 Election Warrants, Dave Petersen second, all in favor - aye (5-0).

The Selectmen signed the eight copies of the warrant.

4. Review list of Road Opening Permits for National Grid to open the following roads:
 - 54 Warehouse Lane to install anodes on gas main
 - 40 Warehouse Lane to install anodes on gas main
 - 5 Burke Avenue to install anodes on gas main
 - 18 Burke Avenue to install anodes on gas main

Chairman Perry read the memo listing the approved road opening permits.

NEW BUSINESS

1. Letter from the Agricultural Commission requesting to raise the FY 17 revolving fund expenditure cap

Chairman Perry read the letter from Rowley Agricultural Chair Libby Tucker. He said the letter doesn't specify the amount they would like to raise the cap to. Eagan said she spoke with Tucker and recommended raising it to \$4,000 which will more than cover the amount needed. She said the Selectmen and the Finance Committee can raise it temporarily now, and it can be raised permanently at the Annual Town Meeting.

Dave Petersen made a motion to raise the Agricultural Commission revolving fund expenditure cap to \$4,000 for FY17, Bob Snow second, all in favor - aye (5-0).

2. Discuss Memorandum of Agreement with Teamsters Local 170

Chairman Perry said, "The Town has reached an agreement with Teamsters Local 170. The Board needs to vote and sign the MOA."

Petersen said this is for the Fire Fighters Union contract. Perry said this is for a three year agreement.

Bob Snow made a motion to sign the MOA, Cliff Pierce second. The vote was not completed.

Bernie Cullen asked what the main elements of the agreement are. Eagan said we can copy the MOA for Cullen. Perry outlined the main elements as follows:

- increase in wages
- increase in max sick leave
- 1 time health insurance waiver stipend
- EMT stipend increases
- increased uniform allowance
- increased detail rate
- increased amount paid to cover extended absences of the Fire Chief
- three year agreement
- Town to look at health insurance plan changes to try to decrease premiums

Eagan said there is a 1% COLA over 3 years.

Bob Merry recused himself and left the room at 7:22 p.m.

The previous motion made was completed as follows:

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

Bob Merry returned to the Selectmen's table at 7:23 p.m.

OLD BUSINESS

1. Discuss Prospect Hill project

Chairman Perry read the following:

The Town's engineer, Ryan Neyland, has recommended that the manhole on Prospect Hill Road that houses the Town's communications be raised. The cost for the contractor to do this additional work is \$2,200. The manhole will be raised by 18" to 24", so it is much easier for the contractor to do this work now because the equipment is on site. It is just beyond the new grass-lined channel and according to Ryan, the way that the grades have worked out on the roadway, the manhole will need to be raised to avoid having a pit just on the other side of the channel where water will collect. Debbie has run this by Highway Surveyor Patrick Snow and he agrees that the manhole should be raised rather than buried so that if we need to access it in the future, it will be much easier to do so. Patrick also agreed that the cost for this work is reasonable.

Debbie is asking for the Board of Selectmen to ratify the approval to do this work.

Debbie also took some pictures today at the construction site, which are attached.

Dave Petersen made a motion to ratify the approval to do this work, Cliff Pierce second, all in favor - aye (5-0).

CITIZEN QUERY

Henry Rolfe said at the annual tenants meeting at Plantation Drive, he suggested expanding the parking area. He said a dozer has cleared the area and there is a larger area for large trucks to turn around now.

OLD BUSINESS

2. Review Special Town Meeting Warrant articles

Chairman Perry said, "Debbie has prepared a rough draft of the warrant. She would like to review the articles with the Board." Perry read Pickett's email regarding Articles 1 and 2 of the Annual Town Meeting. Petersen said he recommends keeping Article 1, but said we should probably eliminate Article 2. He said under the Open Meeting Law, we need to post an items to be discussed at a meeting on an agenda, and Article 2 allows people to bring up topics without prior notice, and it is not binding anyways. Pierce said he totally agrees, Article 2 is not legally requires and other towns don't do this. He said the wording is confusing, and the word "instruction" can lead people to believe it is binding. He said the Open Meeting Law point Petersen brought up is valid.

Snow said he agrees. Merry said this has always been non-binding, and has been in the Town Report since the turn of the 19th century.

Dave Petersen made a motion to eliminate Article #2, and to keep Article #1, Bob Snow second, all in favor - aye (5-0).

Perry read Pickett's memo regarding Mehaffey Conservation Restriction. Eagan said the draft article has been reviewed by the State Land Grant Officials, and is still in the process of being reviewed. She said the grant is a reimbursement and Town Counsel said the Town will have to write a check for the full amount of the Conservation Restriction. Perry read the email from Debbie Eagan regarding Revised Article. Pierce said the closing will not happen until we get the grant award letter. Eagan said according to Vanessa Johnson, the closing will happen in June with the grant award letter in hand. She said if the grant amount is less than the planned amount, Greenbelt wants to make up the difference. She said the CPC vote for \$100,000 is accurate unless the CPC changes its mind on the amount being funded with CPC money. She said the CPC needs to vote on the warrant article. She said the other funds will be coming out of the CPA account, contingent upon receipt of the money. She said the money from Greenbelt will be held in a gift account, and the land grant account will be held by the Accounting Department. She said we need guidance from the Department of Revenue on how to get the money from these off-budget accounts back into the CPA account. She said if a town meeting vote is required, this will have to happen at a Town Meeting after the Annual Town Meeting. Pierce said the CPC should vote to allow an expenditure of \$450,000 contingent upon the receipt of \$350,000. Eagan said the Selectmen will require the Greenbelt to deposit their share before the closing, but the land grant reimbursement won't happen until later.

Bernie Cullen asked if the grant at the full amount is a sure thing. Eagan said it is not a sure thing, but Greenbelt said there is a strong possibility, but we have no idea. Pierce read the warrant article section that details the contingency. Henry Rolfe asked why Mehaffey Farm didn't go for an Agricultural Preservation Restriction. Eagan said due to the size of the farm, they are not eligible for an Agricultural Preservation Restriction.

Eagan reviewed the draft warrant articles as follows:

1. Transfer \$4,000 from Essex Regional Retirement to Selectmen's expense to cover the cost of the 11/14/16 Special Town Meeting.
2. Reimburse the Reserve Fund for the Annex Fire Alarm upgrade
3. Fund a position in the Cemetery Department titled Cemetery Supervisor/Highway Truck Driver and Equipment Operator
4. Stipend for Chair of Board of Cemetery Commissioners who will need to route calls and interface with the new employee off hours

5. Transfer from the Collective Bargaining Reserve to fund the Fire MOA - the transfer amount hasn't been calculated yet
6. Placeholder for funding the AFSCME MOA
7. Funds for septic system at 390 Wethersfield Street, which the Board of Health granted a two year waiver for when the property was purchased
8. Rescind the motion for borrowing too much money for the Highway sander - bond counsel recommends this
9. Add \$15,000 to an appropriation of \$30,000 from 2005 for an elevator at the Town Hall Annex to be used for hazardous materials testing and abatement and for architect to attend more meetings
10. Mehaffey Farm CR article, an explanatory note will be included
11. Water Department \$27,000 from stabilization for storm water requirements for paving 401 Central Street
12. Water Department \$225,000 for compliance with the DEP Sanitary Survey
13. Amendment to the Water Use Restriction bylaw to include enforcement for private wells
- 14.

MINUTES

- October 3, 2016

Dave Petersen made a motion to approve the October 3, 2016 minutes, Bob Snow second, all in favor - aye (4-0). Bob Merry - RECUSED.

ANNOUNCEMENTS

- Drug Take Back Day – Rowley Senior Center, Sat. Oct. 22, 2016 9 a.m. to 1 p.m., please see Town website, www.townofrowley.net for more information
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- Special Town Meeting is Monday, November 14, 2016 at 7:30 p.m. at the Pine Grove School
- Household Hazard Waste Collection Event for Rowley residents on November 19, 2016 at the Highway Department Garage
- 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
- 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 positions

For more information on these positions, please contact the Selectmen's Office at 948-2372.

The Rowley Food Pantry is closed for renovations and is scheduled to be re-opened on October 4. Food assistance is available by leaving a telephone message at the Food Pantry at 978-238-6264

ADJOURN

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

Open meeting adjourned at 8:04 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written Executive Session Motion
2. Letter from Police Lt. Stephen May announcing his retirement
3. Request from Police Chief Scott Dumas to lift hiring freeze for position of lieutenant
4. Signed November 8, 2016 Election Warrant
5. Meeting Memo for General Business #4: Review list of Road Opening Permits for National Grid to open the following roads:
 - 54 Warehouse Lane to install anodes on gas main
 - 40 Warehouse Lane to install anodes on gas main
 - 5 Burke Avenue to install anodes on gas main
 - 18 Burke Avenue to install anodes on gas main
6. Signed Road Opening Permit for 54 Warehouse Lane to install anodes on gas main
7. Signed Road Opening Permit for 40 Warehouse Lane to install anodes on gas main
8. Signed Road Opening Permit for 5 Burke Avenue to install anodes on gas main
9. Signed Road Opening Permit for 18 Burke Avenue to install anodes on gas main
10. Letter from the Agricultural Commission requesting to raise the FY 17 revolving fund expenditure cap
11. Meeting Memo regarding New Business #2: Discuss Memorandum of Agreement with Teamsters Local 170
12. Signed Memorandum of Agreement with Teamsters Local 170, including Attachment A

13. Meeting Memo regarding Old Business #1: Discuss Prospect Hill project
14. Photos of Prospect Hill Construction site
15. Meeting Memo regarding Old Business #2: Review Special Town Meeting Warrant articles
16. Email from Judy Pickett regarding Articles 1 and 2 of the Annual Town Meeting
17. Memorandum from Judy Pickett regarding Mehaffey Conservation Restriction
18. Email from Debbie Eagan regarding Revised Article
19. Draft #1 Warrant for Special Town Meeting November 14, 2016
20. Draft October 3, 2016 minutes