

MINUTES OF THE BOARD OF SELECTMEN MEETING

February 8, 2016

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

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

PUBLIC ATTENDEES: Lawrence White – Finance Committee/Open Space Committee

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

Larry White led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed for the passing of Ron Pickett, Town Counsel Judy Pickett's husband, and Ken Keyes, Conservation Commission member Judy Keyes's husband.

GENERAL BUSINESS

1. Request from the Friends of the Council on Aging to use the Town Common for the 6th Annual Yard and Bake Sale on May 14, 2016 with rain date of May 15, 2016.

Dave Petersen made a motion to approve this request, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Chairman Merry signed the Town Common use application form.

2. Letter from Ipswich River Watershed Association Executive Director Wayne Castonguay re: PIE-Rivers (Parker-Ipswich-Essex) Municipal Services Program

Chairman Merry read the letter. Eagan said she wanted to alert the Board about the letter which has been sent to many Town Departments. She said there are many opportunities for assistance in a wide variety of areas, and this can be helpful to some of the departments.

3. Pesticide Exclusion Information for the 2016 Northeast Massachusetts Mosquito Control and Wetlands Management District

Chairman Merry read the notice. Merry said questions should be directed to the Town Clerk and said the deadline is prior to March 1, 2016.

CITIZEN QUERY 7:10 p.m. – 7:15 p.m.

There were no Citizen Queries.

OLD BUSINESS

1. Discuss:

- Triton District Communications Committee meeting scheduled for Feb. 11, 2016;
- Triton's FY 17 Budget;
- Stadium Project Update;
- Pine Grove Project Update; and
- Sending a letter to the Triton School Committee regarding the proposed FY 17 Rowley assessment increase in the Triton budget

Joseph Perry said the Triton District Communication Committee Meeting (TDCCM) is scheduled for this Thursday at 7:00 p.m. in the Triton Library. He encouraged the other Selectmen to attend, but said an agenda will need to be posted if there is a quorum. He said this is our chance to comment individually and discuss the Triton budget with the other Towns and the School Committee. He said at the February 3, 2016 School Committee Meeting (SCM), they voted to increase the high water mark for the operating assessment for the three towns. He said the proposed changes in assessments are:

Newbury – decrease of \$176, 856; Rowley – increase of \$587, 607 and Salisbury – increase of \$527,670.

Perry said the SC members voted to add in proposals that the Superintendent and negotiating team proposed as cuts to the budget, so this high water mark may increase. He said on February 10, 2016, the SC will vote a tentative budget, and he thinks this will be finalized on February 15th. He said a public hearing will be held he thinks on February 23rd, where audience members can speak for three minutes, and he urges everyone to take advantage of this. He said one person can speak using several people's time. He said he encourages people to look at the budget and be aware of these dates.

Chairman Merry read the following:

The Triton budget is increasing by \$938,420, making it \$28,698,297. Under this budget plan, Rowley's proposed assessment is increasing by 6.74%, which is a \$587,606 increase over last year. The Town's estimated FY 17 new tax revenue is \$444,730. This

is made of the estimated FY 17 2.5% tax levy increase of \$329,850 and estimated FY 17 new tax growth of \$114,880. The Triton increase of \$587,606 would take all the new tax revenue, leaving the Town to come up with another \$142,876. What is a fair amount? In the past, the Board of Selectmen has offered the Triton School Committee half of the new tax revenue, which in FY 17 is estimated to be \$222,365.

Perry said in his opinion, based on what he heard at last Wednesday's meeting, it seems the SC feels they made large cuts last year and they are not in favor of further cuts, they are working towards becoming a choice in school and this will be reversed if programs are cut.

Pierce said Triton's overall increase is 3.38% and Rowley's increase is 6.74%, and the burden is shifting to Rowley since we have a higher relative enrollment. Perry said enrollments for all three towns are dropping, but Newbury is dropping the most, so there is a bigger burden on Rowley. He said this number may not be the high water mark as it has typically been. Petersen said Whittier's assessment is also increasing by \$75,000 to \$80,000, so for the schools combined, they need a couple hundred thousand more than all of the Town's new revenue. He said a SC member made a statement in the newspaper last year that it doesn't matter what the towns need if the Schools need the money. He said we will have to absorb this additional approximately \$200,000 from the Town's budget lines and the small increases given to the Town employees. He said the Town will have to cut and decimate the Library, Police, Fire and Highway Departments while Triton is adding new programs. Pierce asked if there is a chance that State aid will increase. Petersen said if it does it will be just a pittance. Petersen said years ago the SC worked with the Town with what the Town could afford, and the message from last year is that the SC doesn't care about the Town's needs, and they will take care of the School's budget. He said funding this preliminary budget will require layoffs. Petersen said we also have the Pine Grove School override and the Police and Fire Building project. He said last year an override was passed for the stadium project. He said Rowley is getting slammed, he will go to the School Committee Meeting, but he is not sure what good it will do, but we need to fight for Town services. Petersen said we need to send a strongly worded letter to the SC and have representatives at both of the upcoming meetings.

Pierce asked if the Town has any say in the Triton budget. Petersen said two out of the three towns would need to disapprove the budget, then the SC would have to come up with a new budget, but they could just make a very small cut to it. He said then the towns would need to hold another Town Meeting to approve the budget. He said the process is not on the Town's side. Pierce said we can't complain about Rowley's increase proportionate to Newbury. Petersen said we can complain about how the total increase in light of how the district is down hundreds of kids over the past ten years. He

said these increases are unsustainable for the Town. Petersen said he is a strong supporter of schools, but Town Departments are lean and it is difficult to lay employees off. Pierce said the best argument is with the total enrollment decreasing substantially, why is there a 3.38% increase. Petersen said the Triton budget is increasing \$1,000,000 for wage step increases and cost of living increases for school employees alone. Perry said the last page of the three-page handout shows enrollments have decreased by almost 400 students, but the budget has increased each year. Petersen said the Town can only increase taxes by 2.5% annually, and the School is literally bankrupting the Town. He said the School budget increases require an override every six to seven years. Petersen said he doesn't have the answers for this problem, but we need to make the public aware of it. He said state aid is way down from ten years ago, and all the pressure falls on the Board of Selectmen and the Finance Committee to find the money.

Perry said at Wednesday's SCM, there is a Citizens Query time for up to three minutes, but items on the agenda may not be discussed. He said at Thursday's TDCC meeting, people can voice their opinion and views on the budget. Petersen said we should prepare a letter to be read at the meeting. He said it sounds like they are setting the budget on Wednesday, then hearing comments on Thursday, which seems backwards. Merry said we will already be looking for money for the Pine Grove School project. Petersen said it seems that the Town needs to put off the Police and Fire Station project, and the cost will increase by 5% each year. He said in this tough year, we were looking for a modest increase to the Triton budget, but they are asking for \$1,000,000 for employee raises and haven't attempted to figure out what the Town can afford.

Pierce asked if the Towns have a say in the raises given to school employees. Petersen said the increases are all negotiated. Eagan said we have never been approached and in the Town employee negotiations, we look at what we can afford. She said Triton doesn't even ask what the Town employee raises are. Larry White suggested adding to the letter that the Town wants to be part of the negotiating process and point out there are 5% less students, with a 3.5% increase to the budget, so they are not cutting back on anything. White said with fewer students, some programs need to be cut. Petersen said the three towns can send one representative for the salary negotiations, but they aren't involved in the negotiations for other items in the contract.

White said in the last four to five years, the number of total students has decreased by 430, but the budget has increased hugely. Petersen said the 2.25% wage increase for Town employees may need to be re-voted, and we either cut Town employees or Town budgets. Perry said in the FY 17 Revenue and Expenditures report, cuts to elementary school teachers were made to get to this point. Karen Summit said the cuts to Newbury elementary teachers were originally planned for fourth and fifth grades, but they moved

the cuts to fifth and sixth grades who can handle the cuts better. Summit said the Triton budget is using \$100,000 of the Excess and Deficiency funds, but the balance is \$600,000 so they can use a couple hundred thousand more. Perry said the SC commented that they want to keep the balance around \$500,000. Summit said then they have to cut other areas. She said the Foundation budget is decreasing as the student enrollment is decreasing, so the Towns have to eat this additional shortfall. Summit said Triton should look at their fixed costs, such as employee health insurance. Eagan said the Town pays 52.5% of employee health insurance premiums. Perry said the School budget pays for 70% of school employee health insurance premiums. Summit said there are Triton retirees that are not on Medex, and this is a huge expense that can be reduced by changing the retiree contribution rate, which Triton is allowed to do at any time under the law. Eagan said Chapter 70 aid will change as well with fewer students as well. Summit said the Triton budget uses an estimate from the Governor's budget for Chapter 70 aid, and this aid usually comes in higher than the estimate, but the towns do not receive a change to their assessment. She said she would like to see the class sizes in the Middle and High Schools. Summit said Triton's goal to attract more students to choice in at the expense of the Town's budget is not in sync with the Town's priorities.

Merry said we need to send a letter. Perry said he can present it on Wednesday. Perry said he has made the point to the SC that Rowley is in a unique situation with the State funding approval for the Pine Grove School, and the Town should take advantage of this grant, but we can only do so much with the money we have, and it is not pleasant to receive this budget.

Joseph Perry made a motion to send a letter to Triton, including the points made tonight about the Town layoffs that would be required and ask Triton to consider a budget for half of the Town's new revenues. This vote was not completed.

Summit said we should ask Triton for evidence of the adverse effects of the cuts from last year if they want to restore them. Perry said he is not sure if they are restoring those cuts, but have discussed cutting foreign language in seventh grade. Petersen said we don't know the ins and outs of the Triton budget, we only care about the bottom line and if it is affordable. He said the issue is that there has been huge cutbacks in State aid, there has been lower enrollment with average annual increases to the budget of 5%, and the Town has to fund this using only a 2.5% increase in taxes and new growth. He said we can't tell Triton which classes or programs to cut. He said there was a newspaper article where the Pentucket Superintendent said their goal was for the school budget to fit with the town's needs, but the Triton SC was quoted last year as saying the Town's ability to afford the Triton budget doesn't matter. Petersen said he

would bring in these newspaper articles. Petersen said we should send the letter ahead of the meeting so that it can be added to their agenda.

Dave Petersen made a motion to send a letter to Triton, authorize Chairman Merry to sign it, email it to Superintendent Farmer and have Joe Perry present it on Wednesday, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

Perry said last Wednesday, Assistant Superintendent Forget said the RFP for the Triton Stadium project would be posted on the State website this Wednesday morning. He said there are twenty items on the handout from Gale regarding the project. He said the SC voted to switch Alternates number one and two for safety reasons, and each Alternate is cumulative. He said they are trying to get the project to fit within the \$4,000,000 budget and are targeting mid-April as the start date instead of the typical mid-June in hopes of getting a lower price.

Perry said regarding the Pine Grove School project, he is attending the PTA meeting tomorrow and hopes the PTA supports the override for this project, so that we can get the 50% grant. He said during their site visit, the State was impressed with the facility, so we may get more than 50% from the grant. Petersen said if the Town decides not to fund this, the school will need major repairs such as a new roof, boiler system, wiring and sprinkler system. He said if the override doesn't pass, we can try one more year, but if not passed the second year, we would go to the bottom of the list for future State grants. Perry said ninety-one communities applied for this grant, it was reduced to forty communities, and Rowley is one of fifteen communities selected for the grant.

Petersen said if the stadium project bids come in under \$4,000,000, does Rowley have enough money appropriated. Perry said yes.

2. Letter from Peter Carpentier regarding appointment as permanent member of the Zoning Board of Appeals

Chairman Merry read the letter.

Dave Petersen made a motion to appoint Peter Carpentier as a permanent member of the Zoning Board of Appeals for a five-year term, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

3. 2016 Stable license update

Chairman Merry read the memo from Amy Lydon. Petersen read Chapter 111, Section 158: Licensing of stables in small towns; fees; restraint of erection; occupancy or use of stables. Petersen said these applicants have been notified numerous times and we should ask the enforcement agent to start issuing citations to them. He said we have bent over backward notifying them and the other stable license holders are complying. Merry suggested that we send them a letter notifying them of the citations that will begin if the applications are not received within a certain date. Pierce agreed.

Dave Petersen made a motion to send letters notifying the applicants if we don't get the applications package by the end of February, fines will begin, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

NEW BUSINESS

1. Northeast Mass. Mosquito Control and Wetlands Management District letter regarding proposed FY 17 mosquito control assessment

Chairman Merry read the letter. Petersen said this assessment looks to be level funded. Eagan said under the Governor's budget, it shows as a \$5,000 increase on the preliminary cherry sheets, but the paperwork from Mosquito Control shows it as level funded. Merry said with the mosquito borne diseases, we need to participate in this. Pierce said the mosquitos were horrid when he first moved to Rowley, and this is necessary to keep them under control.

Dave Petersen made a motion to authorize the Chairman to sign the form in support of the mosquito control program, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Eagan said Merry can sign the form tomorrow.

2. Request from Crown Castle to modify cell tower at 124 Haverhill Street

Chairman Merry read the following:

Crown Castle is replacing six antennae on its cell tower on Prospect Hill. The Planning Board has reviewed this request. Attached is a memo from the Planning Board to the Board of Selectmen.

Crown Castle requests that the Board of Selectmen sign the Consent for Modification and the Letter of Authorization.

Chairman Merry read the memo from the Planning Board. He said this involves removing and replacing six antennae.

Cliff Pierce made a motion to sign the Consent for Modification and the Letter of Authorization, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

Eagan said Merry can sign the forms tomorrow.

3. Letter from William Herrick and Cynthia Lucia regarding Chapter 61 Forestry land

Chairman Merry read the following:

The Board of Selectmen received the attached letter from William Herrick and Cynthia Lucia.

Our file shows that a letter dated July 1, 2014 from Chairman Robert Merry to Ms. Cynthia Lucia informing her that the Board of Selectmen voted to determine that her June 2, 2014 request to release two parcels of land, 40 Dodge Road and 2 Mill Road from the forestry program insufficient and not in compliance with Mass. General Laws Chapter 61 Section 8. (See attachment).

We don't see any correspondence from Ms. Lucia in response to the July 1, 2014 letter from the Board of Selectmen.

G.L. c.61 §8 reads as follows:

Section 8. Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use."

The statute is attached. The Conservation Commission and Planning Board reviewed the request before the Board of Selectmen determined that the request was insufficient. A copy of their responses are attached.

Eagan said the second page in the packet is the letter to the Board of Selectmen dated January 27, 2016, and the rest of the packet deals with the response the Selectmen sent in response to their May 2, 2014 request. She said the question is – is this letter proper under the statute? She said the request is usually well documented, including a copy of the executed Purchase and Sales Agreement, proof of ownership, and a sketch or plan of the parcels. She said in 2014, the Board of Selectmen determined that the request did not meet the requirements. She said the reviews done by the Conservation Commission and Planning Board in 2014 are attached. She asked if the Board needs more time to review this. Merry said Town Counsel should review this. Pierce asked if Counsel reviewed this in 2014. Petersen said the other issue is that there is a letter from Lucia, and an opposing letter from the Herrick Farm Trust, and the request wasn't complete, and we need to make sure all of the legal documents are in place. Eagan said their January 27, 2015 refers to a "term" and she presumes this is in reference to the one-year reference in the statute. Merry said the letter sent by the Board in response to the 2014 request lists five reasons why the request was insufficient. Pierce said he would like more time to review this. Eagan said she may have had a phone conversation with Town Counsel Pickett before the response sent by the Board dated July 1, 2014. She said usually the request is pretty comprehensive, but this one didn't have much information. Pierce said the statute outlines the requirements. Perry said Town Counsel should review this. Merry said after Town Counsel review, the Board can send another letter.

Joseph Perry made a motion to request an opinion from Town Counsel on this matter, Dave Petersen second, all in favor - aye (4-0). Bob Snow – ABSENT

4. Sign March 1, 2016 Presidential Primary Election Warrant

Dave Petersen made a motion to sign the March 1, 2016 Presidential Primary Election Warrant, Joseph Perry second, all in favor - aye (4-0). Bob Snow – ABSENT

The Selectmen signed eight copies of the warrant.

MINUTES

- December 7, 2015 Executive Session evening
- February 1, 2016

Joseph Perry made a motion to approve the minutes from December 7, 2015 Executive Session evening and February 1, 2016, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

ANNOUNCEMENTS

- Presidential Primary Election – March 1, 2016
- Last day to register to vote for the March 1, 2016 Presidential Primary Election is February 10, 2016. Contact the Town Clerk's Office at 948-2081 for more information on voter registration
- Family Connections program of Rowley, Newbury and Salisbury offers free family programming for children ages 0-8. For more information contact Triton Family Engagement Coordinator Melissa Roy at 978-518-4234 or via email at melissa.roy@tritonschools.org. Some of the programs include: Lego Mania; Mother and Son STEAM night; St. Paddy's Day Family Night; March Madness Family Night; Early Intervention Playgroups; Preschool and Kindergarten Information Sessions; and Winter Playgroups.
- Family Connections is looking for toy, book and CD donations, contact Melissa Roy at 978-518-4234 or Melissa.roy@tritonschools.org if you have something you would like to donate
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – two seats
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals** – one seat
 - e. **Zoning Board of Appeals Associate** - two seats
 - f. **Historical Commission-Historic District Commission** – two seats
 - g. **Parks and Recreation Committee** – two seats; and
 - h. **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.

ADJOURN

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Joseph Perry so moved, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

Open meeting adjourned at 8:37 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Town Common Use Application completed by Friends of the COA
2. Meeting memo regarding General Business #2: Letter from Ipswich River Watershed Association Executive Director Wayne Castonguay regarding PIE-Rivers (Parker-Ipswich-Essex) Municipal Services Program
3. Letter from Ipswich River Watershed Association Executive Director Wayne Castonguay regarding PIE-Rivers (Parker-Ipswich-Essex) Municipal Services Program
4. Pesticide Exclusion Information for the 2016 Northeast Massachusetts Mosquito Control and Wetlands Management District
5. Meeting memo regarding Old Business #1: Discuss:
 - Triton District Communications Committee meeting scheduled for Feb. 11, 2016;
 - Triton's FY 17 Budget;
 - Stadium Project Update;
 - Pine Grove Project Update; and
 - Sending a letter to the Triton School Committee regarding the proposed FY 17 Rowley assessment increase in the Triton budget
6. Triton FY17 Tentative Assessment worksheets
7. Triton FY17 Changes to FY17 Revenues and Expenditures worksheets
8. Triton enrollments as of October 2015
9. Triton track and field project bid specifications
10. Triton District Communications Committee Meeting Agenda and attachments
11. Massachusetts Department of Elementary and Secondary Education FY17 Chapter 70 information and Foundation budget information
12. Letter from Peter Carpentier regarding appointment as permanent member of the Zoning Board of Appeals

13. Memo from Amy Lydon to Board of Selectmen REGARDING 2016 Stable Licenses, including attachments
14. Northeast Mass. Mosquito Control and Wetlands Management District letter regarding proposed FY 17 mosquito control assessment
15. Meeting memo regarding New Business #2: Request from Crown Castle to modify cell tower at 124 Haverhill Street
16. Memo from Planning Board Regarding 124 Haverhill Street
17. Email correspondence between Heather Simone and Debbie Eagan Regarding Consent for modifications at cell tower located on Haverhill Street
18. Letter of Authorization for Crown Castle
19. Amendment to Option and License Agreement between the Town of Rowley and Crown Atlantic
20. Application from Crown Atlantic for adding additional equipment to existing config
21. Structural Analysis report from Jacobs Engineering Group for 124 Haverhill Street
22. Meeting memo regarding New Business #3: Letter from William Herrick and Cynthia Lucia regarding Chapter 61 Forestry land
23. Letter from William Herrick and Cynthia Lucia regarding Chapter 61 Forestry land dated January 27, 2016
24. Letter from Board of Selectmen to Cynthia Lucia dated July 1, 2014
25. Mass General Law Chapter 61, Section 8
26. Letter from Cynthia Lucia received May 8, 2014
27. Durable Power of Attorney for Elizabeth P. Herrick
28. Property Owner's Acknowledgement of Rights and Obligations under Classified Forest Land Program signed by E. P. Herrick
29. Letter from Murtha Law Regarding Chapter 61 Classification of 2 Mill Street and 40 Dodge Road
30. Email from Brent Baeslack dated June 30, 2014 regarding Conversion from Chapter 61 Forestry Rowley, including attachments
31. Request from Cynthia Lucia dated May 7, 2014
32. March 1, 2016 Presidential Primary Election Warrant
33. Draft minutes for February 1, 2016