

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

October 24, 2016, 2016  
Meeting held at Town Hall, 7:00 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:** Matthew Miller; Jack Frithsen; Henry F. Rolfe – Independent Press; Lawrence White - FINCOM; Bernard Cullen; Nerissa Wallen; Joan Petersen-Moderator; Triton Superintendent Brian Forget

### **CALL MEETING TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Brian Forget led the Pledge of Allegiance.

### **GENERAL BUSINESS**

1. Letter of resignation from Jonathan Carey

Chairman Perry read the Letter of resignation from Jonathan Carey.

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

2. Request from Water Superintendent MaryBeth Wiser to lift hiring freeze for the position of Assistant Distribution Working Foreman

Chairman Perry read the request from Water Superintendent Wiser.

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

### **NEW BUSINESS**

1. Letter from Richard Caram requesting streetlight on Boxford Road

Chairman Perry read the email from Light Plant General Manager Dan Folding and the letter from Richard Caram requesting streetlight on Boxford Road. Petersen said this is a bad and dark corner and he has no objections to adding this light. He asked if the Light Department should go to check this. Merry said the process changed once the lights were eliminated, and now the Board of Selectmen decides on adding streetlights. Snow said he is recusing himself since he serves on the Light Board. Petersen said Boxford Road is a narrow road, and there is possibly a new house going in before their driveway. Pierce said he has no objections.

Dave Petersen made a motion to send the request to the Light Department for their consideration in installing this additional street light, Cliff Pierce second, all in favor - aye (3-0). Bob Merry - RECUSED. Bob Snow - RECUSED.

2. Review site plan modification request submitted to the Planning Board for the operation of a day care facility at 319 Newburyport Turnpike

Chairman Perry read the email from Town Planner Kirk Baker. Petersen said the drawing on page two indicates that the play area is in front of the parking area and on Route 1, and he has safety concerns given the proximity to Route 1, and the fact that the kids have to cross the parking lot to get to the play area. Pierce said they will have to cross an access drive, but it isn't clear where the day care center will be. He said at a minimum they will be a fence around the play area. Petersen said the driveway is the entrance from Route 1, and cars will be entering at a fast pace. Snow said this set-up makes him a little uncomfortable. Bernie Cullen said this is a main plaza and has heavy traffic all the time since it is a retail area. Pierce said this is a mixed use office, and is not approved for retail. He said the application indicates there will be a fence around the perimeter. Petersen said he would like to see a guardrail, and he is concerned with people driving into the buildings, which seems to be becoming more common. Merry agreed and read the details regarding the fencing from the application.

Dave Petersen made a motion to send a letter to the Planning Board outlining the concerns and requesting that a guardrail be added, Bob Snow second, all in favor - aye (5-0).

**7:15 p.m. APPOINTMENT** – Triton Regional School Superintendent Brian Forget to discuss Triton Schools

Chairman Perry read the following:

*Since becoming Triton's Superintendent, Brian Forget is reaching out to the Boards of Selectmen of the three Triton towns. Brian Forget is here tonight as part of that process.*

Forget thanked the Board for having him and said he is doing a listening tour as part of his entry plan process. He said although this is his twenty-second year at Triton, he is amazed at how much he is learning through his meeting with each Board of Selectmen, Finance Committee, staff and parents. He said he is asking all groups that he is meeting with the same questions and he will then review the responses for themes and trends.

Forget asked the Board what they believe are the strengths of the Triton Regional School District. Petersen said he has been involved over the years, and Perry goes to the School Committee Meetings now, but he has seen a huge evolvement, and Triton is heading in the right direction. He said the school system has a very positive attitude, and school choice has leveled off. He said the buildings and facilities are in great shape, always are clean and neat, and we get mostly positive feedback. He said a criticism is that there is a division between the schools and the Town, and this is a key issue to look at. He said it is important for parents and Boards to feel that they are being listened to. Perry said the staff and kids have a positive response to Triton, are taking part on the education while working and having fun. Snow said a major strength is to have the Superintendent here tonight, and it sounds like he wants to have dialogue with the Town.

Forget asked the Board what they see as the challenges facing the District. Petersen said the biggest challenge is putting together the best program with a limited budget. He said all three Triton towns have major projects going on, and the budgets are tight. He said each year, the Triton budget increase is 4-5%, and budget guidelines are needed ahead of time. He said Forget is always upfront and willing to talk, so this is positive. Perry said the challenge is communication, and the Town should be more involved in the planning process, rather than hearing the final outcome. Pierce said the proposed changes to the Triton Agreement is another challenge. Forget said it was never their intent to hand the Town the draft and say here is the new agreement, and this was a first whack at it. He said he hopes the Towns rally for a formula that is not based on the State's requirements. Petersen said the School Committee should hold a meeting that is dedicated to reviewing the proposed changes to the Triton agreement, where the Towns and the public can provide input. He said the review of the proposed changes should be done by Forget or the Chair of the School Committee. Perry said a group should be established to work on the proposed changes, similar to the group established to work on the landlord/tenant discussion. Snow said the Selectmen have a strong understanding of the budget and the Town's needs. Petersen said the collaboration between the School and the Town on the Pine Grove School project shows how we can be successful working as a team.

Forget asked the Board what should be held sacred and protected at all costs. Merry said the Town's most valuable product is its employees, without them, the Town wouldn't function, and we need funding to keep the employees working. He said in the past the Town has suggested giving Triton half of the Town's new tax revenue. Petersen asked if class size is a top priority for the school administration. Forget said there is data to support both sides, and the Elementary School Teachers do say that class size matters. Snow said Triton and the Towns should stand together and go to the State together if something is needed. He said 60% of the Town's budget goes to Triton.

Forget asked the Board if there are any events historically in the District with a lasting positive or negative impacts. Perry said the High School brings seniors up from the Council on Aging a couple of times per year, and the seniors enjoy the musical concerts. Snow said there is a disconnect between the school and the Town since this is a regional district. He said in Ipswich, the Superintendent meets with Ipswich representatives. Petersen said the personalities of the Triton Superintendents have changed and in the past, there were personal interactions and informal discussions with the Chair of the Board of Selectmen, the Town Administrator and the Superintendent. Snow said the Superintendent should sit with the Chair of the Board of Selectmen to see what is coming down the pipeline, such as the unfunded Stormwater mandates, and vice versa.

Forget asked the Board if there is anything that needs his immediate attention. Petersen said to keep the Town apprised on issues and to have a dialogue with some level of camaraderie. Snow said Forget needs to realize that the Town has a full plate just the same as the school has, and have a dialogue so we can understand each other's jobs. Petersen said we don't want to lose the programs offered by Triton beyond academics, such as athletics, music and drama. Snow said he would be glad to be a speaker at the school to explain how government works.

Forget thanked the Selectmen for their feedback, and said he will continue these sessions through December and present his strategies at the end of March. Petersen thanked Forget and wished him luck. Perry said there is a presentation before the Annual Town Meeting, where Forget is welcome to come to present the school budget.

### **7:10 – 7:15 P.M. CITIZEN QUERY**

There were no Citizen Queries.

### **NEW BUSINESS**

3. Discuss Memorandum of Agreement with AFSCME Local 2905

Chairman Perry read the following:

*The AFSCME Unit has approved the MOA. The Board of Selectmen needs to vote and sign two originals. Chairman Perry will give an overview of the MOA.*

Petersen said this union is for clerical, Public Works and Police Dispatchers. Eagan said there have been modifications to some positions, and the addition of a Lead Dispatcher position responsible for the scheduling and training of new Dispatchers. Perry said the Highway Truck Driver has been upgraded to a Heavy Equipment Operator, and this is needed since this is a three person department. He said the Highway Foreman position has been upgraded from a pay grade 9 to a pay grade 10 position. He said the Cemetery Surveyor/Highway Truck Operator is a new position that will be split between the Highway and Cemetery Departments. He said the agreement is for a 1% cost of living increase each year for three years, plus a step increase each year of 1.25%. Petersen said the total increase each year is 2.25%, which is the same as the last contract.

Bob Snow made a motion to approve the AFSCME MOA, Dave Petersen second, all in favor - aye (5-0).

The Selectmen signed two copies of the MOA.

4. Discuss posting the Police Lieutenant's position and posting of police officer position

Chairman Perry read the following:

*Police Chief Dumas recently met with the Personnel Board to discuss posting the position of police lieutenant. The lieutenant's position is non-union and has been paid on a salary basis with no overtime. Chief Dumas explained that the position of police lieutenant generally is paid overtime and is eligible to work details. The Personnel Board recommends that the Board of Selectmen change the pay status of the position of lieutenant from salaried to hourly and include overtime and details. The Personnel Board also recommends flexibility in the hiring rate within the job grade, as the Board of Selectmen did previously and recommends a hiring rate up to Step 3. The lieutenant's salary is budgeted for \$81,390 (Step 5) in the FY 17 Police Department budget. (The hourly rate for this salary is \$38.98 per hour.)*

*On a related note, Chief Dumas pointed out that if there are promotions related to filling this position, he may need to post a police officer's position.*

Petersen said he is the Chair of the Personnel Board, and they did have an extensive discussion with Chief Dumas. He said when former Police Chief Kevin Barry retired,

then Deputy Chief Robert Barker became Police Chief, and the Deputy Chief position was eliminated. He said at that point, Gamache became the Detective / Lieutenant and the second in command at the Police Department. He said when Gamache retired a couple of years ago, Detective only and Lieutenant/Executive Officer positions were created. He said normally Lieutenants get overtime, but the discussion at that time was to make this a salaried position and see what the response was. He said one Sergeant wasn't interested, but Sergeant May got the position, and took a compensation cut. He said we anticipate the current Sergeant's won't apply if no changes are made. He said the proposal is to change the Lieutenant position to an hourly position, eligible for overtime and details. He said the overtime won't be for covering Patrolman shifts, just for covering Sergeant shifts. He said the Town's health insurance reimbursement is lower than surrounding towns, so it is likely that we will get an internal candidate for this position. Pierce asked if only the Chief would be salaried. Petersen said yes. He said assuming that these changes are approved and an internal candidate takes the Lieutenant position, we will need to post a Patrolman position with the intent to only fill the Patrolman position if the Lieutenant position is filled with an internal candidate.

Dave Petersen made a motion to post the Lieutenant's position, as an hourly position, eligible for overtime and details, and allowing for flexibility in the hiring rate, Bob Snow second, all in favor - aye (5-0).

Dave Petersen made a motion to post the Patrolman's position, with appointment to the position contingent upon an internal promotion for the Lieutenant position, Bob Snow second, all in favor - aye (5-0).

5. Discuss and vote to establish gift account for the Greenbelt donation for Mehaffey Farm conservation restriction (Ch. 44 section 53A)

Chairman Perry read the following:

*The Department of Revenue has advised the Town Accountant that the Board of Selectmen needs to vote to create a "donation account" for the anticipated donation from the Essex County Greenbelt Association for the Mehaffey Farm conservation restriction.*

*The Board can take this vote at any point prior to the acceptance of the donation. Also, the Board will need to vote to accept the gift when the Greenbelt Association presents the funds.*

Eagan said this account would be used for holding the funds to be used towards the purchase of the Conservation Restriction. Merry said Greenbelt has committed to raising additional funds if the State doesn't fully fund the grant. Petersen said this

account allows the Town to deposit and hold legally these funds until they are paid out at the closing.

Bob Merry made a motion to create a “donation account” for the anticipated donation from the Essex County Greenbelt Association for the Mehaffey Farm conservation restriction, Cliff Pierce second, all in favor - aye (5-0).

## **OLD BUSINESS**

1. Sign contract with CBI for architectural services for Annex Elevator project

Chairman Perry read the following:

*Debbie has been working with Town Counsel Tom Mullen on the contract with CBI. The contract is ready for the Board to vote and sign.*

Eagan said the contract follows the requirements in the Request for Qualifications, and she and Mullen worked on this agreement. She said it has been signed by the Treasurer and President of CBI, and after the Board of Selectmen signs it, it will be sent to Tom Mullen for signature.

Dave Petersen made a motion to sign the contract with CBI, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the contract.

2. Review Special Town Meeting Warrant articles

Eagan reviewed each warrant article with the Board. New information about the articles was presented as follows:

- Article 8 for the Fire Union contract funding, the amount is \$19,230 for salaries and wages, and \$200 for expenses. Perry said the Fire Department for Rowley consists of the Fire Chief, two Captains and about 20 Call Firefighters. He said the Captain's base pay is the lowest amount compared to surrounding towns, and is lower than Step 1 for a starting Police Patrolman. He said the Union agreement calls for a pay adjustment to correct the pay for the Captains, so that it is a little higher than the starting rate of a Patrolman, and provides a 1% cost of living increase. Eagan said the Captains play a significant role in the absence of the Police Chief, are the Command Officers at many calls, and they train the Call Firefighters. Petersen said after hours, generally the Captains respond to calls, and this correction is well warranted.
- Article 9 for the AFSCME Union contract funding, the amount is \$30,341. Bernie Cullen asked if this includes funding the AFSCME positions in the Water

Department. Eagan said the Water Department wage lines have sufficient funds to cover those costs since there have been vacant positions.

- Article 10 for the septic system - \$3,750 is available from the bond money no longer being used, not \$4,750 as originally thought, so the \$1,000 needed will come from the Sale of Town Property line. Petersen said he has gotten questions about why the YMCA is not paying for this. He said the Town received a two year moratorium from the Board of Health when this property was purchased by the Town, and this is the Town's responsibility. Eagan said the purchase was executed before the lease to the YMCA, and once we are Title V compliant, the Selectmen can determine who will be responsible for future septic costs.
- Article 13 - many parties have worked hard on the wording, which was approved by the CPC and then reviewed again by Town Counsel. She said the Conservation Commission and Vanessa Johnson from Greenbelt will present this article at Town Meeting. Moderator Joan Petersen asked if anyone will be present to discuss the funding of this article, and said this will be a paper ballot. Eagan said the Treasurer or CPA Administrator can come to clarify that no more than \$100,000 will be paid from the CPC account for this CR. She said there will not be a closing until the Greenbelt funds are in the account and the State Grant award letter is in hand. Perry said Greenbelt will fund any shortfall in the anticipated grant award amount. Pierce said if Greenbelt doesn't make up the funding shortfall, this won't move forward.
- Article 17 - Larry White said the word indictment sounds threatening. Petersen said this wording is from State Law.

## **MINUTES**

- September 19, 2016 Executive Session

Bob Snow made a motion to approve the September 19, 2016 Executive Session minutes, Dave Petersen second, all in favor - aye (4-0). Bob Merry - RECUSED.

- October 3, 2016 Executive Session

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

## **ANNOUNCEMENTS**

- Information on the Pine Grove School project is available on the Town's website at [www.townofrowley.net](http://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 Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted.

- 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.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library.

## **ADJOURN**

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

Open meeting adjourned at 9:01 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Letter of resignation from Jonathan Carey
2. Request from Water Superintendent MaryBeth Wisner to lift hiring freeze for the position of Assistant Distribution Working Foreman
3. Email from Light Department General Manager Dan Folding regarding Street Light Request
4. Letter from Richard Caram requesting streetlight on Boxford Road
5. Email from Kirk Baker regarding Request for Site Plan Modification for 319 Newburyport Turnpike
6. Site plan modification request submitted to the Planning Board for the operation of a day care facility at 319 Newburyport Turnpike
7. Meeting Memo for 7:15 p.m. Appointment – Triton Regional School Superintendent Brian Forget to discuss Triton Schools
8. Meeting Memo regarding New Business #3: Discuss Memorandum of Agreement with AFSCME Local 2905
9. Signed Memorandum of Agreement with AFSCME Local 2905
10. Meeting Memo regarding New Business #4: Discuss posting the Police Lieutenant's position and posting of police officer position
11. Draft Job Vacancy Notice for Police Lieutenant Meeting
12. Memo regarding New Business #5: Discuss and vote to establish gift account for the Greenbelt donation for Mehaffey Farm conservation restriction (Ch. 44 section 53A)
13. Meeting Memo regarding Old Business #1: Sign contract with CBI for architectural services for Annex Elevator project
14. Signed contract with CBI for architectural services for Annex Elevator project
15. Draft #10 Warrant for Special Town Meeting November 14, 2016

16. Signed Memorandum of Agreement with Teamsters Local 170