

MINUTES OF THE BOARD OF SELECTMEN MEETING

June 27, 2016

Meeting held at Town Hall, 6:45 p.m.

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

PUBLIC ATTENDEES: Joanne DiNatale; Jared DiNatale; Linda Shirley; Jim Shirley; Bernard Cullen; James H. Jillett; Julie Jillett; Henry F. Rolfe – Independent Press; Margaret Mehaffey; William C. Mehaffey; Michael Mehaffey; Desiree Mehaffey; Colton Mehaffey; Philip Towne; Margaret Lemelin; Susan Elwell; Patrick Snow - Highway Department; Dennis Roy - Finance Committee; Barry Lariviere - BETA Group Inc.; Kate Reynolds; Edward Pilicy; Sonja Vincola; Karen O'Donnell – CPA Administrator; Karen Summit - Treasurer

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 6:45 p.m. He said the meeting is being audio and visually recorded digitally.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6:45 p.m. EXECUTIVE SESSION – Collective Bargaining strategy - AFSCME Local 2905

Chairman Perry called for a motion to go into Executive Session for the following purpose: To discuss collective bargaining strategy - AFSCME Local 2905, because an open meeting may have a detrimental effect on the negotiating position of the Town; and to return to open session. Bob Snow so moved, Dave Petersen second, all in favor - roll call vote: Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, David Petersen - aye, Robert Merry - aye.

Executive session opened at 6:47 p.m.

Executive session adjourned and open session resumed at 7:07 p.m.

7:00 p.m. APPOINTMENT - Community Preservation Administrator Karen O'Donnell to discuss Community Preservation Act fund balance

Chairman Perry reminded the audience that the meeting is being audio and visually recorded digitally.

Karen O'Donnell said she sent a spreadsheet to the Board with the balance from the end of this year. The Board reviewed the spreadsheet. Petersen said the Mehaffey project is looking for \$450,000 of CPA funding, which is one of several requests for CPA money. He said \$5,000,000 in CPA funds have been used for open space acquisitions in the last few years, including the Bradstreet and Girl Scout properties. He asked O'Donnell if \$802,000 is the available CPA balance. O'Donnell said through June 30, 2017, the balance is \$1,287,795.01. She said as of right now, the balance is \$1,316,949.27 which doesn't include encumbrances for articles, reserves or administration. She said this doesn't include \$403,000 in reserves. In response to Petersen's question about the spreadsheet that shows the \$802,000 balance, Eagan said bond counsel informed the Treasurer today that the proceeds of the Bradstreet Farm sale can be used towards the debt in FY 17 and FY 18, so the available funds have increased by \$281,000, and there is an updated spreadsheet to reflect this. Summit said the proceeds from the sale of the Bradstreet property can be applied to the debt service for Bradstreet in year one, which frees up the Bradstreet portion of the debt service. She said the Bradstreet debt service goes through 2027, and the Girl Scout debt service goes through 2022. She said normally debt needs to be paid for through the first \$300,000 in collections, and not through the state match, but in year one and two the Bradstreet proceeds can be used to offset the debt service payment for the Bradstreet debt. Pierce said this is very good news for the CPA fund.

Petersen said going forward, there are a number of projects that the Town needs to do including the Pine Grove School renovation, increase the number of recreational fields, update the Town Hall handicap ramp and expand the office space in the Annex, including the installation of an elevator. He said the Town has 4,000 acres of preserved land, but the only ballfields are behind the Police Station, across from the Agawam Diner, which they are hoping to eliminate due to the dangerous location and behind Pine Grove School. He said if the school renovation moves forward, a portion of those fields will need to be used for portable classrooms for a three year period. He said the expansion of ballfields will be about \$400,000. He said the handicap ramp at Town Hall needs to be replaced to bring it to code. He said it was built by volunteers in the 1980s, and the estimated cost for this project is \$80,000. He said the elevator and office expansion projects at the Annex will cost he guesses an estimated \$400,000 to \$450,000. He said before the Mehaffey project, almost \$1,000,000 is earmarked for these high priority projects. He said the Board of Selectmen and the Town need to decide which projects to do first, and we don't have unlimited money. He said his first priority would be the ballfields and the handicap ramp. He said \$450,000 is a lot of

money for the Mehaffey project, and the taxpayers won't be getting much back. He said the Mehaffey family will still own the land, and there will not be much access to the land, just a path through it. He said the Town has worked with Greenbelt hand-in-hand in the past, but heard nothing about this project until just before Town Meeting. He said originally, they needed \$350,000, now they need \$450,000. He asked if the Mehaffey project is more important than the fields, the handicap ramp or the expansion of the COA. He said he is a neighbor of the Mehaffey Farm, but we need to look at the needs of the whole town. He said he has reviewed the Grant application, and we would be competing against many communities. He read the allowed uses in the application and asked if a path into the woods will be the extent of the public access.

Pierce said the project would be contingent upon getting the Grant, and the Town wouldn't be bound if the Grant didn't come through. Johnson said Greenbelt is committed to raising \$100,000 through privately raised funds to be given to the Town. She said the warrant wording would be to authorize the Town to acquire the conservation restriction for \$450,000. Perry said we are beyond this appointment's topic and moved to the next agenda item.

7:10 – 7:15 P.M. CITIZEN QUERY

There were no Citizen Queries.

7:15 P.M. APPOINTMENT - Vanessa Johnson, Assistant Director of Land Conservation, Essex County Greenbelt Association, to discuss acquisition of a conservation restriction and application for a State Land Grant

Johnson reviewed the maps of the Tenney-Mehaffey land. She said there are 88 acres that connect two State forests. She said at the end of June, DCR will acquire 50 acres, and there is an opportunity for the Town to conserve the remaining 30 acres. She said the window of opportunity is small to conserve this land and the value of the conservation restriction (CR) is that it can preserve a way of life and allow a farm that has run for seven generations to continue. She said the CR will eliminate six home sites and preserve a piece of the Town's history and culture. She said if the Town agrees to acquire the CR for \$450,000, it enables the Mehaffey family to stay there, as well as future farmers. She said Greenbelt is committed to raising \$100,000 for this project. She said the Town can apply for the State Grant which works on a reimbursement basis. She said the Town Meeting vote would be to vote to authorize the Town to buy the CR, not to obligate the Town to buy the CR, for \$450,000. She said the funding can come from private sources. She said the potential Grant award based on the \$450,000 CR is \$261,000, and with the \$100,000 contribution from Greenbelt, the Town would need to contribute less than \$100,000 for the remaining amount. She said she suggests that the wording for the Town Meeting vote not be

contingent upon the Grant because it will close the door to any other contribution to the project. Petersen asked what the window of opportunity is, since the land isn't going anywhere. He asked what will happen if the Grant isn't awarded, or the Town votes this down. He said the property will remain with the Mehaffey-Tenney family. Johnson said they will still own, but not be able to afford to own the property. Pierce said the opportunity for the State Grant closes on July 15th. Eagan said the vote needs to happen at the Fall Town Meeting and we need an appraisal. Johnson said Greenbelt has done the appraisal, but it isn't complete. Eagan said this hasn't been shared with the Town to see if it meets the Grant requirements. Petersen said at the Fall Town Meeting, the vote for \$450,000 needs to be justified to the Townspeople. He said we need to present a finite number. He asked what happens if we don't get the Grant or the Town Meeting vote for this. Johnson said under the current agreement we have until June 30, 2017 to raise the money. She said after that, an agreement would need to be renegotiated. Petersen said he doesn't have a problem with applying for the Grant, but the Town Meeting article needs to be contingent upon the Town receiving the Grant and the Greenbelt money. Pierce said the Town Meeting would need to know that we are expecting some Grant money for this project. He said the wording of the article doesn't need to be decided tonight and the only decision tonight is if the Town applies for the Grant. Johnson said at the Fall Town Meeting we won't know if we are getting the Grant. Eagan said we do need a draft article for the application package. Johnson says it needs to be a draft, not the final wording, and we can legally have an article that is contingent upon funding. Snow said the funding would be \$261,000 from the Grant, \$100,000 from Greenbelt and \$89,000 from the Town. Johnson said yes, but if the Grant only comes through for \$200,000, then the funding sources would be limited. Petersen said if that were the case, it could be re-voted at the Spring Town Meeting. Johnson said if the Town Meeting vote is contingent upon a full 58% reimbursement from the Grant, but the Town is only awarded 40%, the Town won't get the Grant. She said the State will not hold the funds, and the door will be shut for Greenbelt to raise additional funds. She said Greenbelt will be present at Town Meeting to inform the townspeople.

Perry said there are so many variables. He said the project cost was at first \$350,000, now it is \$450,000, and the Town may be reimbursed 40%, 58% or 0%. He said he doesn't see all the variables coming together. Eagan said we need to see a draft of the CR. Johnson said she has a preliminary written draft. Petersen said there has been no involvement by the Board of Selectmen or the Town Administrator until a late date, and all we have are questions and he doesn't have a lot of confidence that they are getting the answers that are needed. Eagan recommended meeting again on July 11th, with the appraisal and the CR draft. Johnson said they don't like bringing bits and pieces to the Town and they like to bring a fully cooked project. She said they cannot dictate a

landowner's decision timeframe. She said they still don't have signed paperwork, and are getting it tomorrow. She said their agreement is contingent upon funding. Perry said Greenbelt has a contingent agreement, but is recommending that the Town not have a contingent agreement.

Brett Alger, the Chair of the Open Space Committee said he has some consensus statements from the Committee. He said they support the acquisition of new and the preservation of existing land; they support the State's purchase of 50 plus acres; and they support the Town's acquisition of a CR on the remaining portion of the 80 plus acres. He said they are concerned about the significant resources required for this project and the impact on future opportunities. He said they support adding the project to the Town Meeting Warrant and present it to the Town to see if they feel it is worth the cost with the potential reimbursements.

Bernie Cullen of Wethersfield Street asked if there are covenants or other encumbrances on the property. Johnson said with the DCR acquisition there will be the public access, but no other existing ones that she knows of. Cullen asked if there is a farming tax covenant. Johnson said a portion of the property is under 61A with the open fields. Cullen said under 61A, that land cannot be used for anything other than farming. Pierce said you can get out of 61 A and developers do it all the time. Johnson said it is a temporary encumbrance. Petersen asked what happens if in five years the Mehaffey family wants to move on. He asked if the CR would require the owners of the farm to hay. Johnson said that is open to discussion. Eagan said the CR needs to be in good form for the application. Petersen said the past two times the Town has applied for State Grants, they are onerous; if parameters aren't specified, the State will fill them in. Johnson said the Town isn't obligated to anything until it signs the Grant.

Sonja Vincola said the warrant can be presented to the Townspeople in the Fall. She said the Town can be awarded the Grant, but decide not to take it. She said the Town isn't committing too much at the Fall Town Meeting and we can decide to move forward once we know if we've gotten the Grant. Petersen said if the Town is going to do this, it needs to be as complete as possible. He said with the Girl Scout project the Town was part of the conversation from day one. Vincola said the warrant is not a commitment, but an opportunity to obtain the Grant. Eagan said the application is due July 15th, and the Board of Selectmen needs to see the draft article, the draft CR and the application. Johnson said the Conservation Commission vote unanimously to move forward with the CR. Pierce said Eagan's suggestions are excellent. Merry said this is a unique opportunity, and the land may only become available this one time. He said if the project doesn't fly the land will probably be developed at some point. He said we need to take a chance and apply for the Grant, with the worst case scenario being that we don't receive it.

Joanne DiNatale of Harrison Circle said this is a historic property and she thinks we should move forward with the project. She said Harrison Circle is the worst intersection on the whole street and the Town will pay far more if the development of the land moves forward.

Libby Tucker said she is the Agricultural Chair and there is a bill at the State House that should be signed within the next couple of months that would allow Agricultural Commissions to hold CRs. Rolfe said at the last meeting, the Selectmen voted to table this item, and they need to vote to take it off the table. Cullen said this project is not for an acquisition of property, it is just for a CR at a cost of \$450,000. He asked what the appraisal value is. Johnson said she believe the CR value is \$510,000, and the property value is \$1,200,000.

Dave Petersen made a motion to take this item off of the table, Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSTAIN.

Cliff Pierce made a motion to request a draft application, appraisal, CR and warrant article to be reviewed next week, Bob Snow second, all in favor - aye (5-0).

7:30 p.m. APPOINTMENT* - Highway Surveyor Patrick Snow and Barry Lariviere, Lead GIS & Asset Management Specialist with BETA Group Inc. to discuss contract for a road pavement management program.

Barry Lariviere gave a handout to the Board of Selectmen. He said he has been with Beta for fifteen years and it is an employee owned company. He reviewed the presentation slides with the Board of Selectmen, explaining the process, the rating system used and the reporting available. He said they will come back before the Board of Selectmen once the analysis is done. He said their program is expandable into sign, stormwater mapping and sewer mapping. Snow asked if the system can see the infrastructure under the road. Lairviere said yes, in the long term, and they will help build a three to five year capital plan. Petersen asked what the time frame is for them to start. Lairviere said they could start in three weeks, the inspections would take two weeks, and the draft report would be ready in about one week. Patrick Snow said the Town has over \$1,000,000 in Chapter 90 money and this service will allow them to spend the money the right way. He said Chapter 90 money will be used to pay for this service. Merry said it is likely that sections of roads will need immediate attention, and the rest can be done at a later date. Lairviere said they have done over 100 towns, and each is different. He said his final presentation will summarize all of the information and they recommend a re-inspection every three to five years. Bernie Cullen asked what the contract covers. Lairviere said it covers pavement management services and the

lump sum costs for the set-up, field inspection and analysis, then they will install the software and provide training on the software. Merry asked if there is a licensing fee. Lairviere said no, and they will provide support for the one year of service. Petersen said the \$16,850 cost is for the initial set-up and for one year of service. Patrick Snow said they will start with the main roads, and the area towns who have used Beta have been very pleased.

Dave Petersen made a motion to sign the contract with Beta Group Inc. for \$16,850, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the contract.

7:50 p.m. APPOINTMENT* - Highway Surveyor/Tree Warden Patrick Snow to discuss the following:

- emergency generator contract award recommendation
- gypsy moths caterpillars

Patrick Snow said gypsy moth caterpillars are in Rowley this year. He said normally there is a fungi that keeps them at bay, but with the dry weather, the fungi isn't growing. He said they are not fussy eaters and there is not much that we can do now, and they will be dying off soon. He said the best time to spray is late fall or early spring. He recommended that people pick up the downed limbs. He said the trees will survive the defoliation.

Patrick Snow said regarding the generator, SBE, Inc. was the low bidder and all references came back positive. He said hopefully the Board will execute this contract.

Dave Petersen made a motion to award the contract with SBE, Inc. for the emergency generator for the Highway Department for \$21,475, Bob Snow second, all in favor - aye (5-0).

Cullen asked how big the generator is. Patrick Snow said 38 (kilowatts).

GENERAL BUSINESS

1. Road Opening Permit Request from National Grid to open 6 Bradford Street for a gas valve repair

Bob Snow made a motion to approve the road opening permit request from National Grid to open 6 Bradford Street for a gas valve repair, Dave Petersen second, all in favor - aye (5-0).

The Selectmen signed the road opening permit.

2. Lift hiring freeze for two substitute library page positions

Chairman Perry read the request letter.

Dave Petersen made a motion to lift hiring freeze for two substitute library page positions, Bob Snow second, all in favor - aye (5-0).

OLD BUSINESS

1. Discuss summer concerts on the Town Common and request from Ben Eramo of 3 Blocks East Band to hold concert on the Town Common

Chairman Perry read the following:

Ben Eramo has confirmed with Debbie that he is available on Saturday, August 6 to do a one to two hour family concert on the Town Common. Debbie told him that she would get back to him with further details.

What is the Board's preferred concert time?

Do you want to have a rain date? Who will make the decision to cancel the concert due to weather issues? The chairman?

Publicity – RCM, newspapers, online Local News, publicity flyers, etc.

Petersen said the concert will be held in the evening from 6:00 p.m. to 8:00 p.m., and people can bring their own food, but no alcohol is allowed. He said the rain date is Sunday at 6:00 p.m. if Ben Eramo is available. He said the Chairman would make the call to cancel the concert if it rains. He said a port-o-potty needs to be ordered.

Bob Snow made a motion to set the date of the concert for August 6th, with a possible rain date of August 7th, Bob Merry second, all in favor - aye (5-0).

2. Discuss Traffic Impact Analysis Study for proposed medical building and day care 414 Haverhill Street

Pierce said on the conclusion page they indicate there is an existing project where Mass DOT is planning to make signal improvements at the intersection. Petersen said he encourages the State to move up the timing of the lights in the morning hours. Snow

said he touched base with Chief Dumas last week. Petersen said this looks fine and he has no comments.

NEW BUSINESS

1. Review Site Plan application submitted to the Planning Board for 317-321 Haverhill Street by Erica Leahy for a dog training business

Petersen said this is at the intersection of Route 1 and Route 133 where the used book store was. He said this is a tough corner, but this business shouldn't generate much traffic and he wished them luck.

The Board had no comments for the Planning Board on this application.

2. Review Site Plan application submitted to the Planning Board for 285 Newburyport Turnpike by MCR Technologies/George Speropolous for parking area and exterior renovations for a medical payroll software company

Petersen said this is the building before the Town Recycling Center. Pierce said the owner came before the Planning Board and it is a wonderful plan to add landscaping, reduce the parking lot and renovate the building. He said it sounds like a good improvement to the area.

The Board had no comments for the Planning Board on this application.

3. Review Site Plan application to the Planning Board for 510 Newburyport Turnpike by Brightergy for a solar photovoltaic facility

Petersen said he has no problem with this, and the area is out of sight.

The Board had no comments for the Planning Board on this application.

4. Review Site Plan application to the Planning Board for a parcel of land off Central Street as shown on Assessors Map/Lot 28-50 behind Country Gardens by Brightergy for a solar photovoltaic facility

The Board had no comments for the Planning Board on this application.

FY 17 RE-APPOINTMENTS

- Deputy Shellfish Constable

Chairman Perry read the following:

Daniel Perley and David Kent have not indicated that they wish to be re-appointed as Deputy Shellfish Constables. Their terms will expire on June 30, 2016. Does the Board wish to post vacancies for these positions after these terms expire?

Dave Petersen made a motion to post the vacancies for the two Deputy Shellfish Constables, Bob Snow second, all in favor - aye (5-0).

FY 17 APPOINTMENTS

- Election Workers

Bob Merry recused himself and sat in the audience at 9:11 p.m. Dave Petersen recused himself.

Chairman Perry read the memo from Susan Hazen.

Bob Snow made a motion to appoint the Election Workers for FY 17 as outlined in the memo, Cliff Pierce second, all in favor - aye (3-0). Bob Merry - RECUSED. Dave Petersen - RECUSED.

Merry returned to the table at 9:13 p.m.

FY 16 BUDGET TRANSFERS

1. MGL Ch. 44 § 33B(b) transfer request from Town Administrator Deborah Eagan from Blanket Insurance to Police Department Wages

Dave Petersen made a motion to approve this transfer request, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the transfer form.

MINUTES

- May 23, 2016

Bob Snow made a motion to approve the minutes from May 23, 2016, Cliff Pierce second, all in favor - aye (5-0).

- June 6, 2016

Bob Snow made a motion to approve the minutes from June 6, 2016, Cliff Pierce second, all in favor - aye (4-0). Dave Petersen – ABSTAINED.

ANNOUNCEMENTS

- The Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted during the hours of 9:00 a.m. to 5:00 p.m.
- The Town has the following vacancies:
 - a. **Fence Viewer** – three positions;
 - b. **Wood, Lumber & Bark Inspector**;
 - c. **Zoning Board of Appeals Associate** – two seats
 - d. **Parks and Recreation Committee** – one seat; and
 - e. **Open Space Committee** – two seatsFor 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 Perry called for a motion to adjourn. Bob Snow so moved, Cliff Pierce second, all in favor - aye (5-0).

Open meeting adjourned at 9:18 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written Executive Session Motion
2. Meeting Memo regarding 7:00 p.m. Appointment: Community Preservation Administrator Karen O'Donnell to discuss Community Preservation Act fund balance
3. Community Preservation Committee financial sheet prepared by Karen O'Donnell dated June 22, 2016
4. Two financial sheets with debt information for the Community Preservation Committee prepared by Karen O'Donnell dated June 21, 2016
5. Email correspondence regarding follow up on Bradstreet proceeds question
6. Meeting Memo regarding 7:15 p.m. Appointment: Vanessa Johnson, Assistant Director of Land Conservation, Essex County Greenbelt Association, to discuss acquisition of a conservation restriction and application for a State Land Grant
7. Email from Vanessa Johnson regarding Mehaffey Description & maps
8. Grant application from the Office of Energy & Environmental Affairs
9. Six maps of the Tenney-Mehaffey land

10. Meeting Memo regarding 7:30 p.m. Appointment: Highway Surveyor Patrick Snow and Barry Lariviere, lead GIS & Asset Management Specialist with BETA Group Inc. to discuss contract for a road pavement management program
11. Contract for a road pavement management program with Beta Group Inc.
12. Email correspondence between Debbie Eagan and Patrick Snow regarding Pavement Management Program
13. Proposal from Beta Group Inc. for Rowley – Pavement Management Program
14. Signed contract page with Beta Group Inc.
15. Presentation slides used by Beta Group Inc.
16. Meeting Memo regarding 7:50 p.m. Appointment: Highway Surveyor/Tree Warden Patrick Snow to discuss the following:
 - emergency generator contract award recommendation
 - gypsy moths caterpillars
17. Memo from Patrick Snow regarding Highway Department Emergency Generator
18. Letter from Patrick Snow regarding Gypsy Moth Caterpillars
19. Road Opening Permit Request from National Grid to open 6 Bradford Street for a gas valve repair
20. Letter from Pamela Jacobson requesting to lift hiring freeze for two substitute library page positions
21. Meeting Memo regarding Old Business #1: Discuss summer concerts on the Town Common and request from Ben Eramo of 3 Blocks East Band to hold concert on the Town Common
22. Email from Kirk Baker regarding Traffic Study for 414 Haverhill Street Medical Office and Daycare and Agenda for June 29 Planning Board meeting, including attachment
23. Site Plan application submitted to the Planning Board for 317-321 Haverhill Street by Erica Leahy for a dog training business
24. Site Plan application submitted to the Planning Board for 285 Newburyport Turnpike by MCR Technologies/George Speropolous for parking area and exterior renovations for a medical payroll software company
25. Site Plan application to the Planning Board for 510 Newburyport Turnpike by Brightergy for a solar photovoltaic facility
26. Site Plan application to the Planning Board for a parcel of land off Central Street as shown on Assessors Map/Lot 28-50 behind Country Gardens by Brighergy for a solar photovoltaic facility
27. Meeting Memo regarding FY17 Re-appointments
28. Letter from Susan Hazen regarding Appointment of Election Workers
29. MGL Ch. 44 § 33B(b) transfer request from Town Administrator Deborah Eagan from Blanket Insurance to Police Department Wages
30. Draft Minutes May 23, 2016
31. Draft Minutes June 6, 2016