

MINUTES OF THE BOARD OF SELECTMEN MEETING

January 8, 2018

Meeting held at Town Hall, 139 Main Street, Rowley, MA
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: Paul Lees; Jeffrey French – Police Department; Matt Ziev – Police Department; Gavin Forni – Police Department; Rachel Lawrence; Donna Lawrence; Police Chief Scott Dumas; Harbormaster Bill DiMento

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:00 p.m. Perry announced that the meeting is being video and audio recorded and televised live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

7:00 p.m. APPOINTMENT Police Chief Scott Dumas to present Andrew Lawrence for appointment as full-time police officer

Police Chief Scott Dumas said with the retirement of Officer Hills, they began the process to find a replacement, and he is pleased to present Andrew Lawrence. He said Lawrence is a graduate of Saugus High School and graduated M.L.E.T.A. in June of 2016. He said Lawrence has been a Reserve Patrolman for just over a year, and he is highly involved with the community. He said he is committed to a law enforcement career, and he lost 100 pounds to pass the requirement. He asked the Board to consider appointing Lawrence as a Full-time Patrolman for the Town of Rowley.

Lawrence said it has been a great year, and it is a privilege to be here. He said he loves working in and interacting with this community. He said he is excited to move forward. Petersen welcomed Lawrence aboard, said the Police Department is doing a great job, and hopefully in a year there will be a new Police Station.

Bob Snow made a motion to appoint Andrew Lawrence as a full-time police officer, Cliff Pierce second, all in favor - aye (5-0).

Lawrence read the Police Officer Oath and Town Clerk Susan Hazen swore him into the position. The Selectmen congratulated Lawrence, and his mother pinned his badge to his uniform.

7:05 – 7:10 p.m. PUBLIC COMMENT

Larry White handed out a sheet to the Selectmen regarding the FY 19 Triton budget. He said Triton has had no interactions with any of the towns regarding their budget, and the preliminary budget will be discussed on January 16, January 17 and January 18. He said there has been no advance notice provided about this, and no public interaction or response. He said Triton has not responded to the letter sent to them by the Board of Selectmen dated November 21, 2017 outlining the proposed assessment. He read the bullet points on the handout.

Perry said School Committee member Maureen Heffernan was present at the last Selectmen's meeting, and Paul Lees is present tonight. Lees said that White's statement about the preliminary budgets being discussed on January 16, 17 and 18 is false. He said during these three nights the individual building heads present their plans for school improvement plans. He said this is the beginning of the budget process and is not a presentation of the preliminary budget.

7:15 p.m. APPOINTMENT Harbormaster Bill DiMento and Police Chief Scott Dumas to discuss a Memorandum of Agreement with the Harbormasters Association, Inc. for a coastal camera project.

Bill DiMento said the project started three to four years ago with Homeland Security looking to increase surveillance of coastal ports. He said Rowley has qualified for a grant for \$2,500 for surveillance equipment to be used on land, the Rowley River and the patrol boat. He said it makes sense for the surveillance monitors to be at the Police Department dispatch center, but he needs to talk to the Police Chief about this.

Chief Dumas said he is supportive of the grant proposal and it makes sense for the Police Department to monitor it since it is staffed 24-7. He said they can make it work, and figure out where to put it. DiMento said the \$2,500 covers the screens and computers, three outdoor cameras, and one mounted camera on the boat. He said there is a \$200 maintenance fee per year, which his budget can cover. He said this system can be used in emergencies and rescues. He said the cameras will be on wifi, and they will tap into electricity at the pole. Snow asked if the cameras will be recording. DiMento said yes, through the monitoring system. He said the cameras have 360 degree telephoto abilities and can zoom in. He said two of the cameras will be fixed in the locations. Dumas asked if DiMento will have the ability to monitor this at his home. DiMento said he is not sure, but probably the answer is yes, through a secure website. Petersen asked if the recordings are in color or in black and white.

DiMento said it will be color. He said this is a five year agreement, with a five year automatic renewal, with a thirty day out clause. He said there are no other financial obligations for the Town. Petersen asked who is supervising the program. DiMento said the State is, and he can send the Selectmen an email letting them know exactly who is overseeing this.

Bernie Cullen said if the system is for security, why is it infrared? DiMento said this allows surveillance operations at night if there is an emergency or disaster. He said other cameras have night time capabilities.

Dave Petersen made a motion to accept this grant and have the Town Attorney review the agreement and authorize Joe Perry to sign the agreement if only minor changes are made, Bob Snow second, all in favor - aye (5-0).

GENERAL BUSINESS

1. Letter from Barbara Flood thanking Town employees

Chairman Perry read the letter.

2. Request from Police Chief Scott Dumas to appoint Thomas M. Hills as reserve dispatcher

Chairman Perry read the following:

Because Thomas M. Hills is a retiree from the Town of Rowley, the appointment by the Board of Selectmen of Mr. Hills to this position is subject to the cap on the annual number of hours he can work and the earnings limitations set under the statute, Payment of Pensioners for Services after Retirement.

Perry read the request from Police Chief Dumas. Petersen said as a retiree you are allowed to work 960 hours per year, which is approximately 16 hours per week. He said it is good to see him come back and his experience will be a plus.

Dave Petersen made a motion to appoint Thomas Hills as a reserve dispatcher, Bob Snow second, all in favor - aye (5-0).

3. Request from Board of Water Commissioners to lift the hiring freeze for the position of water superintendent

Chairman Perry read the following:

The Board of Water Commissioners is requesting the Board of Selectmen to lift the freeze for the position of water superintendent.

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

4. Notice from Fire Chief James Broderick on the new process for issuing Burn Permits

Chairman Perry read the notice.

5. Request from Rowley Youth Baseball and Softball to hang a banner on the Town Common backstop to announce the opening of baseball and softball registration

Chairman Perry read the following:

Arian Haley from Rowley Youth Baseball and Softball has requested the following:

I would like to request permission for Rowley Youth Baseball and Softball to hang a 3 x 10-premium vinyl banner on the backstop at the Town Common to announce the opening of registration. You can use my contact info as the person responsible for removing or repairing the sign while it is up. The wording on the banner is:

*Rowley Youth Baseball and Softball
Registration Now Open
www.rowleyyouthbaseball.com*

We would like to hang the banner as soon as it is approved and will remove the banner mid-February when registration closes.

Dave Petersen made a motion to approve this request, Cliff Pierce second, all in favor - aye (5-0).

OLD BUSINESS

1. Discuss Pine Grove School Landlord-Tenant Agreement for the Triton Regional Agreement and proposed lease of the Pine Grove School by Triton

Chairman Perry read the following:

We have been working for several months on a "Landlord-Tenant Agreement" between the Triton Regional School District and the three Towns in the District which will eventually be incorporated into the Triton Regional Agreement. Debbie and Town Counsel Tom Mullen were concerned over the proposed language on the Landlord-Tenant and Agreement and Tom provided the Board of Selectmen with many changes to that document.

On December 11, 2017 Triton Superintendent Brian Forget sent Chairman Perry a proposed lease agreement. The Board of Selectmen has not discussed or contemplated leasing the Pine Grove School. The only matter the Board has discussed is the Triton Landlord-Tenant Agreement. We can't have two separate documents concerning the Pine Grove School.

Chairman Perry said he has been working with Tracy Blais in Newbury, Neil Harrington in Salisbury, and Superintendent Forget on the landlord / tenant agreement. He said he brought back a draft agreement to Debbie, and Town Counsel Mullen reviewed it. He said he was surprised to hear about a lease agreement. Pierce said this is Salisbury's idea according to Superintendent Forget's email. Petersen said he thinks the issue is because Triton owns Salisbury Elementary School, and the other schools are owned by the towns. He said when the loan is paid for the Salisbury Elementary School, Triton wants a lease with the three towns. He said this came from out of the blue.

Eagan said this was discussed in the presence of Tom Mullen, and the Selectmen wanted time to review this. She said if the Selectmen just want a landlord / tenant agreement, Mullen has provided the suggested changes, and we can stay on course and incorporate this into the Triton Agreement. Perry said they have another meeting on January 17th, and he doesn't remember a lease being brought up in the meetings. He said Salisbury's loan is complete in 2020 and Triton could turn the school over to Salisbury.

Pierce said we cannot have two documents which could say different things. Petersen said this needs to be uniform across the district. Perry said we want the three schools treated the same under the revision. Eagan said a lease is a stronger legal document than an amendment to the Triton Agreement. She said a lease will require Town Meeting approval, public hearings, and will need to be recorded to at the Registry of Deeds. Pierce asked why do we need a lease, they have been no past problems.

Petersen said we can have one or the other, not both, and it is better to have it be part of the regional agreement. He said we need a better explanation on the lease other than what was provided in Forget's email. He said there is no information regarding why or how.

Perry said on January 25th, at 6:30 after the District Communications Meeting, State Auditor Suzanne Bump will talk about her proposal for additional State aid. He said the Selectmen, School Committee and State legislators are invited to attend. He asked the Selectmen to attend if they can to make our voices heard. He said he agrees that we don't need both documents.

NEW BUSINESS

1. Review Zoning Board of Appeals application for a Special Permit for a conversion of a one-family residence to a two-family residence at 226 and 228 Main Street filed by Diane M. Smith on behalf of the Estate of Clarinda Barowy

Cliff Pierce said there is not a lot of information, and this is for the restoration of a residence into a two family like it originally was. Merry said this was a two family in the mid-1940s. Pierce said there is a provision in the by-law for the Board of Appeals to allow this if it was built before 1980, and he has no objections. Petersen said he has no objections, and this is a good sized residence. The Board had no comments to provide to the ZBA on this application.

2. Discuss Verizon Pole Agreement

Chairman Perry read the following:

Verizon is requesting the Town enter into a "Pole Attachment Agreement" because the Rowley Fire Department has fire alarm wire attached to a portion of the poles that Verizon owns.

The poles in Rowley are jointly owned by the RMLP and Verizon. Both RMLP Manager Dan Folding and Fire Chief James Broderick agreed that there is fire alarm wire attached to the poles. Dan Folding is not sure if all the wires are on the Verizon section of the poles; this would be something that the RMLP and Fire Department would need to check.

Debbie asked Town Counsel Tom Mullen to review the Agreement. Tom has concerns over the language in the agreement, such as the indemnification provisions and the ability for Verizon to charge for the attachment. He advises that if at all possible, the Board of Selectmen explore moving any of the fire alarm wires on the Verizon portion of the pole to the RMLP, with the approval of RMLP. If we did this, we would not have to enter into an agreement with Verizon. Debbie is asking the Board of Selectmen to request Chief Broderick and RMLP Manager Dan Folding to check the wire to see where they are placed, and, to also explore the possibility of moving the wires to the RMLP section of the poles.

Merry said there was a 50/50 agreement when he was the Light Manager, and he thinks this should be reviewed first. Eagan said Comcast is attached to the Town's section of the pole. She said Light Manager Dan Folding doesn't dispute that there are fire wires

attached to the poles. She said Town Counsel has advised the Town to move the fire wires onto the Town's portion of the pole if possible, rather than entering into this agreement with Verizon. Merry said it is not a lot of work to rewire. Petersen asked if new technology can be used in place of the fire wires. Snow said the fire boxes are old technology, and it is costly to move away from these wires to a new system. He said it can be done though, and the best bet is to talk to the Fire Chief about this. Petersen said town buildings and commercial buildings use this system, and the private companies should pay for their portion of a new system. He said the Fire Chief and Dan Folding can be invited in to discuss this and to outline the options. Merry said there are also two private alarm companies on the poles. Snow asked how many boxes are left. Eagan said there is a spreadsheet in the packet with this information. Merry said the lines are tested quite often. Perry said we can invite the Fire Chief and Folding into the meeting on the 22nd to review the possibilities of moving the wires or moving to alternative systems with rough cost estimates. Merry said Verizon is trying to rent space on the poles since they now have to pay taxes on the space. He said the spacing is Federal Law. Snow said some towns own 100% of the poles, and in other towns Verizon owns 100% of the pole. Petersen said the Light Department does an excellent job, and they have a track record of minimal power outages.

3. Request from Crown Castle to approve the modification of Sprint's equipment at the cell tower

Chairman Perry read the following:

Crown Castle is seeking to add three (3) antenna and three RRH's (remote radio unit) to the cell tower.

The Board of Selectmen needs to vote and have Chairman Perry sign the modification consent form.

Petersen asked if this changes the fee structure. Eagan said no, and we just did this a couple of months ago for Verizon. She said they need to go to the Planning Board, and they need to modification consent form to do so.

Dave Petersen made a motion to allow Joe Perry to sign the modification consent form, Cliff Pierce second, all in favor - aye (5-0).

Joe Perry signed the form.

MINUTES

- December 11, 2017

Bob Snow made a motion to approve the December 11, 2017 minutes, Dave Petersen second, all in favor - aye (5-0).

- December 18, 2017

Bob Snow made a motion to approve the December 18, 2017 minutes, Cliff Pierce second, all in favor - aye (5-0).

ANNOUNCEMENTS

- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- The Town has the following vacancies:
 - a. **Open Space Committee** – one seat;
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals Associate** – three seats;
 - e. **Parks and Recreation Committee** – one seat; and
 - f. **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 in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

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 - (5-0).

Open meeting adjourned at 8:04 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Police Chief Scott Dumas regarding appointing Andrew Lawrence as a full-time police officer
2. Rowley Police Department Police Officer Oath of Office Affirmation Form
3. Sheet provided by Larry White to Board during Public Comment regarding FY 19 Triton budget
4. Public Comment Policy

5. Meeting memo regarding 7:15 p.m. Appointment: Harbormaster Bill DiMento and Police Chief Scott Dumas to discuss a Memorandum of Agreement with the Harbormasters Association, Inc. for a coastal camera project
6. Email from Bill DiMento regarding MOA for Coastal Camera Project, including attachments
7. Letter from Barbara Flood thanking Town employees
8. Meeting memo regarding General Business #2: Request from Police Chief Scott Dumas to appoint Thomas M. Hills as reserve dispatcher
9. Request from Police Chief Scott Dumas to appoint Thomas M. Hills as reserve dispatcher
10. Meeting memo regarding General Business #3: Request from Board of Water Commissioners to lift the hiring freeze for the position of water superintendent
11. Notice from Fire Chief James Broderick on the new process for issuing Burn Permits
12. Meeting memo regarding General Business #5: Request from Rowley Youth Baseball and Softball to hang a banner on the Town Common backstop to announce the opening of baseball and softball registration
13. Meeting memo regarding Old Business #1: Discuss Pine Grove School Landlord-Tenant Agreement for the Triton Regional Agreement and proposed lease of the Pine Grove School by Triton
14. Email from Thomas A. Mullen, Esq. regarding Landlord/Tenant, including attachment
15. Email read by Chairman Perry during 12/11/17 meeting on Pine Grove School proposed lease
16. Draft language for Landlord/Tenant Responsibilities submitted by Joe Perry at 12/11/17 meeting
17. Zoning Board of Appeals application for a Special Permit for a conversion of a one-family residence to a two-family residence at 226 and 228 Main Street filed by Diane M. Smith on behalf of the Estate of Clarinda Barowy
18. Meeting memo regarding New Business #2: Discuss Verizon Pole Agreement
19. Email from Thomas A. Mullen, Esq. regarding Rowley, MA – Verizon Request – Follow Up-3rd Request
20. Memo from Deborah Eagan to Board of Selectmen regarding Verizon Pole Agreement, including attachments
21. Meeting memo regarding New Business #3: Request from Crown Castle to approve the modification of Sprint's equipment at the cell tower
22. Signed modification consent form for Crown Castle
23. Plans provided regarding request from Crown Castle to approve the modification of Sprint's equipment at the cell tower
24. Draft December 11, 2017 minutes
25. Draft December 18, 2017 minutes