

MINUTES OF THE BOARD OF SELECTMEN MEETING

December 7, 2015,
Meeting held at Town Hall, 7:00 p.m.

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

PUBLIC ATTENDEES: Bernie Cullen; Steve Barry; Henry Rolfe - Independent Press; Arian Haley - PTA; Celeste Kiricoples - PTA; Michael A. Sabatini; Brent Baeslack; James Mulligan

CALL MEETING TO ORDER

Chairman Robert Merry called meeting to order at 7:02 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Bob Snow led the Pledge of Allegiance.

MOMENT OF SILENCE

A Moment of Silence was observed for the 74th Anniversary of Pearl Harbor.

GENERAL BUSINESS

1. Request from Police Chief Robert Barker to appoint Paul E. Polanski and Rachael Enaire as Reserve Dispatchers

Chairman Merry read the request letter.

Dave Petersen made a motion to appoint Paul E. Polanski and Rachael Enaire as reserve dispatchers effective December 8, 2015 and expiring June 30, 2016, Bob Snow second, all in favor - aye (5-0).

7:05 p.m. – 7:10 p.m. CITIZEN QUERY

Bernie Cullen asked what the demands/terms of the union contract are to be negotiated in tonight's Executive Session. Chairman Merry said the Board cannot tell him this information. Petersen said the Board cannot discuss this due to State Law.

NEW BUSINESS

1. Request from Pine Grove School PTA to hold a 5k Road Race and Kids Fun Run on April 9, 2016

Chairman Merry read the following:

Please see the attached request and map.

This request has been circulated to the following individuals: Police Chief, Fire Chief, Health Agent, Highway Surveyor, Parks & Recreation Committee Chairman and Vice Chairman.

Only the Fire Chief had comments/concerns about the request. The PTA discussed the concerns with the Fire Chief and he is satisfied with how they are being addressed.

Pine Grove School PTA Co-President Arian Haley said they are trying to bring back a race that they previously held four to five years ago. She said this will be the PTA's major fundraiser this year and will take the place of the auction. She said they hope to have two hundred runners, and the race course is the same as in the past, it is still certified, and they are meeting with a timing company tomorrow.

Dave Petersen made a motion to approve the request from Pine Grove School PTA to hold a 5k Road Race and Kids Fun Run on April 9, 2016, Joseph Perry second, all in favor - aye (5-0).

7:15 p.m. APPOINTMENT - Conservation Agent Brent Baeslack to discuss to mowing and haying of Bradstreet Conservation Area fields

Michael Sabatini moved forward to make this presentation with Brent. Sabatini said he met with Conservation Agent Brent Baeslack at the farm to discuss the fields outside of his property. He said they put together a slide presentation which has already been presented to the Conservation Commission.

Chairman Merry read Baeslack's letter into the record.

Sabatini reviewed the slides and said that there has been no haying for the past several years so the phragmites have been spreading. Baeslack said if the fields are not mowed once per year, then woody stemmed vegetation, such as trees, start to grow. He said not all of the vegetation growing is bad, such as milkweed. He said the Conservation Commission wished that field maintenance would be part of the agreement with the owner of the property. He said he has provided a copy of the agreement in place when Colby did the haying, and he said with the Selectmen's

guidance he hopes a similar agreement can be crafted for Sabatini, with the caveat that the Town did not solicit Sabatini, but field management can occur. He said Sabatini submitted a very good plan that was scrutinized by Massachusetts Audubon, and the plan adheres to accepted principles of land management and the Conservation Restriction on the property. He said the agreement should be a three-year agreement so that Sabatini can see the fruits of his labor. Merry said the Town only allows a maximum of three years for a contract, and that should be a good length of time to see how things are going.

Pierce asked if there will be two cuts per year and asked if the timing will allow for the birds to nest and produce young. Baeslack said the timing is very important and Sabatini has researched this and reviewed it with Massachusetts Audubon. Pierce said these are things that should be written into the contract. Baeslack agreed and said there should be a statement in the contract that Sabatini must adhere to the management guidelines and the prohibited/allowed activities in the Conservation Restriction. Baeslack said there is one area that Sabatini will be haying that the Community Garden may one day expand into. Henry Rolfe asked if this is active agriculture. Sabatini said the fields were harrowed before him, but he just wants to cut the vegetation so that it will eventually come back to grass. He said without harrowing it, it won't be the greatest hay, but it is sufficient for him to use for his goats and sheep.

Joseph Perry made a motion to enter a three-year agreement with Sabatini for mowing and haying the fields, Dave Petersen second, this vote was not completed.

Eagan asked the Board if they can authorize her to produce this agreement and support Sabatini's endeavor.

Joseph Perry made a motion to authorize Eagan to work on an agreement for a three-year term and the Board will sign it when it is finalized, Dave Petersen second, all in favor - aye (5-0).

Baeslack said it is the end of the year and Sabatini would like to mow the areas before they become matted from the snow. He asked if the Board has a problem if Sabatini mows at his own risk before an agreement in place. Sabatini said his mower mulches the vegetation. Eagan suggested that Sabatini signs an agreement to hold the Town harmless specifying the time period he wants to mow before this agreement is finalized.

Dave Petersen made a motion to have Sabatini sign a hold harmless agreement before the contract is complete, Joseph Perry second, all in favor - aye (5-0).

7:45 p.m. APPOINTMENT – James Mulligan to discuss interim police chief

- Discuss Badge Quest Interim Police Chief Recruiting Contract and the appointment of an interim police chief

Chairman Merry read the memo from Debbie Eagan. Eagan said she suggests that the Board meet Mulligan and have him describe his background and ask him questions.

Mulligan said he has worked in law enforcement his entire adult life, his father and twin brother also work in the field. He said he has worked in the field for thirty years and has worked all positions. He said he served as Georgetown's Interim Chief and received three awards of excellence from the State, including getting Georgetown to be fully accredited. He said he works as a consultant for two firms, including BadgeQuest, Inc., and he evaluates agencies policies, procedures and standards and makes recommendations to the Police Chiefs. He said when he served as the Interim Chief in Rockport, he observed employees hanging around the dispatch area and within a few days he established a formal roll call procedure, a uniform check, and he ordered the employees out on the street. He said the Selectmen reported to him that they noticed this difference in the Department. He said he also instituted a "Good Morning" program where the seniors in Rockport would call the Police Department each morning to check in, and if a senior didn't call in, they would send an officer to check on them. He said he works closely with the Town Administrator and the Board members and believes the Town Administrator should never be left in the dark. He said he knows nothing except working as a Police Officer, he loves it, knows how to run a department, and will give 100% of his time, effort and energy to the job. He said he likes to have remote access to the department and likes to read all reports that run through the department so that he knows what is going on. He said he doesn't know if there are issues at the Rowley Police Department, but he will take a hard look and fix any issues that he discovers.

Petersen said the Interim Chief will be coming on in the middle of budget season and asked Mulligan how he sees himself working through the budget and working with the Lieutenant. Mulligan said he would look at last year's budget and see what percentage increase is allowed and adjust the budget. He said he would work with the Town Administrator and Finance Committee on the budget. He said he strongly believes in the Chain of Command, and in working as a team. He said he thinks he works well with everyone and won't tolerate anything else. He said he doesn't know the Lieutenant, but expects to work with him and all of the other employees.

Petersen asked Mulligan how much he thinks that supervision is the responsibility of the Chief. He said Mulligan mentioned reading the department reports, and asked if he would supervise the Detectives and provide guidance back to the Board of Selectmen and the Town Administrator how things are working and what we should be looking for in a permanent Chief. Mulligan said the Board will likely be impressed by the number of candidates received from the process of working with a recruitment firm, and they probably won't want his input. He said if he doesn't like how something is operating, for example how reports are being written, he will fix it using the Chain of Command. He

said if he sees a risk, he will fix it. He said an example of this is in Rockport, where the weapons were fourteen years old and he saw this as a liability and worked to get them new weapons.

Mulligan said he would like to meet with the present Chief and Lieutenant to get their view on the Department, and his isn't sure what the current status of the Rowley Police Department is, but he was told in Rockport that he set them on the path to professionalism.

Snow asked Mulligan how many years of his career did he work as a Detective and what his philosophy is. Mulligan said most of his career was spent working as a Detective starting in 1981 and he was promoted through the ranks. He said his philosophy is that every case needs to be worked once a day every day, and you need to be proactive. He said the public needs to be treated like a million dollars, and if an employee lies to him, they can't work for him since he can't trust them. He said he is friendly, but tough.

Petersen asked Mulligan if he is hired, what is he looking for from the Board of Selectmen. Mulligan said he would like to have a cruiser, the same as the one assigned to the current Chief, for business and responding to scenes. He said he doesn't get paid any overtime. He said he would also like a company phone, a computer with remote access and a police radio. He said he is constantly watching, but not micromanaging the Police Department. He said he still gets calls from people he has worked with in the past asking him for advice and he welcomes that and enjoys being a mentor.

The Board was satisfied with Mulligan's presentation and his answers to their questions. Petersen said as a retired Police Officer, and seeing what is happening around the world, it is critical to perform an intense search process, and he thinks the Board can depend on Mulligan to get the Town through the interim time period between Chiefs. He said if Mulligan makes himself available even after the assignment is complete, that is invaluable, and he applauds Mulligan. Perry said if Mulligan doesn't find that the Department is already professional, hopefully Mulligan will put the Department on the path to professionalism.

Bob Snow made a motion to appoint James Mulligan as the Interim Police Commissioner, subject to successfully executing a contract that will be ready for signature at the next Selectmen's meeting, Joseph Perry second, all in favor - aye (5-0).

Eagan said she can mirror the terms and conditions as outlined in the Rockport sample contract that the Board has, regarding salary, four-day work week, and term January – April, and the referral fee from BadgeQuest, Inc.

Bernie Cullen asked what happens if we need the Interim to stay beyond April. Petersen said Mulligan is limited to working 960 hours per year since he is retired, he doesn't anticipate that this will be an issue, but if it is, they will address it when necessary.

OLD BUSINESS

1. Discuss Task Force to Investigate the Chain of Custody of Water Department property that went missing when the Water Superintendent was placed on Administrative Leave:
 - Superintendent's laptop
 - Superintendent's keys
 - Superintendent's cell phone
 - Documents and operating manuals

Snow said he is on many Boards and Commissions and he doesn't have time to serve on the Task Force to investigate the Chain of Custody of Water Department property. Eagan said if the Board wishes to disband this Task Force, she would be happy to research this issue and provide a report on it. She said Town Officials are very busy and it is difficult to schedule meetings.

Chairman Merry read the following:

Discuss whether the Board should have a formal task force or direct the town administrator to undertake this task. The Board appointed the task force on October 19, 2015. However due to the time constraints, it may be easier to direct the town administrator to research the chain of custody of these items and issue a report. If the Board decides to have the town administrator do this, then they need to take a vote to disband the task force.

Merry said it is his understanding that the task force members have not been sworn in and have not met. Pierce said he thinks this is a better way to deal with this and thinks the task force would have made things more acrimonious. Petersen said he agrees with Pierce and he is not sure if the Water Board will cooperate with Eagan's investigation, but Eagan can write a report, and the issue can be closed. Perry said he agrees with Pierce and Petersen.

Dave Petersen made a motion to disband the task force, and direct the Town Administrator to perform the investigation and write the report, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSTAINED

2. Award contract for Executive Recruitment Services for Police Chief position

Eagan read her memo to the Board. Petersen said the Board spent time in Executive Session evaluating the proposals.

Joseph Perry made a motion to award the contract for Executive Recruitment Services for the Police Chief position to BadgeQuest, Inc., Cliff Pierce second, all in favor - aye (5-0).

MINUTES

- April 13, 2015

Bob Snow made a motion to approve the minutes from April 13, 2015, Joseph Perry second, all in favor - aye (3-0). Cliff Pierce - Abstained. Dave Petersen - Abstained.

- April 27, 2015

Joseph Perry made a motion to approve the minutes from April 27, 2015, Bob Snow second, all in favor - aye (3-0). Cliff Pierce - Abstained. Dave Petersen - Abstained.

- November 9, 2015

Joseph Perry made a motion to approve the minutes from November 9, 2015, Dave Petersen second, all in favor - aye (5-0).

- November 16, 2015

Cliff Pierce said there is a correction on the first page under Old Business #1, and he asked that the words "in this particular area" be added after his statement that Rowley's Bylaws don't allow this.

Dave Petersen made a motion to approve the minutes from November 16, 2015 as amended, Bob Snow second, all in favor - aye (5-0).

- November 23, 2015

Dave Petersen made a motion to approve the minutes from November 23, 2015, Cliff Pierce second, all in favor - aye (5-0).

ANNOUNCEMENTS

- Friends of the Rowley Public Library Holiday Basket Raffle

- Marine Corps Reserve Toys for Tots drop off box is located at Town Hall – last day to drop off toys is December 10, 2015
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – two seats
 - b. **Cable Advisory Committee** – seeking five members
 - 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. **Historical Commission-Historic District Commission** – two seats
 - h. **Parks and Recreation Committee** – two seats; and
 - i. **Open Space Committee** is seeking one memberFor more information on these positions, please contact the Selectmen's Office at 948-2372.
- 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.

Chairman Merry said he, Bob Snow and Dave Petersen attended the Wreaths Across America Ceremony in Topsfield this afternoon. Snow held up the Town's wreath and Merry said this wreath is being dedicated to William A. Brown, and he read the attached statement about Brown.

There being no further business before the Board, Chairman Merry called for a motion to go into Executive Session pursuant to Mass. General Laws Chapter 30A section 21(a)(3) for the following purposes:

1. to discuss strategies with respect to collective bargaining with the Police Union, MassCops Local 360, because an open meeting may have a detrimental effect on the bargaining position of the Town and;
2. to discuss strategies with respect to litigation on the MCOP, Local 360 and Town, Department of Labor Relations ARB#15-4812 case because an open meeting may have a detrimental effect on the litigating position of the Town

and to not return to Open Session. Joseph Perry so moved, Bob Snow second, all in favor – roll call vote: David Petersen – aye, Joseph Perry – aye, Robert Snow – aye, Cliff Pierce – aye; Robert Merry – aye.

Open meeting adjourned at 8:33 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Request from Police Chief Robert Barker to appoint Paul E. Polanski and Rachael Enaire as Reserve Dispatchers
2. Meeting memo regarding New Business #1: Request from Pine Grove School PTA to hold a 5k Road Race and Kids Fun Run on April 9, 2016
3. Email request from Pine Grove School PTA to hold a 5k Road Race and Kids Fun Run on April 9, 2016
4. Letter from Conservation Agent Brent Baeslack regarding Request to mow and hay the existing fields at Bradstreet Farm Conservation Area
5. Email correspondence between Baeslack and Nick Rossi of Mass Audubon
6. Map of Open Space Fields on Conservation Area
7. Contract with Robert Colby and Town for Hay Cutting Requirement at Town-Owned Bradstreet Farm on Main Street, Rowley dated May 2012
8. Letter from Michael Sabatini regarding continued use of the existing agricultural fields in their current locations at the Bradstreet Farm and related backup
9. Presentation Slide used for 7:15 p.m. Appointment: Conservation Agent Brent Baeslack to discuss to mowing and haying of Bradstreet Conservation Area fields
10. Memo from Deb Eagan to the Board of Selectmen regarding Interim Police Chief
11. Resume of James E. Mulligan
12. Draft Agreement between Town of Rowley and BadgeQuest, Inc. for Interim Police Chief
13. Contract of Employment between the Rockport Board of Selectmen and James E. Mulligan
14. Letter to James Mulligan from Rockport Board of Selectmen regarding appoint as Interim Chief of Police
15. Memo from Deb Eagan to Board of Selectmen re Interim Police Chief Update dated November 23, 2015
16. Meeting memo regarding Old Business #1: Discuss Task Force to Investigate the Chain of Custody of Water Department property that went missing when the Water Superintendent was placed on Administrative Leave:
 - Superintendent's laptop
 - Superintendent's keys
 - Superintendent's cell phone
 - Documents and operating manuals
17. Official Action Notice regarding Task Force to Investigate the Chain of Custody of Water Department property
18. Memo from Deb Eagan to Board of Selectmen regarding Most Advantageous Proposal – Contract Award Executive Recruitment for Police Chief
19. Draft Minutes April 13, 2015
20. Draft Minutes April 27, 2015
21. Draft Minutes November 9, 2015
22. Draft Minutes November 16, 2015
23. Draft Minutes November 23, 2015

- 24. Statement regarding Sgt. William A. Brown
- 25. Written Motion to go into Executive Session