

MINUTES OF THE BOARD OF SELECTMEN MEETING

July 29, 2013

Meeting held at Town Hall

MEMBERS PRESENT: Chairman Robert Snow, Vice Chairman Robert Merry, Clerk Joseph Perry, Jack Cook, David Petersen (Town Administrator Deborah Eagan, Executive Secretary Amy Lydon)

PUBLIC ATTENDEES: Ken Ward - Building Inspector, Stephen Kassiotis - Planning Board, Lawrence White - Finance Committee, Bill Wendt, Cliff Pierce - Planning Board, George Comistey - PROWA, Stuart L. Dalzell, Sr. - Water Commissioner, Robert Barker - Police Chief

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:04 p.m. He said the meeting is being video and audio taped.

PLEDGE OF ALLEGIANCE

Ken Ward and Stephen Kassiotis led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

7:05 – 7:15 p.m. CITIZEN QUERY

There were no Citizen's queries.

7:00 p.m. APPOINTMENT – Jordan Ward to discuss first class rank in Boy Scouts

Jordan Ward did not attend the meeting and will meet with the Selectmen another time if needed.

GENERAL BUSINESS

1. Request from Board of Assessors to lift hiring freeze for administrative assistant

Chairman Snow read the memo from the Board of Assessors (COPY ATTACHED).

Dave Petersen made a motion to lift the hiring freeze for the administrative assistant for the Board of Assessor's office, Jack Cook second, all in favor – aye (5-0).

2. Request from Library Director Pam Jacobson to lift hiring freeze for library page and substitute library page positions

Chairman Snow read the letter from Library Director Pam Jacobson (COPY ATTACHED).

Dave Petersen made a motion to lift the hiring freeze for the library page and substitute library page positions, Jack Cook second, all in favor – aye (4-0). Joseph Perry - ABSTAINED

3. Approve and sign assistant town administrator job description

Chairman Snow read the memo from Deborah Eagan regarding the job description change for this position (COPY ATTACHED). Petersen said there is no change in the salary of this position, other than the increase approved at Town Meeting, and the only changes are the title and the addition of requiring a bachelor's degree. Snow said it is important for people who walk in from the street to know they are speaking to the Assistant Town Administrator, rather than the Executive Secretary. Petersen said it is important to have someone who can fill in when Eagan is out of the office.

Jack Cook made a motion to authorize the job description change, Joseph Perry second, all in favor – aye (5-0).

4. Thank you letter from Said Abuzahra of ABZ Self Storage

Chairman Snow read thank-you letter from Mr. Abuzahra (COPY ATTACHED). Snow said it is a nice letter and said thank you to the police officers who handled the drug lab bust so professionally. Petersen said it was a well done operation and included state agencies such as the Drug Enforcement Agency and the Chemical Response Team.

5. Road Opening Permit application from National Grid to open 64 Pingree Farm Road for main and service work

Dave Petersen made a motion to sign the road opening permit (COPY ATTACHED), Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the permit.

6. Notice from Northeast Massachusetts Mosquito Control and Wetlands Management District

Chairman Snow read the press release from Northeast Massachusetts Mosquito Control and Wetlands Management District (COPY ATTACHED).

7:15 p.m. APPOINTMENT – Building Inspector Ken Ward to present William Wendt as alternate plumbing and gas inspector

Chairman Snow said, "Ken Ward is recommending that William Wendt be appointed as the alternate plumbing and gas inspector. Ken has interviewed him and he has had a CORI check. The Selectmen need to determine the term of the appointment." Snow read Ken Ward's memo (COPY ATTACHED).

Ward said Wendt has the qualifications required and the previous and current plumbing and gas inspectors highly recommend him.

Dave Petersen made a motion to appoint William Wendt as alternate plumbing and gas inspector until June 30, 2014, Joseph Perry second, all in favor – aye (5-0).

GENERAL BUSINESS

7. Letter from Fire Chief James Broderick regarding emergency management grant

Chairman Snow read Letter from Fire Chief James Broderick regarding emergency management grant (COPY ATTACHED). Eagan said there is no notary available this evening and asked if the Board could authorize Chairman Snow to sign the document in the presence of a notary tomorrow.

Dave Petersen made a motion to authorize chairman Snow to sign the grant documentation (COPY ATTACHED), Joseph Perry second, all in favor – aye (5-0).

NEW BUSINESS

1. Health Department release on West Nile Virus

Chairman Snow said, "Health Services Coordinator Frank Marchegiani has notified the Board of Selectmen that the West Nile mosquito-borne virus has been detected in Rowley."

Snow read the email from Marchegiani to Deborah Eagan and the Health Department news release (COPIES ATTACHED). Snow said people should take precautions by wearing long sleeves and limiting time spent outdoors. Snow said the news release will be posted to the website and the cable channels.

7:30 p.m. APPOINTMENT – Planning Board representatives to discuss medical marijuana dispensaries

Chairman Snow called Planning Board members Cliff Pierce and Steve Kassiotis forward. Snow read the memo from Town Planner Katrina O'Leary (COPY ATTACHED).

Cliff Pierce said the Planning Board and the Zoning Review Committee have both discussed the subject of medical marijuana dispensaries and the recommendation is to propose a moratorium on the establishment of dispensaries for a one year period. He said the state regulations have been drafted and may change, and other towns have proposed a one year moratorium, and the Attorney General confirmed that it is legal to do so. He said the year will allow them to study the issue and then issue a final ruling. He said the law doesn't just allow the dispensary, but also the growth of marijuana and production of marijuana infused products, such as brownies. He said the issue is where to allow these facilities and if they can be confined to particular zones. Snow asked if a prescription is required. Pierce said yes and the state requires that it be from the attending physician. Perry asked if a license is required to dispense it and Pierce said he believes so.

Pierce brought up another topic - the Town's sign by-law. Pierce said the existing by-law is not enforceable and they are drafting an amendment to it for the fall town meeting. Pierce said they are reviewing the sign by-laws of other towns and are trying to write the new by-law so that it includes all of the good provisions. Building Inspector Ken Ward said Rowley's sign by-law is open for different interpretations and if the medical marijuana dispensaries are considered retail, they would be allowed in the central and retail districts and a permit wouldn't be needed - just a site planning review by the Planning Board. Pierce said they would look to add buffering requirements, such as cannot be located within a certain distance of a school, and the draft moratorium will be provided to the Board of Selectmen fairly soon.

NEW BUSINESS

2. Re-cap of the Independence Day Celebration on the Town Common

Chairman Snow read the following:

This year's Independence Day Celebration went off without a hitch! The sun came out and the children and grown-ups had a wonderful time. We had a great turnout in the parade and in the races on the common. We wouldn't be able to hold these types of events without volunteers and members of the business community.

Chairman Snow is requesting the Board of Selectmen to vote to authorize him to send letters to the editors of the Daily News, Town Common and Ipswich Chronicle.

Chairman Snow is requesting the Board of Selectmen to vote to authorize him to send thank you letters to the following individuals and businesses who volunteered and contributed towards this event:

- *Police Chief Robert Barker for providing a police officer to guide the parade*
- *Police Officer Dorothy Tobin for guiding the Children's Parade*

- *Parks and Recreation Committee Vice Chairman Tim Southall for running the parade and games*
- *Susan Elwell – helping in the food tent*
- *Joan Petersen – judge for races*
- *Ray Monkiewicz of Kayem Foods for donating hot dogs*
- *Shaw's of Ipswich Store Manager Wayne Bryant*
- *Savage Seafood for donating ice and the use of their freezer for the slushies*
- *Rowley Council on Aging Director Maryellen Mighill – helping in the food tent and providing the tents*
- *John Mighill – helping with the clean up*
- *Janet Morrissey, Rowley Community Media – providing local access cable coverage*
- *Nathan Hunter, Rowley Community Media – video taping the local access cable*
- *We have one unknown gentlemen who assisted in judging the races that we would like to thank. If you are watching tonight, please contact the Selectmen's Office at 948-2372. We needed another judge and asked him to help us and he stepped right in.*

The Board of Selectmen needs to vote to accept a donation of \$62.00 from Bob Snow for the race prizes.

Jack Cook made a motion to send thank-you letters to list of volunteers read by Chairman Snow, Joseph Perry second, all in favor – aye (5-0).

Jack Cook made a motion to accept the \$62.00 from Bob Snow for the race prizes, Joseph Perry second, all in favor – aye (4-0). Bob Snow - ABSTAINED

Bob Merry made a motion to authorize Chairman Snow to send the thank-you letters to the list of volunteers on behalf of the Board of Selectmen, Jack Cook second, all in favor – aye (5-0).

7:45 p.m. APPOINTMENT – Police Chief Robert Barker to discuss police station modular building lease extension

Chairman Snow said, "The lease for the modular building Police Department expires on August 12th. We have town meeting authorization to extend the agreement for an additional four-year period. Williams Scotsman has submitted a three-year agreement extension and a four-year agreement extension at the same rate. Chief Barker is

recommending the four-year extension because at this point in time, we don't have any plans to build the addition."

Chief Barker said we have three options: continue to rent month to month; extend the lease for three years; or extend the lease for four years. Barker said there is nothing on the horizon to build the required space for the station, and it would take three to four years to do, so he sees no downside to extending the lease for four years. He said we have been leasing from them since 2005. Eagan said a trailer was leased before the modular building. Merry asked if the modular building can be purchased and Barker said he asked, but Scotsman is not interested in selling it. Snow said if the Town buys it, it will need to maintain it. Barker said it was not meant to be a permanent structure and won't last forever, but gives the department the space it needs and it is habitable. He said everything is run on electricity, so the utility bills are very high.

Petersen asked the Chief to put together a plan to permanently replace the modular building. He said over eight years paying \$30,000 per year we've spent hundreds of thousands of dollars on a temporary building. Petersen said he has been disappointed by the lack of action for replacing the fire station and both stations are old and outdated. He said it's the Board's obligation to let the taxpayers know about these buildings. Snow said the problem is the lack of land and we need a big game plan. Barker said he can look into expanding the station and the parking area would need to be reworked. Merry said plans were drawn up in the past and suggested that those plans be used. Barker said he will look for the old plans. Barker said the proposal for a public safety building was defeated at Town Meeting and it would have cost four million dollars to build at the time and it would be halfway paid off by now.

Joseph Perry made a motion to sign the four year lease extension with Williams Scotsman, Bob Merry second, all in favor – aye (5-0).

Dave Petersen made a motion to ask the Police Chief to look into a permanent replacement for the modular building at the police station and to report back to the Board of Selectmen as soon as possible with a general concept, Jack Cook second, all in favor – aye (5-0).

8:00 p.m. APPOINTMENT – Water Board Commissioner Stuart L. Dalzell Sr. to discuss site visit to Pennichuck Water Service Corporation and Nashua Water Department

Chairman Snow called Stuart L. Dalzell Sr. forward. Snow read the following:

On July 18th Water Commissioner Stuart Dalzell, Selectman Dave Petersen and I visited the Pennichuk Water Service Corporation in Merrimack, New Hampshire. We also visited the Nashua Water Department's water treatment plant and distribution facility.

Attached are pictures of the facilities. This site visit shows me that there are water service companies out there that can provide comprehensive water services that

include water treatment, distribution and customer service, billing and collection services.

We need to explore this further. I am calling for a motion to authorize Debbie to work with town counsel on the process that we would need to follow if we should decide to pursue this further.

Stuart L. Dalzell Sr. said about a week ago he, Bob Snow, Dave Petersen, Debbie Eagan and Amy Lydon toured the Nashua Water Department and were educated on the private water system there. He said all were very impressed. He said the computer in Nashua monitored what was happening in Salisbury. He said Nashua serves thirty thousand people, yet they had no more staff than Rowley does. He said last year the Rowley Water Department said they needed a large loader to clean out the new water treatment facility, but Nashua has been operating since 2006 and they told him they haven't needed to clean it out yet. He said Pennichuck's computers operate many towns and they have equipment that is shared amongst the towns. He said Dan Levesque, the DPW Director in Salisbury said they privatized twelve years ago and it was the best thing they ever did. He said Salisbury has 8,000 residents, 3,800 customers and runs on the same budget as Rowley does, including a capital budget. He said the average bill in Salisbury is \$500.00 per year.

Snow said when Salisbury plans to replace pipe they go before their Board of Water Commissioners, then it is placed on the Town Meeting warrant and then the people vote on that portion of the project.

Petersen said Nashua is a large facility that pumps sixteen to eighteen million gallons of water each day, and is much bigger than Rowley's treatment plant will be. He said Pennichuck also handles the billing for Amesbury. He said Pennichuck has two employees stationed at Salisbury and also has a twenty-four hour dispatch center. He said if there is a problem at night, the Salisbury technicians are notified as well as the person on duty in the dispatch center. He said it is like a police or fire dispatch center. He said it is worthwhile to look into the legal process that needs to be followed if Rowley decides to privatize. He said both Salisbury and Amesbury are extremely satisfied with Pennichuck.

Snow said the head of Nashua's treatment plant showed the skater system, including its ability to monitor Salisbury's operations in the Nashua plant. He said it was very impressive and the Town needs to explore privatization. He said he looked at the trucks and all were fully stocked and organized. He said Pennichuck is very professional. Stuart L. Dalzell Sr. said their buildings were very clean and because they order so many meters, they are able to get a good price that they pass along to the towns. Perry asked if they would only be interested in running the new treatment plant. Snow said

they are able to run the distribution system as well. Petersen said they will do whatever they are hired to do. Stuart L. Dalzell Sr. said Pennichuck has been in business one hundred sixty years.

Snow said other board members need to visit another private company to see how it operates. He said it has been a rocky road this past year with our Water Department and we need to look at different options, but maybe the decision will be to keep operating the same as now. Larry White asked if Pennichuck is a for profit company. Petersen said it is for profit and the City of Nashua owns all of its stock. White asked who the parent company is. Merry said the City of Nashua is the parent company. Snow said this is a first of many conversations and the decision to privatize will be made by the people of Rowley and not by individual town boards. Merry said the Board owes it to the townspeople to explore this option, but we aren't sure if we will go this route. Merry said Salisbury had serious problems that were taken care of once they hired Pennichuck. Merry said it is his personal opinion that he doesn't want the current Water Department running the new thirteen million dollar water treatment plant. Perry said there is some urgency since the plant is coming online next spring. Snow said we can privatize pieces of the Water Department operation and asked listeners to provide feedback through emails or letters or at the Monday Selectmen's meetings.

George Comistey from Parker River Clean Water Association said he saw the article in the daily news about potential privatization and said it raises a red flag for a for profit company to run the Water Department. He said water conservation is a secondary concern for a company like Pennichuck. He said Rowley's water source is not like the Nashua River and fears if water is drawn too aggressively that manganese levels will be higher and the treatment plant will be stressed. He said area water sources, such as the Parker River, and Rowley River have run dry in years past.

Petersen said a private company wouldn't be selling our water, just running the system. Stuart L. Dalzell Sr. said we want the best water for residents at the most reasonable rates, and the state only allows a certain amount of water to be withdrawn. George Comistey said there are different levels of privatization, but with full privatization, the company will get the assets. Merry said this needs to be looked into more and a financial analysis needs to be done.

Dave Petersen made a motion to authorize Town Administrator Deborah Eagan to work with Town Counsel to investigate the process to be followed if it is decided to privatize the Water Department, Jack Cook second, all in favor – aye (5-0).

Stuart L. Dalzell Sr. said upgrading the accounting software will cost twenty thousand dollars and won't need to be done if privatized. Cook asked who is proposing the upgrade and if money is in the budget to do it. Dalzell said money would have to be appropriated for it at Town Meeting. Eagan said the department currently uses Peachtree and CDS. She said at budget meetings in the Spring they discussed uniting

the two systems with a new system such as Munis or Softright. She said a new system would require an appropriation and it would need to be put out to bid. She said the discussion was meant as a preliminary stage of investigating a new system.

Cook said he supports looking into privatization one hundred percent, it seems like a win win situation, but it is up to the townspeople to choose. Merry said the Board of Selectmen will look at this option and make a recommendation, but the townspeople have the final decision.

OLD BUSINESS

1. Town Common restoration update

Chairman Snow read the following:

We have received several inquiries into the cutting of trees on the Town Common. We want to re-assure the public that new trees will be planted on the Town Common. At our last meeting, we voted to award the contract for the tree planting to NEDP LLC of Methuen, Massachusetts. Last year we appointed the Town Common Restoration Committee. This committee has been working on the details of this restoration project. In 2012, the April 30 Special Town Meeting voted to authorize a restoration of the Town Common.

I will read you the article and explanatory note that was approved by the town meeting on April 30, 2012:

ARTICLE 8. To see if the Town will vote, pursuant to Mass. Gen. Laws Ch. 44B, to transfer and appropriate from the Community Preservation Fund Historic Resources and/or the Community Preservation Fund Unreserved Account the amount of \$83,000 to be used by the Board of Selectmen for costs associated with restoration of the tree landscape (circa 1814) on the Rowley Town Common, shown as property on Map 25 Parcel 113 or take any other action relative thereto.

(Inserted by the Rowley Board of Selectmen and Community Preservation Committee)

Finance Committee Recommends

Explanatory Note: The Community Preservation Committee has approved this article. The "Historic Restoration of the Tree Landscape on the Rowley Common" project will include the design and execution of a tree planting plan that will restore the Rowley Common to the 1830-1960 eras. The Board of Selectmen has established a committee composed of representatives from Town Departments, Town Boards and Committees, and community organizations. The committee will direct this work from start to completion before Rowley's 375th Anniversary Celebration in 2014. The work includes

planting of Morton Elm trees (disease resistant), Little Leaf Lindens and London Plane trees around the Common. Some of the existing trees are in good condition and will be kept; others are not and will be removed. The idea is to avoid a monoculture which has failed in the past. The work will include the removal of some trees, the replacement of soil, the addition of a watering system and the planting of new trees. The trees will be planted approximately forty (40) feet apart and fifteen to eighteen feet away from the roads to avoid salt damage.

The Board of Selectmen asks for patience from the public as we are in a transition period now with this project.

Snow said he has received many inquiries about the project on the Common and the plan to replace trees on the Common is moving forward. He said dead trees have been removed and the stumps were ground last week and the next step is planting mature trees on the Common. Perry said he is a new member of the Town Common Tree Restoration Committee, they met two weeks ago, and are in the process of getting a water source on the common. Merry said the trees will be substantial and the specifications called for trees that are a minimum of ten feet tall.

Snow thanked the committee for their hard work and apologized for not getting information about the project out to the public. Cook thanked the departments involved in removing the trees, such as the Light and Highway Departments. Eagan said the backstop is not part of the project, but there may be surplus funds available to address it. Snow asked if the backstop is historic. Merry said he doesn't think it is and it was put up in the late 60s / early 70s for recreational use when the common was used for baseball. Petersen said we should ask the Town Common Restoration Committee if it should be removed or restored. Perry said he will ask the Committee to provide an opinion on the backstop.

2. Town Administrator update on Town Hall clock

Deborah Eagan read the following:

The bid deadline for the Town Hall clock restoration project is tomorrow. Bidders were required to make an appointment to see the clockworks and the location of where the clock will be placed. We've received no responses to our invitation for bids. No one has contacted us for an appointment. The notice was mailed to several clockworks companies.

Therefore, in anticipation of not having any bids for this project, Debbie is requesting authorization to work on re-writing the bid documents with Bob Merry.

Eagan said this is a unique restoration project for a clock that was handmade by Kent who was a genius in town. She said the experience threshold in the bid documents is high and they will try to loosen it without compromising the experience level of the restoration companies.

Jack Cook made a motion to authorize Eagan and Merry to work on re-writing the Town Hall Clock bid documents, David Petersen second, all in favor – aye (4-0). Bob Merry - ABSTAINED.

MINUTES

- June 17, 2013 – Executive Session

Jack Cook made a motion to approve the minutes from June 17, 2013 Executive Session, Dave Petersen second, all in favor – aye (4-0). Joseph Perry – ABSTAINED Bob Merry ABSTAINED from approving the minutes from the second half of the meeting that he was not present for.

- July 1, 2013

Joseph Perry made a motion to approve the minutes from July 1, 2013, Jack Cook second, all in favor – aye (5-0).

- July 1, 2013 – Executive Session

Joseph Perry made a motion to approve the minutes from July 1, 2013 Executive Session, Jack Cook second, all in favor – aye (5-0).

- July 15, 2013

Joseph Perry made a motion to approve the minutes from July 15, 2013, Jack Cook second, all in favor – aye (5-0).

ANNOUNCEMENTS

- 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.
- The Town has the following vacant seats: Conservation Commission; Zoning Board of Appeals Associate 3 open seats; two fence viewer positions; and wood lumber bark inspector
- Battery recycling box located at the Town Hall and Library

Chairman Robert Snow called for a motion to go into Executive Session for the purpose of discussing strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Town and to not return to open session. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye.

Open meeting adjourned at 8:55 p.m.

Respectfully submitted,
Amy Lydon
Executive Secretary

ATTACHMENTS:

1. Memo dated July 22, 2013 from Board of Assessors to lift the hiring freeze for the Administrative Assistant position
2. Letter dated July 22, 2013 from Library Director Pam Jacobson requesting a lift of the hiring freeze
3. Memo dated July 29, 2013 from Deborah Eagan regarding the updated job description for the Executive Secretary
4. New job description for Assistant Town Administrator
5. Thank you letter dated July 3, 2013 from Said Abuzahra
6. Road Opening Permit application from National Grid to open 64 Pingree Farm Road for main and service work
7. Press release from Northeast Massachusetts Mosquito Control and Wetlands Management District
8. Memo from Building Inspector Ken Ward regarding appointment of Alternate Plumbing Inspector
9. Letter dated July 23, 2013 from Fire Chief James Broderick regarding emergency management grant
10. MEMA grant documentation
11. Email from Frank Marchegiani to Deborah Eagan dated July 29, 2013
12. Health Department news release dated July 26, 2013
13. Memo from Town Planner Katrina O'Leary dated July 18, 2013
14. Photos from visit to Pennichuck
15. Pennichuck's brochure