

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

August 7, 2017

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, David Petersen, Robert Merry (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** Henry F. Rolfe; Larry White – Finance Committee; Bernard Cullen – 283 Wethersfield Street; James Broderick – Fire Chief; Robert O’Leary; Patrick Snow – Highway Surveyor

### **CALL MEETING TO ORDER**

Chairman Perry called meeting to order at 7:00 p.m.

### **PLEDGE OF ALLEGIANCE**

Chief Broderick led the Pledge of Allegiance.

**7:00 p.m. APPOINTMENT** Fire Chief James Broderick to present Robert O’Leary for appointment as a Probationary Call Firefighter

Chairman Perry read the request letter from Chief Broderick. Chief Broderick said Robert “RJ” works at Old Newbury Golf Course under Nate Walker who is the previous Fire Chief of Georgetown. He said Nate’s father Jeff Walker is also a Selectman in Newbury, and both Nate and Jeff speak highly of RJ. He said RJ is a hard worker who took the initiative to learn how to do CPR and use the defibrillator in case it was needed at the Golf Course. He said RJ has been toying with the idea of becoming a firefighter and after being encouraged by Nate, RJ took this step in becoming one.

Petersen said we are happy to have RJ aboard. Snow said he is a fine candidate. RJ thanked the Board for the offer.

Dave Petersen made a motion to appoint Robert O’Leary as a Probationary Call Firefighter through June 30, 2018, Bob Snow second, all in favor - aye (5-0).

The Board congratulated RJ on his appointment.

## **GENERAL BUSINESS**

1. Review Road Opening Permit for Rowley Water Department to open 97 Central Street southbound side for water main repair

Chairman Perry read the following:

*A Road Opening Permit was signed off on by the staff for the location listed above. A copy of the permit is in the Chairman's folder.*

2. Letter from Registrar of Deeds John O'Brien, Jr. regarding Property Fraud Watch Program

Chairman Perry read the letter. Petersen suggested that this information be sent to the Council on Aging for publication in their next newsletter. Perry said that is a great idea.

## **7:10 – 7:15 p.m. CITIZEN QUERY**

There were no citizen queries.

**7:15 p.m. APPOINTMENT** Highway Surveyor Patrick Snow to discuss Highway Department Road Materials and Services Contract bids

Chairman Perry read the following:

*Highway Surveyor Patrick Snow is here tonight to discuss the awarding of contracts for the Highway Department Road Materials and Services Contract bid. This project is being paid for with Chapter 90 funding.*

*Assistant Town Administrator Natalie Lovett has been working with Pat Snow for the past couple months to draft the bid documents. Dennis Roy has also been helping to review the bid documents and draft the specifications.*

*The bids were received on July 18. Nine contractors submitted bids for 9 categories of work. Pat Snow has called the references and checked the Mass DOT certifications for the lowest bidders and found no issues with any of them. Nine contracts will be awarded for this project. The total of the contracts for the lowest bidders is \$700,020.*

Patrick Snow said all the contractors have been checked out, and once the Board votes to approve them, the award notices will be sent out, additional bonds will need to be provided by the contractors, the contracts will be signed and then the work will be scheduled. Petersen requested that the bid details be attached to the minutes instead of reading them into the record.

Dave Petersen made a motion to award the bids as outlined in the attached document, with the total of the contracts being \$700,020, Bob Snow second, all in favor - aye (5-0).

Petersen asked about item number nine on the bid detail document. Patrick Snow said Chapter 90 requires that where there are existing sidewalks, ADA compliant ramps with the rumble strip need to be installed.

### **OLD BUSINESS**

#### 1. Update on MBTA bus service during commuter rail shutdown and wifi proposal

Bob Snow said he went to the MBTA Control Board meeting in Boston on July 31<sup>st</sup>. He said Representative Hill, Senator Tarr, Selectman Steinart from Manchester by the Sea, and many other area Selectmen were present for the meeting. He said the meeting was delayed until 2:00. He said both Tarr and Hill addressed the Board and did great jobs. He said Hill systematically outlined how their wifi proposal is affecting people, including the placement of the poles in the Historic Districts of some towns. Snow said Selectmen were given three minutes to speak and he gave most of his time to Selectman Steinart. Snow said he spoke about the point that the technology that they are buying is antiquated, and is being put on 70 foot tall towers. He said the Control Board politely listened. He said various other people spoke and North Andover had a strong voice since the poles are planned to be put in their Historic District. Eagan said the two week continuation ends next week. Snow said hopefully they will listen, and we will find out next week. Perry said it is unfortunate that they are planning to install such an outdated system on 70 foot tall poles. Snow said two telephone poles standing end on end is roughly 70 feet tall. Petersen said another issue is that they tried to get this done before anyone noticed, without prior communication to the communities, which is a disgrace and is not the proper way to run an organization. Snow said this is a \$140 million dollar project, and the MBTA is getting only 7% of the revenue.

Chairman Perry read the following:

*The MBTA has sent us notification that the Beverly Drawbridge Project is nearing completion and on schedule. Weekday train service is set to resume on August 14.*

*Weekend train service will not be in service until September 30 due to the installation of the federally-mandated safety system which prevents train collisions, over-speed derailments and human error.*

*The wifi monopole installation discussions were continued for another week. Vice Chairman Bob Snow will give an update on what happened at last week's MBTA Control Board meeting.*

## 2. Update on Pine Grove School Project

Chairman Perry read the following:

*The MSBA has sent us the Project Funding Agreement paperwork. Debbie has sent it to the Town Counsel Tom Mullen to review.*

*Dore & Whittier has sent us an "Approval to Proceed to Design Development Phase" form to be signed by Chairman Joe Perry. The Board needs to vote to authorize Chairman Perry to sign this form.*

*Chairman Perry will update the Board on other aspects of this project.*

Cliff Pierce made a motion to authorize Chairman Joseph Perry to sign the Approval to Proceed to Design and Development Phase form, Bob Snow second, all in favor - aye (5-0).

Perry signed the form.

Perry said the School Building Committee continues to meet, and are meeting this Thursday. He said things are moving ahead and the State has awarded the project funding agreement, which is being reviewed by Town Counsel Thomas Mullen before it is signed.

## 3. Email message from Dina Sullivan, Chair, Triton Regional School Committee regarding August 24, 2017 School Committee Meeting Agenda

Chairman Perry read the email message. Perry said he doesn't know if Dina is watching, but they are looking to make a presentation about the FY 19 Triton budget to be part of the record. He said they are trying to start the process early to let Triton know where we stand.

Larry White of 108 Central Street said he is the Finance Committee Chairman and said as the voice of the Finance Committee, they support this. He said several Finance Committee members are willing to go to this meeting for moral support and to present a united front on this integral part of the Town's budget at an early stage. Perry said thank you, the Finance Committee support is appreciated. Eagan said this will not be a joint meeting of the Selectmen and School Committee, and asked if just Chairman Perry will attend. Petersen said he is happy to go with Perry, and it is important to start this early to express our serious concerns about the Triton budget.

4. Sign lease extension agreement with YMCA of the North Shore

Chairman Perry read the following:

*The lease extension is ready for the Board of Selectmen to sign. Town Counsel Judy Pickett worked on this. It has been signed by the YMCA. The Board needs to vote and sign the extension.*

*Also, Chairman Perry, Vice Chairman Snow, Debbie and Amy went on a tour of the camp a couple of weeks ago. Attached are some pictures that Bob Snow took.*

Perry said at the end of the tour, campers presented homemade thank-you notes to the people who took the tour. He showed the thank-you notes he received and said the YMCA is doing a wonderful job. Snow showed a photo of the pool and said Rowley residents can use the pool for free during certain hours. Petersen said to have the YMCA run the camp is a big benefit to the community, and if the lease is extended, the YMCA will commit more money for the buildings and programming. He said the extension of the lease will be through 2038. Pierce said the camp is busier than usual, and he can hear the kids from his home and they sound like they are having a good time.

Dave Petersen made a motion to extend the lease and to sign the lease extension agreement, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the lease extension agreement.

5. Authorize Dave Petersen to meet with Parks and Recreation Committee to discuss Haley Field, Eiras Park and Veterans Field

Chairman Perry read the following:

*Dave Petersen has been working with the architect and engineer on the site plan for the Fire Station and Police Station Addition. The site for the fire station and police station addition will result in a re-configuration of some of the Eiras Park parking spaces.*

*Dave Petersen will discuss this agenda item.*

Petersen said the Public Safety Building Committee has been meeting every other week, and they are at the point of going out to bid in September. He said this project will encroach on the parking area for Eiras Park, and he has met with Parks & Recreation Committee Vice Chairman Tim Southall, who has had helpful suggestions. He said they have run into an issue with stormwater management, and they need to create pools for the stormwater which will leach into the fields. He said one leaching

area will be the center of the small little league diamonds, per Southall's suggestion. He said we will also be losing some parking. He said the Town is trying to purchase the Gwynn land, which will be an additional 3.5 acres for playing fields, and a couple of baseball diamonds could be added there. He said he is asking for permission to make a presentation to the Parks & Recreation Committee to show the plans for Eiras Park and the Gwynn land.

Bob Snow made a motion to authorize Dave Petersen to meet with the Parks & Recreation Committee to discuss Haley Field, Eiras Park, Veterans Field and the Gwynn land plans, Cliff Pierce second, all in favor - aye (4-0). Dave Petersen – ABSTAINED.

Bernie Cullen asked if any plans about this can be forwarded to the Water Department so they aren't surprised by any potential impact to Well #2. Petersen said he would be happy to forward the plans, but the area is not in the Watershed Protection District which is under the Zoning Board of Appeals. Eagan said because of the percentage of impervious soil in the site plan, this won't rise to the requirement to file with the ZBA under the Zoning Bylaw for the Watershed Protection District, but the Town needs to go to the ZBA for a special permit on the setback for the Police and Fire Station.

#### 6. Update on Annex Elevator project

Chairman Perry read the memo from Deborah Eagan to the Board of Selectmen. Petersen said he and Eagan have met with the architects for this project a number of times, and have gone through the Annex building with them twice. He said they opened parts of the walls and the architects have proposed three possible locations for the elevator, all within the existing conference room space. Petersen reviewed options A, B and C, and said they are recommending Option C, which provides good access, is the cheapest, and requires the fewest amount of changes in the building. He said they don't have any prices yet, and the main differences with the options is how the elevator is accessed. He said under the proposed Option C, the elevator will be accessed from the hallway, and will go down to the basement, or up to the first and second floors. He said if the Board votes on an option tonight, the architect can move forward and we can get a price for the Fall Town Meeting. He said we may lose the conference room, and the Building Inspector's Office may need to move upstairs.

Petersen said Part 2 of the project is regarding the handicap accessible bathrooms. He reviewed Options X, Y and Z and said they are recommending Option X, which is one unisex bathroom on the first floor and another unisex bathroom on the second floor.

Cliff Pierce made a motion to endorse Option C for the elevator location and Option X for the configuration of the two bathrooms, Bob Snow second, all in favor - aye (5-0).

### **NEW BUSINESS**

1. Discuss an application to appeal the Building Inspector's decision filed by Michael Sabatini with the Zoning Board of Appeals

Chairman Perry read the following:

*Town Counsel Judy Pickett has prepared a memo on this matter. She has been working with Building Inspector Ken Ward on a recent cease and desist on this property because there were no permits pulled prior to a July 12, 2017 event. See attached letter.*

*The Board of Selectmen may want to recommend to the ZBA the following:*

- 1) *Request they read Judy Pickett's August 7, 2017 memo (attached)*
- 2) *Request that the Historical Commission be permitted to make a presentation to the ZBA at the public hearing on the Town's Historic Preservation Restriction on the property, especially the barn.*
- 3) *Request that the Building Inspector, Fire Chief, Police Chief, Representative from the Planning Board, and Health Agent make presentations to the ZBA.*
- 4) *That the members of the ZBA either check with Judy or with the State Ethics Commission to settle any potential conflict of interest issues.*

Chairman Perry read the memo from Judy Pickett. Pierce said he has two recommendations: to also ask the ZBA to review Judy Pickett's April 8<sup>th</sup> memo which has important background information; and to offer Boards/Town Officials the ability to submit written comments if they don't want to attend the hearing for this. Petersen said he thinks there is a conflict of interest for at least one ZBA member who is an abutter of the property. He said he assumes that member would abstain, unless they need to participate due to the rule of necessity. Eagan said the abutters list is included in the packet. Pierce said they only need four members to make a ruling.

Dave Petersen made a motion to send a memo to the ZBA with the recommendations above, as amended by Selectman Pierce, Cliff Pierce second, all in favor - aye (5-0).

2. Letter from Attorney Donald Greenough regarding Chapter 61A land off Emily Lane

Chairman Perry read the following:

*This agenda item needs to be tabled until the August 21, 2017 meeting agenda. We received a letter from the Conservation Commission and an email from the Principal Assessor Sean McFadden on this request, but not yet from the Planning Board. This is on the Planning Board's next meeting agenda.*

Bob Snow made a motion to table this item until August 21, 2017, Cliff Pierce second, all in favor - aye (5-0).

### 3. Discuss Community Compact Program

Chairman Perry read the following:

*We have been working over the past several months in identifying possible "Best Practices" programs that the Town can submit to the State as part of the Community Compact Best Practices Program. Under this program, the State will offer the Town technical assistance in meeting the Best Practice goal that we've set and agreed to do.*

*Natalie has met with interested Town department heads to discuss potential best practices. She identified seven possible best practices. The Town is eligible to submit only two best practices per fiscal year. We've identified the following two Best Practices as the most needed at this time:*

- 1) Develop, document and implement Financial Policies and Practices*
- 2) Develop a Bridge/Culvert Preventative Maintenance Plan*

*We request the Board of Selectmen to vote to select these two Best Practices for submission to State under the Community Compact program and to authorize Chairman Perry to sign the Compact when it is ready.*

Petersen said the State has not provided any money, but yet they have developed this new program. Eagan said this program was initiated a couple years ago under Governor Baker, spearheaded by Lieutenant Governor Karyn Polito. She said Representative Hill has encouraged the Town to participate in this program. She said we aren't receiving money, just technical assistance.

Bob Snow made a motion to select the two Best Practices outlined above for submission to the State under the Community Compact program and to authorize Chairman Perry to sign the Compact when it is ready, Cliff Pierce second, all in favor - aye (5-0).



## **ANNOUNCEMENTS**

- Rowley residents have free outdoor pool access at the YMCA's Rowley campus at 390 Wethersfield Street. Resident pool access hours are: Monday – Friday from 3:00 p.m. to 6:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m.
- Attention all Korean War Veterans who served in Korea. The Eastern Essex Veterans Services District is issuing the Korean Ambassador for Peace Medal. Please contact the Veterans Office at 978-356-3915
- Information on the Pine Grove School project is available on the Town's website at [www.townofrowley.net](http://www.townofrowley.net).
- The Town has the following vacancies:
  - a. **Historic District Commission and Historical Commission** – one seat
  - b. **Open Space Committee** – two seats
  - c. **Fence Viewer** – three positions;
  - d. **Wood, Lumber & Bark Inspector**;
  - e. **Zoning Board of Appeals** – one seat
  - f. **Zoning Board of Appeals Associate** – two seats
  - g. **Parks and Recreation Committee** – one seat;
  - h. **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. 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 - aye (5-0).

Open meeting adjourned at 8:08 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Letter from Fire Chief James Broderick to Robert O'Leary regarding his appointment as a Probationary Call Firefighter
2. Meeting Memo regarding General Business #1: Review Road Opening Permit for Rowley Water Department to open 97 Central Street southbound side for water main repair
3. Road Opening Permit for Rowley Water Department to open 97 Central Street southbound side for water main repair

4. Letter from Registrar of Deeds John O'Brien, Jr. regarding Property Fraud Watch Program
5. Meeting Memo regarding 7:15 p.m. Appointment: Highway Surveyor Patrick Snow to discuss Highway Department Road Materials and Services Contract bids
6. Memo from Patrick Snow to Board of Selectmen regarding Contract Award Recommendations
7. Meeting Memo regarding Old Business #1: Update on MBTA bus service during commuter rail shutdown and wifi proposal
8. Email from Joe Tofalo regarding: This is the latest update on MBTA Commuter Rail Projects
9. Article from Salemnews.com titled, "Going 'slow and easy': New swing span for train drawbridge in place
10. Meeting Memo regarding Old Business #2: Update on Pine Grove School Project
11. Signed Approval to Proceed to Design Development Phase form with Dore & Whittier
12. Unsigned Approval to Proceed to Design Development Phase form with Dore & Whittier, and transmittal page
13. Email message from Dina Sullivan, Chair, Triton Regional School Committee regarding August 24, 2017 School Committee Meeting Agenda
14. Meeting Memo regarding Old Business #4: Sign lease extension agreement with YMCA of the North Shore
15. Signed lease extension agreement with YMCA of the North Shore
16. Photos of the YMCA camp tour
17. Thank-you cards given to Joe Perry from the children at the YMCA camp during the camp tour
18. Meeting Memo regarding Old Business #5: Authorize Dave Petersen to meet with Parks and Recreation Committee to discuss Haley Field, Eiras Park and Veterans Field
19. Memo from Deborah Eagan to the Board of Selectmen regarding options proposed for the elevator project at the Town Hall Annex, including attachments
20. Meeting Memo regarding New Business #1: Discuss an application to appeal the Building Inspector's decision filed by Michael Sabatini with the Zoning Board of Appeals
21. Memo from Judy Pickett regarding Appeal of July 10, 2017 Decision of the Building Inspector (Sabatini)
22. Notice of Violation – Cease and Desist issued to Michael Sabatini from Building Inspector Ken Ward
23. Application to appeal the Building Inspector's decision filed by Michael Sabatini with the Zoning Board of Appeals
24. Meeting Memo regarding New Business #2: Letter from Attorney Donald Greenough regarding Chapter 61A land off Emily Lane
25. Letter from Attorney Donald Greenough regarding Chapter 61A land off Emily Lane
26. Email from Sean McFadden regarding 61A land

27. Color map of Chapter 61A land off Emily Lane
28. Letter from Brent Baeslack regarding Removal Notice from Chapter 61 off Emily Lane (Map 9, Parcel 23, Lots 25, 26 and 27)
29. Meeting Memo regarding New Business #3: Discuss Community Compact Program
30. Memo from Natalie Lovett to Debbie Eagan regarding Community Compact Cabinet – Best Practices Program