

MINUTES OF THE BOARD OF SELECTMEN MEETING

December 12, 2016

Meeting held at Town Hall, 7:00 p.m.

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

PUBLIC ATTENDEES: Lawrence White - FINCOM; Henry F. Rolfe; Bernie Cullen

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

Bob Snow led the Pledge of Allegiance.

GENERAL BUSINESS

1. Discuss Wreaths Across America Ceremony

Chairman Perry said it was a thrill to watch the ceremony today. He said the convoy came through Central Street onto Route 1A exactly on time. He said there were twelve trucks hauling the wreaths that came from Maine with Maine and Massachusetts State Police escorts. He said they stopped in Topsfield on their way to the annual event in Washington D.C. to place wreaths on the graves. He said Rowley was given a wreath. Merry said this is the 6th year that the Town has received a wreath. He said the first wreath that the Town received was placed on the Revolutionary War Monument on the Town Common, and each year since then, the wreath has been placed on the grave of a Veteran. Merry read the following:

This year, Rowley's "Wreath Across America" will be placed on the family grave of U.S. Army Private First Class Vincent D. Peabody. He enlisted in the U.S. Army on April 25, 1944. He was assigned to Company K, 7th Infantry - Regiment 3rd Infantry - Division. He was officially killed in action on January 22, 1945 in the Camier Pocket in France, engaged in action against hostile forces. His remains are buried in the Epinal France American Cemetery - Plot B, Row 17, Grave 17. He received the following awards: Purple Heart: Combat Infantryman Badge; American Campaign Medal: World War II Victory Medal. "Time will not dim the glory of his deeds."

Merry said a plaque will be placed on the grave with this information. He said after Rowley was awarded the wreath in Topsfield, an Ipswich resident who was a relative of Peabody came up to him and showed a picture of Peabody's grave in France. He said

Peabody's relative will be present at the family grave when the wreath is placed on it tomorrow. Perry said it was truly an amazing sight to see the caravan pass through. Snow said he spoke with several Veterans at the ceremony. He said he spoke to Carmine, a 95 year old Navy Veteran, who was engaging, funny and lovely. He said he also spoke to Bill Quinn from Topsfield, a fourth Marine division on Iwo Jima.

2. Letter from Police Lieutenant Stephen May on his revised date of retirement

Chairman Perry read the letter from Police Lieutenant Stephen May on his revised date of retirement.

Dave Petersen made a motion to accept Lieutenant May's revised date of retirement, Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Class III License Renewals

- Michael Bontos d/b/a Rowley Auto Parts
- Donald Savory and Mark Savory d/b/a Bay Road Auto Sales

Chairman Perry read the following:

All renewal applications received are in order with all taxes, water and light bills paid. Please make a motion to approve and sign the licenses.

- *Michael Bontos d/b/a Rowley Auto Parts*
- *Donald Savory & Mark Savory d/b/a Bay Road Auto Sales*

The licenses will be available in the Selectmen's Office tomorrow. We would like to have them signed by next Monday if possible.

Dave Petersen made a motion to approve the renewal of the Class III license for Michael Bontos d/b/a Rowley Auto Parts, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Dave Petersen made a motion to approve the renewal of the Class III license for Donald Savory & Mark Savory d/b/a Bay Road Auto Sales, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - ABSENT Bob Merry - RECUSED

Citizen Query

Citizen Query was opened. There were no Citizen queries.

Auto Auction License Renewals

- Michael Bontos d/b/a Rowley Auto Parts
- Chairman Perry read the following:

The one renewal application has been received and is in order with all taxes, water and light bills paid. Please make a motion to approve and sign the license.

- Michael Bontos d/b/a Rowley Auto Parts

The licenses will be available in the Selectmen's Office tomorrow. We would like to have them signed by next Monday if possible.

Dave Petersen made a motion to approve the renewal of the Auto Auction license for Michael Bontos d/b/a Rowley Auto Parts, Bob Snow second, all in favor - aye (4-0).
Cliff Pierce - ABSENT

Class II License Renewals

- Darya Litvinava d/b/a Auto Imports Unlimited, Inc
- Rafael Reyes d/b/a J R Reyes Transportation & Truck Center, Inc.
- Tim Watkins d/b/a Precision Auto d/b/a Precision Volvo
- Louis James Falzone, Jr. d/b/a Allstate Auto Sales
- Donald Savory & Mark Savory d/b/a Bay Road Auto Sales - 56 Newburyport Turnpike
- Donald Savory & Mark Savory d/b/a Bay Road Auto Sales - 588 Main Street
- Thomas Boucher d/b/a Boucher's Automotive Machine Shop, Inc
- Josephine Bornstein d/b/a D&D Auto Sales
- Phillip S. Mumley d/b/a AutoPro Collision Center, LLC
- Gino Tzortzis d/b/a Gino's Collision Ctr., Inc.
- Fred Hardy d/b/a Hardy's Auto Body
- Mark Ouellette d/b/a M & J Foreign Cars, Inc.
- Dale and Roy Ducrow d/b/a Rowley Auto Brokers
- Frank Iovanella and James Price d/b/a Car Lines
- Mimi Tzortzis d/b/a Rowley Auto Mall

Chairman Perry read the following:

The following renewal applications have been received and are in order with all taxes, water and light bills paid. Please make a motion to approve and sign the licenses. The licenses will be available in the Selectmen's Office tomorrow. We would like to have them signed by next Monday if possible.

- Darya Litvinava d/b/a Auto Imports Unlimited, Inc

- *Rafael Reyes d/b/a J R Reyes Transportation & Truck Center, Inc.*
- *Louis James Falzone, Jr. d/b/a Allstate Auto Sales*
- *Thomas Boucher d/b/a Boucher's Automotive Machine Shop, Inc*
- *Josephine Bornstein d/b/a D&D Auto Sales*
- *Phillip S. Mumley d/b/a AutoPro Collision Center, LLC*
- *Mark Ouellette d/b/a M & J Foreign Cars, Inc.*
- *Dale and Roy Ducrow d/b/a Rowley Auto Brokers*
- *Frank Iovanella and James Price d/b/a Car Lines*

Dave Petersen made a motion to approve the renewal of the Class II licenses for:

Darya Litvinava d/b/a Auto Imports Unlimited, Inc
Rafael Reyes d/b/a J R Reyes Transportation & Truck Center, Inc
Louis James Falzone, Jr. d/b/a Allstate Auto Sales
Thomas Boucher d/b/a Boucher's Automotive Machine Shop, Inc
Josephine Bornstein d/b/a D&D Auto Sales
Phillip S. Mumley d/b/a AutoPro Collision Center, LLC
Mark Ouellette d/b/a M & J Foreign Cars, Inc.
Dale and Roy Ducrow d/b/a Rowley Auto Brokers
Frank Iovanella and James Price d/b/a Car Lines

Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Chairman Perry read the following:

We are awaiting additional information from the following applicants:

- *Donald Savory & Mark Savory d/b/a Bay Road Auto Sales - 56 Newburyport Turnpike*
- *Donald Savory & Mark Savory d/b/a Bay Road Auto Sales - 588 Main Street*

Renewal applications have not yet been received from the following applicants:

- *Gino Tzortzis d/b/a Gino's Collision Ctr., Inc.*
- *Fred Hardy d/b/a Hardy's Auto Body*
- *Tim Watkins d/b/a Precision Auto d/b/a Precision Volvo*
- *Mimi Tzortzis d/b/a Rowley Auto Mall*

Flea Market License Renewals

- *Starr P. Todd d/b/a Todd Farm LLC*
- *Sandra A. Hamel d/b/a Sandy's Flea*
- *Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC*

Chairman Perry read the following:

The following renewal applications have been received and are in order with all taxes, water and light bills paid. Please make a motion to approve and sign the licenses. The licenses will be available in the Selectmen's Office tomorrow. We would like to have them signed by next Monday if possible.

- *Starr P. Todd d/b/a Todd Farm LLC*
- *Sandra A. Hamel d/b/a Sandy's Flea*

Dave Petersen made a motion to approve the renewal of the Flea Market licenses for Starr P. Todd d/b/a Todd Farm LLC and Sandra A. Hamel d/b/a Sandy's Flea, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - ABSENT Bob Merry - RECUSED

Chairman Perry read the following:

The renewal application for:

- *Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC*

was received today. The Board can vote to approve this application, pending verification that all taxes, water and light bills are up to date.

Dave Petersen made a motion to approve the renewal of the Flea Market license for Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - ABSENT Bob Merry - RECUSED

NEW BUSINESS

1. Accept donation of chairs from the Institution for Savings

Chairman Perry read the following:

The Institution for Savings donated office chairs to the Town. The Board needs to vote to accept these donations.

Bob Snow made a motion to accept the donation of chairs from the Institution for Savings, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Petersen said we should send them a letter of thanks. Snow said the Institution for Savings is very good to the Town, and they donated the chairs around the Selectmen's table as well.

OLD BUSINESS

1. Update on Prospect Hill Road Project

Chairman Perry read the following:

The Tata & Howard engineers have worked out the Change Order that was discussed during last week's Selectmen's meeting. The amount is \$30,000, which is the amount I have in the contingency line.

The contract amount was \$143,900.

The credit for not doing the work on the west side channel is \$33,900

The new work is \$63,900, which includes the cost for the rip rap.

The total adjusted contract is \$173,900.

The Water Department is contributing \$75,000 towards the cost of this project.

The revised stormwater plans pitch the road to the east with a new rip rap channel on the east side of the road. These changes will slow the stormwater as it flows down the hill during rain events. With this revision, we will not need to have the Verizon conduit moved, which would have resulted in a significant project delay and costs. Conservation Agent Brent Baeslack has reviewed the plans and is satisfied with the modifications. T. Ford will be on the site tomorrow and plans to return with a full crew on Thursday.

The Board needs to vote and sign four original Change Order forms.

Dave Petersen made a motion to sign the four original Change Order forms, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

The Board signed the four original forms. Bernie Cullen asked if the completion timeline has changed. Perry said originally the completion date was for December 28, 2016, and it is now January 12, 2017.

2. Discuss Triton District Communications Committee meeting scheduled for December 15, 2016

Chairman Perry said there will be a District Communications meeting at Triton on Thursday night, and they would like the Selectmen's comments on the Triton Agreement. Eagan said the letter from Town Counsel to the Board dated September 30, 2016 is included in the meeting packet. Perry said the School Committee has established a sub-committee to work on the proposed changes to the agreement, which is chaired by Nerissa Wallen. He said the sub-committee has made the proposed changes, the Board went through the changes and he will bring the Board's concerns to the District Communications meeting. He said he would like to make sure that the Board is in favor of these responses to the proposed changes from the Selectmen:

- Not in favor of changing the procedure for filling vacancies

- Continue with the current wording in the agreement for the timeline for the budget submittal, and if an extension is needed, it can be requested. Petersen said because the Town's budget depends on the school budget, we need the budget as soon as possible, but we have given waivers on the deadline when needed in the past.
- Perry said Dina Sullivan has requested the establishment of a committee, to review the landlord/tenant responsibilities, with representatives from all three towns as follows: one Selectman, one Finance Committee representative, and the Town Manager/Administrator. He said he wouldn't ask Eagan to serve since she has enough on her plate, but we should ask the Finance Committee for a suggested representative. He said all three towns should sit and discuss this issue, but it won't be easily solved. The Board decided to take this up next week.
- Perry said Town Counsel Judy Pickett has reviewed the proposed changes and provided a memo. He said her comments were that Section IV is confusing, and Section V.D., which discusses for facilities owned by the towns, the expenses are borne by the town, needs clarification. Petersen said this is a major issue. He said Salisbury Elementary School is owned by Triton, and he asked how it would work if a major repair was needed there. Perry said it would get assessed to Salisbury. Petersen said that should be clarified in the agreement.

Larry White asked if the Board plans to address the budget process. He said in the past they have budgeted for level services, but if enrollment is decreasing, then the budget should decrease. He said this hasn't been the case in the past. Perry said the agenda is set by the Chair of the School Committee, and the agenda item is for only the Triton Agreement. He said Dina Sullivan was here last week, and she is postponing the budget presentation for the Pine Grove School so that it is not on the same night as the Selectmen's meeting. White said this is a bottoms up approach, and he would like the three towns to meet with Triton to create a top down approach, where the total budget number is decided, and then each town decides how to use their portion of the budget. He said the proposed enrollment is decreasing from 467 to 415 according to the State, which implies another decrease in the budget. He asked how the Town and the Finance Committee can support a budget increase with decreasing enrollment. Perry said he agrees. He said the numbers submitted to the State for MSBA don't include the pre-school, so there will actually be three more students. Petersen said the School Committee has total control of the budget, and the Towns do not. He said White's idea is not legal, and it will not fly, and the best we can do is make a suggestion and hope that they listen, and send representatives to the meetings. He said we get the bill, and we can say no at Town Meeting, but then we would need to have another Town Meeting at the Town's additional expense and whatever the next budget submitted is, passes.

Perry said for some historical perspective, last spring he made a presentation to the School Committee outlining that the Town's 2.5% tax increase amounted to \$400,000,

and there was new growth of \$200,000. He said he explained that the Town was willing to give the school an additional \$300,000, which is 50% of this increased revenue. He said we just approved the override for the PGS feasibility study, and the override for the new Police and Fire Station buildings, and we asked them to be reasonable. He said in the end, they took all of the Town's new revenue of \$600,000, plus another \$100,000. He said this was outrageous, and they weren't listening to the Town. He said they thought even with that increase, that the budget wasn't funded sufficiently. Snow said two out of the three Towns, Rowley and Salisbury, are making major investments into their town's infrastructures, and the towns need to survive too. He said we all need to look at the big picture. Bernie Cullen said he sent a letter to Superintendent Forget, and he hasn't heard back yet. He said with a new agreement under discussion, and a proposed five year capital budget, why shouldn't there also be a five year operating budget. He said we shouldn't be held hostage to this annual process, and suggested that this be brought up at the District Communications meeting. White said if the Triton budget continues to escalate with decreasing enrollment, people will look at the \$40,000,000 proposed renovation of Pine Grove School as completely unacceptable and will draw a line. Perry said that will be a major factor. Snow said the average person is being hit with increasing costs for healthcare and food, and the taxpayer is close to being spent. He said this needs to be taken into consideration, and Rowley is lean and mean. He said the Police and Fire Stations are not ostentatious, and Triton needs to look at their needs in the same way.

ANNOUNCEMENTS

- Toys for Tots Box is located at Town Hall. Unwrapped gifts for children are greatly appreciated.
- Town offices will be closed December 26, 2016 and January 2, 2017
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- 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.

Chairman Perry called for a motion to go into Executive Session for the purpose of discussing strategies with respect to litigation on the Stephen B. Comley, Sr. v. Town of Rowley, Board of Selectmen and Commonwealth of Massachusetts, Department of Transportation/Highway Division, Superior Court case because an open meeting may have a detrimental effect on the litigating position of the Town and to not return to open session. Bob Snow so moved, Bob Merry second, all in favor - roll call vote: Joe Perry - aye; Bob Snow - aye; Bob Merry - aye; Dave Petersen - aye. Cliff Pierce - ABSENT.

Open meeting adjourned at 7:55 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding General Business #1: Discuss Wreaths Across America Ceremony
2. Bob Merry's comments about Wreaths Across America wreath dedication
3. Letter from Police Lieutenant Stephen May on his revised date of retirement
4. Meeting memo regarding Class III License Renewals.
5. Meeting memo regarding Auto Auction License Renewals
6. Meeting memo regarding Class II License Renewals
7. Meeting memo regarding Flea Market License Renewals
8. Meeting memo regarding New Business #1: Accept Donation of chairs from the Institution for Savings
9. Meeting memo regarding Old Business #1: Update on Prospect Hill Road Project
10. Change Order #1 for Prospect Hill Road Project
11. Meeting memo regarding Old Business #2: Discuss Triton District Communications Committee meeting scheduled for December 15, 2016
12. Email from Dina Sullivan to Deborah Eagan regarding District Communications Committee Meeting December 15, 2016
13. Email from Judy Pickett to Deborah Eagan regarding Triton
14. Memo from Judy Pickett regarding Triton School Amended Agreement
15. Amended Agreement for the Triton Regional School District
16. Written Executive Session motion