

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

August 25, 2014

Meeting held at Town Hall

**MEMBERS PRESENT:** Chairman Robert Merry, Vice Chairman Joseph Perry, Clerk Robert Snow, Jack Cook, Dave Petersen. (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** Lawrence White – FINCOM; Bill Gaynor - RVA; Art Page - RVA; A.C. Demeter - RVA; Charles Hardy - RVA; Jack Grundstrom; Deborah Grundstrom; Janet Peabody - Library Trustees; Patrick Snow - Highway Department; John Manning - Library Trustee; John H. Grundstrom

### **CALL MEETING TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Bill Gaynor led the Pledge of Allegiance.

### **CHAIRMAN'S COMMENTS**

Chairman Merry said the Fox 25 Zip Trip was held on Friday and it turned out well with no mishaps. He said many people attended it, and at 11:58 a.m. the Common was restored to its original condition.

### **GENERAL BUSINESS**

1. Request from Board of Cemetery Commissioners to lift the hiring freeze for a seasonal laborer position

Chairman Merry read the letter from Bill Gaynor (COPY ATTACHED). Petersen asked if the hire was to continue grass cutting. Gaynor said the question marks on his letter are there because he doesn't know the pay rate. Eagan asked if the current laborer is leaving. Gaynor said he has left already. Eagan said she will post the position tomorrow if approved by the Selectmen.

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

2. Vote to designate Police Chief Robert Barker as an authorized signatory for state 9-1-1 grant

Chairman Merry read the following:

*The Board of Selectmen needs to vote to authorize Chief Barker to sign the state grant forms.*

*The Chairman signs and dates the top form authorizing the chief to sign the state grant forms.*

Joseph Perry made a motion to authorize Chief Barker to sign the state grant forms, Bob Snow second, all in favor - aye (5-0).

Chairman Merry signed the form authorizing the chief to sign the state grant forms.

### **7:05 – 7:15 p.m. CITIZEN QUERY**

Citizen's Query opened.

Charles Hardy of 67 Newbury Road said he is a representative of RVA on the Old Nancy issue.

Bob Merry recused himself from the Old Nancy discussion.

Hardy said the RVA was granted permission by the Board of Selectmen to restore and paint Old Nancy to make it more presentable for the Town's 375th Anniversary celebration. He said in the middle of the project, they were ordered to return the cannon and asked what the reason is that they were ordered to return it. He said they had done quite a bit of work to it, but were not finished. He said it has been returned back to where it came from. He said they had greased the wheels and cleaned and painted it, then they were ordered to return it and they are wondering why.

Joseph Perry said he is acting as the Chairman since Merry has recused himself. He said the Citizen Query Policy (COPY ATTACHED) allows the Board to take comments from audience members, but they cannot respond to it until the subject is added to a meeting agenda. He said the public is free to comment in good taste, but the Board cannot answer questions. Hardy said I guess there is no point to comment.

Arthur Page asked Merry if the cannon will still be displayed in the parade. Merry said he has recused himself from this discussion. Page said he has noticed damage had been done to the cannon. He said the red paint that they put on has been scrapped off and asked why. He said he did most of the work on the cannon such as greasing the wheels, washing it and painting it. He said he received a call from Bill Gaynor that it had to be brought back and when he returned it, he heard comments from the Highway Department why the cannon was taken back, but that didn't happen.

Perry said this topic is being recorded, it can be added to a future agenda for discussion, but cannot be discussed now.

Andrew Demeter asked why Mr. Merry has recused himself and asked if this can be discussed under the Old Business #2 topic on tonight's agenda. Snow said the rules of Citizen's Query are that the Board cannot address a query at that time but it can be put on an agenda at a later time. Perry said Old Nancy will be discussed under Old Business tonight and there are rules about what is on the agenda and who can discuss agenda items. He said the Board is taking comments now and for the next three minutes. John H. Grundstrom said if he doesn't ask a question now, can he ask a question under an agenda topic. Perry said he didn't say there was an open discussion under an agenda item. He said the Board put the topic on the agenda and the Chairman determines who can speak under items on the agenda.

### **GENERAL BUSINESS**

#### **3. Stable Permit Application from Megan Bossonneau for Weathering Heights Farm, 66 Cross Street**

Chairman Merry read the following:

*Weathering Heights Farm is applying for a stable permit.*

*Town taxes, electric and water bills are paid.*

*Animal Control Officer Reed Wilson reports no issues with the stable.*

Eagan said this is a new stable permit application (COPY ATTACHED). Petersen asked if there is any limit on the number of horses to be kept at the stable. Eagan said it is three and the requirement for a permit is for four or more horses, but they may get a few more horses.

Bob Snow made a motion to approve the stable permit application from Megan Bossonneau for Weathering Heights Farm, 66 Cross Street, Jack Cook second, all in favor - aye (5-0).

### **7:05 – 7:15 p.m. CITIZEN QUERY**

Citizen's Query closed. There were no further Citizen's queries.

**7:15 p.m.** Appointment – Janet Peabody, Chair, Board of Library Trustees to discuss pedestrian safety concerns in the Library and Town Hall parking areas

Chairman Merry read the following:

*Janet Peabody would like to discuss safety concerns in the parking areas of the Library and Town Hall parking lot.*

*The hedges have been cut. Highway Surveyor Pat Snow recommends painting the word "SLOW" on the street. Chief Barker recommends that the hedges be trimmed down. Chief Barker does not recommend additional signage.*

Janet Peabody said Library Trustee John Manning was leaving the Library with his daughter and they were almost hit by a car coming around the corner. She said they have cut the hedge which has improved visibility, but many people cross the lot to get to the Cemetery driveway.

John Manning said he is a Library Trustee now and was a Trustee when the Library was built. He said the safety concerns have gotten worse over time and he asked the board to consider adding a speed bump. He said Triton has them as well as the elementary schools, and even one bump would help. He said he has also had close calls with his older children and he is requesting the addition of a speed bump. Merry said the board can take that request under advisement. Merry said there is a stop sign behind the Library that is twisted and can't be seen from the Cemetery side, and it needs to be turned 30 to 40 degrees to correct this. Highway Surveyor Pat Snow said he can adjust the sign or add another sign at the driveway. Petersen said he looked at the area today and asked Manning if the incident happened at the back of the Library building. Manning said yes and one speed bump would help slow traffic coming in from the street as well. Petersen said he recommends moving the stop sign about five feet towards Town Hall. He said Triton does have a cross walk with white stripping, but the parking lot situation here is discombobulated. He recommended painting the word SLOW on the driveway. Robert Snow said a safety cone without a crosswalk would help. Robert Snow said if a crosswalk was added, the grass island would have to change. Petersen said he wouldn't do anything formal, if a walkway was created, most people wouldn't use it anyway. Peabody said moving the sign is a good idea. Robert Snow also suggested adding three 36" cones. Patrick Snow said he will add the cones and move the sign and we can see if that helps. Patrick Snow said he can have the word SLOW painted and centered on the entryway. Petersen asked how these items will be funded. Patrick Snow said he can fold the painting into his budget and he can get the cones if he doesn't already have them.

Bob Snow made a motion to paint the word slow on the pavement when entering the library driveway and on the driveway near the cemetery exit; to put three traffic cones along the driveway; and to move the stop sign five feet towards the Town Hall, Dave Petersen second, all in favor - aye (5-0).

## **GENERAL BUSINESS**

### **4. Request to use the Town Common from Kirsten Morris and Ryan Southall**

Chairman Merry reviewed some information on the Town Common Use Application (COPY ATTACHED).

Dave Petersen made a motion to authorize the use of the Town Common by Kirsten Morris and Ryan Southall, Jack Cook second, all in favor - aye (5-0).

## **NEW BUSINESS**

### **1. FY 15 Re-Appointments/Appointments**

Dave Petersen made a motion to appoint Kirk Baker as the Limited Lighting Bylaw Enforcement Agent effective August 26, 2014 through June 30, 2015, Jack Cook second, all in favor - aye (5-0).

Joseph Perry made a motion to appoint Jessie Mazzie as a Regular Reserve Dispatcher effective August 26, 2014 through June 30, 2017, Bob Snow second, all in favor - aye (5-0).

Joseph Perry made a motion to appoint Mary Ellen MacDonald, 52 Summer Street, Rowley (D) as an FY 15 Additional Election Worker, Jack Cook second, all in favor - aye (5-0).

Jack Cook made a motion to appoint Annetta Kelly, 161 Cross Street, Rowley (D) as an FY 15 Additional Election Worker, Bob Snow second, all in favor - aye (5-0).

Joseph Perry made a motion to appoint Sally McRae, 554 Plantation Drive, Rowley (U) as an FY 15 Additional Election Worker, Jack Cook second, all in favor - aye (5-0).

Chairman Merry read the following:

*David Levesque's appointment to the ZBA expired on July 31, 2014. The conflict of interest opinion was provided to ZBA Chairman Don Thurston on August 12, 2014. The Board of Selectmen needs to vote to re-appoint David Levesque to the ZBA effective July 31, 2014 through September 8, 2014, pending the filing of the written Section 19 and Section 23 disclosures pursuant to Mass. General Laws Chapter 268A. The Board*

*of Selectmen needs to vote to send a letter to David Levesque with a copy to Don informing him of the Board's decision with a copy of the conflict of interest letter.*

Petersen said he and Perry discussed this issue with Thurston and Levesque needs to fill out the documentation and let the public know about this conflict of interest. He said he has no problem with this re-appointment as long as Levesque fills out the paperwork.

Dave Petersen made a motion to send David Levesque a letter outlining the disclosure requirements and giving him a deadline to respond, Jack Cook second, all in favor - aye (5-0).

2. Review Site Plan Review Application from Mark Savory to the Planning Board

Chairman Merry read the memo from Town Planner Kirk Baker (COPY ATTACHED).

There were no comments from the Board regarding the application.

Bob Snow made a motion to notify the Planning Board that the Board of Selectmen have no comments on this application, Joseph Perry second, all in favor - aye (5-0).

3. Letter from Attorney Donald Greenough re: the sale of Chapter 61 land

Chairman Merry read the following:

*The filing for this Chapter 61 land appears to be in order. We haven't received reports from the Planning Board and Conservation Commission yet. Both the planner and conservation agent are on vacation. Debbie will contact them when they get back. This will need to be tabled for a future meeting.*

Dave Petersen made a motion to table this topic for a future meeting, Bob Snow second, all in favor - aye (5-0).

4. Discuss fall special town meeting

Chairman Merry read the following:

*The Board needs to open the warrant for the October 27, 2014 special town meeting tonight and to close it at 4:00 p.m. on Monday, September 19, 2014.*

*The warrant must be posted no later than October 10, 2014. (Monday, October 13 is a holiday.) We will need to get it copied and mailed no later than October 15.*

Bob Snow made a motion to open the warrant for the October 27, 2014 special town meeting tonight and to close it at 4:00 p.m. on Monday, September 19, 2014., Jack Cook second, all in favor - aye (5-0).

5. Liquor license change of manager application submitted by Rowley Veterans Association

Chairman Merry read the following:

*The application submitted for the change of manager application is not ready. Jim Edwards, the applicant, has requested that it be put on the September 8, 2014 meeting agenda. He needs additional time to complete it.*

Jack Cook made a motion to postpone acting on this application until September 8, 2014, Bob Snow second, all in favor - aye (5-0).

6. Discuss "Ice Bucket Challenge" for ALS

Bob Snow said he recommends sending the youngest member of the board. Petersen said he is declining the challenge, but will send a donation to ALS. Perry said his doctor will not allow him to participate, but he will send a donation. Snow said he will sacrifice himself as the youngest member of the board, Merry said he will join Snow. Merry said the challenge will be done during a Farmer's Market on Sunday and we will check with George Pacenka for the time.

**OLD BUSINESS**

1. Discuss Old Nancy cannon

Chairman Merry recused himself from this discussion and left the room. Perry said there are specific items that will be discussed under this topic. Perry read the following:

*The fire captains have inspected the cannon and found soot inside the cannon. (See attached pictures).*

*I call for a motion and vote to request the Police Department investigate the firing of the "Old Nancy" cannon.*

Bob Snow made a motion to request that the Police Department investigate the firing of the Old Nancy cannon, Dave Petersen second, all in favor - aye (4-0). (As previously mentioned, Bob Merry recused himself from this discussion and left the room. He was not present for this vote.)

Petersen said there are people in the audience who are involved with this discussion and at this point it serves no purpose to have a back and forth discussion about whether or not the cannon was fired. He said the Police can give a definitive answer and then an action plan can be discussed.

Perry said, "I call for a motion and vote to authorize the town administrator to work with the cannoneer to hire a company to inspect and evaluate the condition of the cannon."

Bob Snow made a motion to authorize the town administrator to work with the cannoneer to hire a company to inspect and evaluate the condition of the cannon, Dave Petersen second, all in favor - aye (4-0). (As previously mentioned, Bob Merry recused himself from this discussion and left the room. He was not present for this vote.)

Perry said this inspection is needed to see if the cannon can be used for the town's upcoming 375th Anniversary Celebration.

Perry said, "I call for a motion and vote to rescind the Board of Selectmen's vote on July 28, 2014 to allow the Rowley Veterans Association to refurbish the cannon."

This motion was not made by the board. Petersen said he would like to wait for the assessment of the cannon and the police report before taking a vote to do this.

Bob Snow made a motion to revisit rescinding the vote to allow the Rowley Veteran's Association to refurbish the cannon once the police report is complete and the cannon has been inspected, Dave Petersen second, all in favor - aye (4-0). (As previously mentioned, Bob Merry recused himself from this discussion and left the room. He was not present for this vote.)

Andrew Demeter asked when this topic would be added back onto the agenda. Perry said it depends on how long the police investigation takes and said he is concerned that the investigation will not be completed before the 375th Anniversary Celebration which is only a few weeks away. Demeter asked which budget would be paying for this investigation. Petersen said it will come out of the Board of Selectmen's budget.

Bob Merry re-entered the meeting room and sat at the Selectmen's table at 7:50 p.m.

2. Update on Rowley 375th celebrations: parade, concerts, opening and closing ceremonies

Joseph Perry said Boston Rockabilly performed this past Saturday and they were fabulous. He said the Institution for Savings provided free ice cream, popcorn and souvenirs, and said they have been wonderful supporting the concerts over the summer. Perry outlined the upcoming events for the 375th Anniversary.

3. Update on Girl Scouts land

Chairman Merry read the following:



*We have been working on the Self-Help grant application. The state has requested that we exclude the camp area from the appraisal. Our appraiser, LandVest, pointed out that there would need to be a new appraisal because the camp area cannot just simply be excluded from the appraisal. A new appraisal will result in a much lower value and most likely less grant money. Additionally, we would have to expend more funds to pay for the appraisal and there would be no guarantee that we would get the grant. This grant is geared toward protecting habitats, etc., not for recreational purposes. Bob Merry and Dave Petersen met with David Santomenna today to discuss how we should proceed. We feel that at this point, re-appraising the property to exclude the camp area is not beneficial, as it will result in delays, lower the value of the property and reduce the amount of grant funds we would be eligible for. The primary concern we have at this point, is to purchase the land as soon as possible and issue an RFP to lease the area to an organization which will run camps and other programs. Dave and Bob can explain further.*

*If the Board votes to follow this course of action, Debbie will send a letter to the state informing them of the Town's intent to withdraw the application.*

Perry said given these circumstances, we should vote to withdraw the application. Merry said he, Dave Petersen and David Santomenna feel the same way and if the Town continues with the grant, it will delay the process. He said half of the appraised value is the camp area and if getting the grant was a guarantee, that would be a different issue. He said the State tends to give grants for land and not for camps. Petersen said the prime purpose of the grant is to conserve land and protect animal habitats. He said most of the value of the parcel comes from the camp area and if that is removed from the appraisal, the amount of the potential grant will be reduced. He said Brent Baeslack and the group have done a lot of work on this project, and if the Town wants to take possession of the land by the end of the year, we need to move forward and focus efforts on the purchase and sales agreement and the request for proposals.

Joseph Perry made a motion to withdraw the Town's application for the State Self-Help grant, Bob Snow second, all in favor - aye (5-0).

## **MINUTES**

- June 16, 2014

Dave Petersen made a motion to approve the minutes from the June 16, 2014 meeting, Bob Snow second, all in favor, aye (4-0). Joseph Perry - ABSTAINED.

- July 14, 2014

Bob Snow made a motion to approve the minutes from the July 14, 2014 meeting, with the correction of a typo, Dave Petersen second, all in favor, aye (4-0). Dave Petersen - ABSTAINED.

- July 28, 2014

These minutes were tabled.

- August 11, 2014

Jack Cook made a motion to approve the minutes from the August 11, 2014 meeting, Joseph Perry second, all in favor, aye (5-0).

- August 11, 2014 - Executive Session

Bob Snow made a motion to approve the minutes from the August 11, 2014 Executive Session meeting, Joseph Perry second, all in favor, aye (3-0). Bob Merry - ABSTAINED. Jack Cook - ABSTAINED.

### **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - **Fence Viewer**— two positions;
  - **Wood, Lumber & Bark Inspector**; and
  - **Zoning Board of Appeals Associate** – two open seats
  - **Historical Commission-Historic District Commission** - four seats
  - **Parks and Recreation Committee** - two seatsFor more information on these positions, please contact the Selectmen's Office at 948-2372
- 375<sup>th</sup> Anniversary information and events are posted on the Town's website, [www.townofrowley.net](http://www.townofrowley.net)
- Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.
- Water Customers need to call Pennichuck at 1-800-553-5191 now for billing, payment and customer service questions.
- Compact fluorescent light bulbs may be recycled at the Rowley Municipal Lighting Plant. Light bulbs can be brought down during normal business hours.

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

Open meeting adjourned at 8:05 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

ATTACHMENTS:

1. Request from Board of Cemetery Commissioners to lift the hiring freeze for a seasonal laborer position
2. State 9-1-1 grant forms and authorized signatory paperwork
3. Board of Selectmen Citizen Query Policy for Public Meetings
4. Stable Permit Application from Megan Bossonneau for Weathering Heights Farm, 66 Cross Street
5. Email from Library Trustee Janet Peabody regarding pedestrian crossing concerns at Library
6. Town Common Use Application from Kirsten Morris and Ryan Southall
7. Memo from Planning Board regarding Kirk Baker's appointment as Limited Lighting Enforcement Agent
8. Request for additional election workers from Susan Hazen
9. Request from Chief Barker to appoint Jessie Mazzie as Regular Reserve Dispatcher
10. Letter from Brackett & Lucas regarding Levesque conflict of interest opinion
11. Memo from Kirk Baker and Site Plan Review Application from Mark Savory to the Planning Board
12. Letter from Attorney Donald Greenough re: the sale of Chapter 61 land
13. Email from George Pacenka regarding "Ice Bucket Challenge" for ALS
14. Pictures of Old Nancy cannon