

MINUTES OF THE BOARD OF SELECTMEN MEETING

January 30, 2017

Meeting held at Town Hall, 139 Main Street, Rowley, MA
6:30 p.m.

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

PUBLIC ATTENDEES: Janet B. Peabody – Library Trustee; Carolyn Bartlett – Library Trustee; Glenn Blahney – Library Trustee; Margaret Lemelin – Library Trustee; Jennifer Patterson – Library Trustee; John Manning – Library Trustee; Michelle Ford – Library Trustee; Jacqueline Trojan – Library Trustee; Pamela Jacobson – Library Director; Susan Hazen – Town Clerk; Tom Mullen – Town Counsel; Mark Behringer – Library Trustee; Larry White; Henry Rolfe; Bernie Cullen; Patrick Snow – Highway Surveyor; Barry Lariviere – BETA Group, Inc.; Vanessa Johnson – Hall – Essex County Greenbelt

CALL MEETING TO ORDER

Board of Selectmen Chairman Joseph Perry called the Board of Selectmen's Meeting to order. Perry said that the meeting is being audio and visually recorded digitally.

Cliff Pierce made a motion to call the meeting to order, Dave Petersen second, all in favor - aye roll call vote: Chairman Joseph Perry - aye, Clerk Cliff Pierce - aye, Robert Merry -aye, David Petersen -aye. Robert Snow - ABSENT.

Board of Library Trustees Chairwoman Maggie Lemelin called the Board of Library Trustees meeting to order. Chairwoman Lemelin stated that the meeting is being audio and visually recorded.

Maggie Lemelin made a motion to call the meeting to order, Michelle Ford second, all in favor - aye roll call vote: Janet B. Peabody - aye, Carolyn Bartlett - aye, Glenn Blahney - aye, Margaret Lemelin – aye, Jennifer Patterson – aye, John Manning – aye, Michelle Ford – aye, Jacqueline Trojan – aye, Mark Behringer – aye.

6:30 P.M. JOINT MEETING WITH THE BOARD OF LIBRARY TRUSTEES

Chairman Joseph Perry called the Joint Meeting with the Board of Library Trustees to order, all in favor - aye roll call vote: Chairman Joseph Perry - aye, Clerk Cliff Pierce - aye, Robert Merry -aye, David Petersen -aye. Robert Snow - ABSENT.

Maggie Lemelin made a motion to call the joint meeting with the Board of Selectmen to order, Michelle Ford second, all in favor - aye roll call vote: Janet B. Peabody - aye, Carolyn Bartlett - aye, Glenn Blahney - aye, Margaret Lemelin – aye, Jennifer Patterson

– aye, John Manning – aye, Michelle Ford – aye, Jacqueline Trojan – aye, Mark Behringer – aye.

Joint Meeting opened at 6:34 p.m.

PLEDGE OF ALLEGIANCE

Michelle Ford led the Pledge of Allegiance.

EXECUTIVE SESSION

Board of Selectmen Chairman Joseph Perry called for a motion to go into Executive Session for the purpose of discussing strategies with respect to litigation on the Timothy A. Toomey v. Deborah Eagan, Town Administrator; Pamela Johnson, Library Director; Susan Hazen, Town Clerk; Essex Superior Court Docket No.1777 CV 00034A case, pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the litigating position of the Town and to return to open session. Cliff Pierce so moved, Bob Merry second, all in favor - aye roll call vote: Chairman Joseph Perry - aye, Clerk Cliff Pierce - aye, Robert Merry -aye, David Petersen -aye. Robert Snow - ABSENT.

Library Trustee Chairwoman Lemelin called for a motion to go into Executive Session for the purpose of discussing strategies with respect to litigation on the Timothy A. Toomey v. Deborah Eagan, Town Administrator; Pamela Johnson, Library Director; Susan Hazen, Town Clerk; Essex Superior Court Docket No.1777 CV 00034A case, pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the litigating position of the Town and to not return to open session. Glen Blahney so moved, John Manning second, all in favor - aye roll call vote: Janet B. Peabody - aye, Carolyn Bartlett - aye, Glenn Blahney - aye, Margaret Lemelin – aye, Jennifer Patterson – aye, John Manning – aye, Michelle Ford – aye, Jacqueline Trojan – aye, Mark Behringer – aye.

Executive session opened at 6:36 p.m.

Open session resumed at 7:30 p.m.

7:15 p.m. APPOINTMENT Barry Lariviere, Lead GIS & Asset Management Specialist, BETA Group, Inc. and Highway Surveyor Patrick Snow to discuss Pavement Management Road Program findings

Barry Lariviere thanked the Board for having him. He said last time he was here, he presented what the program was, and tonight he is here to present the summary of their findings. He reviewed the presentation slides for the Board. Petersen asked if the Town will keep the program once the contract with BETA expires. Lariviere said yes, they will install the program and provide support services for six months. He said they

have simple maintenance contracts with some clients. He said there are no licensing fees or annual costs. He said Rowley has 36.79 miles of road with an overall RSR rating of 70.79, which is pretty good. He said 8 miles need a reclamation, and 10.5 miles need a rehabilitation. He said a reclamation involves tearing the road down to the base and building it back up, and a rehabilitation is taking a top layer of material off and laying new material down. He said to do all the work today, it would cost \$7,900,000, not including any drainage work. He said Rowley gets \$235,000 from Chapter 90 funding annually, and if that is the only money invested, the overall rating will decline. He said to keep the current overall RSR rating, the Town needs to spend \$350,000 per year. He said the Town needs to figure out its' RSR rating goal.

Pierce said he reviewed the materials and there are errors in which roads have been indicated as accepted by the Town. He said Fenno Drive is partially accepted, but the BETA survey shows it as fully accepted. Lariviere said they listed the gravel section as accepted. Pierce said that section has not been accepted. Lariviere said this can be easily fixed. Pierce said West Ox Pasture Road hasn't been accepted. Patrick Snow said it has been accepted. Petersen said the map with the colors representing the types of maintenance required makes it easy to see where the major repairs are needed. He asked how much Chapter 90 money the Town has accumulated. Patrick Snow said \$1,160,000, and depending on structures and costs such as police details, the capital plan for the next few years should be able to be paid for out of Chapter 90, and they are not seeking additional funds from the Town for this now. Petersen asked if there is a list of next year's priorities. Patrick Snow said the yes and outlined the anticipated spending as follows: year 1 \$473,000, year 2 \$667,000, year 3 \$673,000. Petersen asked if the Chapter 90 funds will expire. Patrick Snow said no. Perry asked if the annual Chapter 90 allocation of \$235,000 is an average. Patrick Snow said yes, it is the average over the past few years. Petersen asked if the work will start after July 1st. Patrick Snow said he would like to complete the bidding work before July 1st, so they can start planning to begin work in the early Spring. He said this is a good system for the Town to have.

Lariviere said Rowley's rating is pretty good compared to comparable towns. He said an issue is that the Town has several long roads, and we need to figure out how to handle these. He said the program can be fine tuned using local knowledge. Bernie Cullen asked about how this process will tie into the replacement of water and gas mains. Lariviere said the numbers used in the report include a 10% buffer to account for some of that type of work. Patrick Snow said it is his goal to work together with the gas and water companies. He said if there are plans to put a new main in, it has to be done before the road is re-done. He said if Chapter 90 funds are used, you aren't allowed to touch a road for a number of years, unless it is an emergency. He said the Water Department will receive a copy of the capital plan to address the roads. Petersen said it is critical to have a public orientated database like this so the departments and the affected residents are aware. Perry said they have quite a bit of work ahead of them with the scheduling and priority list, and working with the water and gas companies.

7:45 p.m. APPOINTMENT Vanessa Johnson-Hall, Assistant Director of Land Conservation, Essex County Greenbelt Association to discuss state Land and Water Conservation Grant Application for Mehaffey Farm Conservation Restriction

Hall recapped the status of this project. She said they have until June 30, 2017 to acquire the Conservation Restriction on this property through a payment of \$450,000 to the Tenney family. She said Town Meeting authorized the use of \$100,000 of CPA funds for this project, but the Town was not awarded the land grant it applied for, which is a disappointment. She said the Greenbelt increased their funding goal from \$100,000 to \$150,000, which is \$250,000 combined with the Town's \$100,000. She said there is a \$200,000 shortfall. She said there is another option which is to apply for a Land and Conservation Grant. She said this grant is from federal funds, and the funds are awarded to states, who then award the grants. She said the state has not received its award yet, but the grant could fund up to 50% of the project amount, or \$225,000. She said there were not many applications for this grant last year. She said this is a very complicated grant with a long time line. She said a requirement for this grant is to have a yellow book appraisal, which is very complicated and will cost about \$7,500, which the Greenbelt will pay for. She said if we proceed with applying for this grant, we may hear by June 30th, but this isn't guaranteed. She said then the federal government needs to approve it, which could happen in the summer or at the end of the year. She said then there would be another six months for all of the paperwork. She said they need to ask the Tenney family for an extension of 1 year.

Hall said only the Town can apply for this grant, and she is looking for a sense of the Board's inclination to authorize the Town to apply for this grant. She said if the Town is inclined to apply for it, then they will contact the Tenney family about the extension, and if it is feasible, Greenbelt would come back to the Town with more information. She said Greenbelt would file the application on the Town's behalf, and this is a reimbursement grant like the other grant we applied for. She said a new Town Meeting vote would be required. Pierce said he is inclined to authorize the application for this grant. Merry said we have come this far, we can see if this will fly. Petersen said he has no problem with applying for this grant. The consensus of the Board was to move forward with this grant application and Hall to come back in the next week or two to update the Board.

GENERAL BUSINESS

1. Request from Council on Aging Director Brienne Walsh to rescind the Friends of the Council on Aging request to use the Town Common for the Annual Yard Sale/Bake and to request permission to use the Town Hall Annex rear parking area/grass area for the Annual Yard Sale/Bake Sale

Chairman Perry read the following:

On Monday, January 23, 2017, the Board of Selectmen voted to allow the Friends of the COA to use the Town Common for their Annual Yard Sale and Bake Sale on Saturday, May 13 from 8:00 a.m. to 4:00 p.m. with a rain date of Sunday, May 14.

After the Official Action Notice was distributed, COA Director Brienne Walsh emailed Amy to notify her that the Friends of the COA met and voted to change the venue location to the Annex rear parking lot/grass area since there is access to the bathroom and it is more easily accessible.

Dave Petersen made a motion to rescind the vote taken on January 23, 2017 to allow them to use the Town Common for this event, Cliff Pierce second, all in favor- aye (4-0). Bob Snow - ABSENT.

Dave Petersen made a motion to allow them to use the Town Hall Annex rear parking area for the Annual Yard Sale/Bake Sale, with the caveat not to park or drive onto the grass since the septic system is located under it, Bob Merry second, all in favor- aye (4-0). Bob Snow - ABSENT.

2. Request to lift the hiring freeze for part-time production technician

Chairman Perry read the following:

Production Technician Keith Gagne has requested to alter his employment status from permanent part-time to an on-call status because he has accepted another position.

Please vote to lift the hiring freeze for a part-time Production Technician for 15 hours per week.

Dave Petersen made a motion to lift the hiring freeze for the Production Technician position, Cliff Pierce second, all in favor - aye (4-0). Cliff Pierce - ABSENT

NEW BUSINESS

1. Discuss 2016 Town Report Cover design and Selectmen's Report

Chairman Perry read the following:

We have the following ideas for the Town Report Cover for 2016:

- *Photo of new playground equipment at Kid's Kingdom Playground*
- *Photo of new water treatment plant*
- *Photo of Library's 125th Anniversary celebration*

We have drafted the Selectmen's Report. We are asking for the Board of Selectmen to authorize us to finalize the report with Chairman Perry.

Petersen said he spoke with Eagan about using a photo of the playground, and he would prefer to have a photo of the playground in use. Eagan said a photo of the Water Treatment Plant was included inside the Town Report last year. She said there are also photos of the playground during the installation, and Rowley Community Media filmed this event. Petersen said this would be a nice pat on the back to the volunteers who worked on this project, and maybe we could do a collage with two or three pictures. Merry said the problem is that it is a small book and there is only so much space.

Dave Petersen made a motion to use a photo of the new playground equipment on the report cover, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

Dave Petersen made a motion to accept the draft of the Selectmen's Report for the Town Report, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

2. Review FY 18 Non-union Compensation Schedule

Perry said, "This agenda item is not ready tonight's meeting."

OLD BUSINESS

1. Discuss street light on Harrison Circle

Chairman Perry read the following:

RMLP Manager Dan Folding is requesting to remove the streetlight on Pole #3 on Harrison Circle. The light is shining into a resident's bedroom.

Petersen said he spoke with Mark Bixby about this and apparently the Light Department has already removed the light. He said the house is 80 feet off the road, so he is not sure how the light is shining in.

MINUTES

- January 23, 2017

Dave Petersen made a motion to approve the minutes of January 23, 2017, Bob Merry second, all in favor - aye (3-0). Bob Snow - ABSENT. Cliff Pierce - ABSTAIN.

- January 23, 2017 Executive Session

Dave Petersen made a motion to approve the minutes of January 23, 2017 Executive Session, Bob Merry second, all in favor - aye (3-0). Bob Snow - ABSENT. Cliff Pierce - ABSTAIN.

ANNOUNCEMENTS

- Rowley Public Library is participating in Bruins PJ Drive Feb. 1 – March 15. The Library will be collecting new pairs of pajamas for babies, children and teens. The PJ Drive benefits DCF Kids and Cradles to Crayons. The PJ Drive's goal is to collect 10,000 pairs of new pajamas for children and teens in need.
- Christmas Tree Drop Off – Eiras Park
- Information on the Pine Grove School project is available on the Town's website at 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.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library.

EXECUTIVE SESSION

Collective bargaining strategy

- Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)

Chairman Perry called for a motion to go into Executive Session for the following purposes: To discuss collective bargaining strategy pursuant to the State Open Meeting Law, G.L. c.30A section 21(a) (3) - Massachusetts Coalition of Police (MCOP) Local 360 because an open meeting may have a detrimental effect on the bargaining position of the Board of Selectmen; and to not return to open session. Dave Petersen so moved, Cliff Pierce second, all in favor - roll call vote: Joseph Perry - aye, Cliff Pierce - aye, David Petersen - aye, Robert Merry - aye. Robert Snow - ABSENT

Open meeting adjourned at 8:19 p.m.

Respectfully submitted,
Amy Lydon

Assistant Town Administrator

ATTACHMENTS:

1. Pavement Management Report for the Town of Rowley prepared by BETA Group, Inc.
2. Presentation slides from the BETA Group, Inc. for Pavement Management Program Summary of Findings January 2017
3. Meeting memo regarding 7:45 P.M. Appointment: Vanessa Johnson-Hall, Assistant Director of Land Conservation, Essex County Greenbelt Association to discuss state Land and Water Conservation Grant Application for Mehaffey Farm Conservation Restriction
4. Email from Vanessa Johnson Hall regarding LWCF grant for Mehaffey Farm
5. Meeting memo regarding General Business #1: Request from Council on Aging Director Brienne Walsh to rescind the Friends of the Council on Aging request to use the Town Common for the Annual Yard Sale/Bake and to request permission to use the Town Hall Annex rear parking area/grass area for the Annual Yard Sale/Bake Sale
6. Email from COA Director Brienne Walsh regarding Yard Sale Venue
7. Meeting memo regarding General Business #2: Request to lift the hiring freeze for part-time production technician
8. Meeting memo regarding New Business #1: Discuss 2016 Town Report Cover design and Selectmen's Report
9. Draft Report of the Board of Selectmen for 2016
10. Meeting memo regarding New Business #2: Review FY 18 Non-union Compensation Schedule
11. Meeting memo regarding Old Business #1: Discuss street light on Harrison Circle
12. Email from Eric Grover regarding Pole #3 Harrison Circle Light Issue
13. Draft meeting minutes from January 23, 2017
14. Executive Session Motion