

## **MINUTES OF THE BOARD OF SELECTMEN MEETING**

March 27, 2017

Meeting held at Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

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

**PUBLIC ATTENDEES:** Police Chief Scott Dumas; Joseph Fair - KP Law; Bernie Cullen - 283 Wethersfield Street; Joanne DiNatale - 55 Harrison Circle; Paul DiNatale - 55 Harrison Circle; Henry F. Rolfe; Marianne Folan - 56 Harrison Circle; Joe Sergi - 56 Harrison Circle

### **CALL MEETING TO ORDER**

Chairman Perry called meeting to order at 6:06 p.m.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **EXECUTIVE SESSION**

#### Collective bargaining strategy

- Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)

Chairman Perry called for a motion to go into Executive Session for the following purpose: To discuss collective bargaining strategy pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)- Massachusetts Coalition of Police (MCOP) Local 360 because an open meeting may have a detrimental effect on the bargaining position of the Board of Selectmen 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, David Petersen - aye, Robert Merry - aye. Cliff Pierce – ABSENT.

Executive session opened at 6:06 p.m.

Executive session adjourned and open session resumed at 7:13 p.m.

Chairman Perry said the meeting is being recorded audio and visually digitally.

### **7:10 – 7:15 p.m. CITIZEN QUERY**

There were no Citizen Queries.

### **7:15 p.m. APPOINTMENT**

Police Chief Scott Dumas to discuss streetlight on Harrison Circle

Bob Merry recused himself and stated he has a conflict of interest. Bob Snow recused himself and stated he is a member of the Light Board. Merry and Snow left the meeting room at 7:14 p.m.

Chairman Perry read the following:

*Chairman Perry requested that the matter of the streetlight on Harrison Circle be put on tonight's agenda.*

*Joe Sergi of 56 Harrison Circle requested that this light be installed in December of 2014 (letter attached). Joanne DiNatale of 55 Harrison Circle has raised concerns about the brightness of this light, and how it shines directly into her house (email attached).*

*Chief Dumas reviewed the lighting of the area at night, and sent the attached email with his recommendation.*

*Chief Dumas is present tonight to discuss this matter. Joe Sergi and Joanne DiNatale were also invited to attend tonight's meeting.*

Chief Dumas said his Sergeant observed the light in this area over a couple of nights and under different conditions. He said there is one light at the intersection of Newbury and Harrison, and another at the intersection of Harrison and Wilkes. He said the light in question is located where Harrison Circle intersects itself, diagonally across from 55 Harrison Circle. He said Sergeant MacMullen recommended keeping the light since it is a dark area. He said Light Plant Manager Dan Folding wants to keep the light there due to safety reasons. He said it is a dark area, but there is not a lot of traffic, but people do walk in the area. He said Joe Sergi, a resident from Harrison Circle, said it is hard to see people walking when he is backing out of his driveway. He said it is a safe practice to have street lights at intersection roads, and this qualifies as that. He said he recommends that the light be put up, with the stipulation that the light have a deflector. He said in the meantime, the light was put up with the deflector. He said he has looked at the new light and it makes sense to keep it in its location. He said the deflector seems to be working, #55 is quite a distance off the road, but he doesn't live there.

Joe Sergi said he did send a letter asking for the light in 2014, and he appreciates it being installed. He said he had no idea this caused a rift until January when the light disappeared. He said he looked at it last night and there is a distinct line where the light

ends, and that must be from the deflector. He provided a Google Earth map to show how the light is shining 48' in one direction and 140' feet in the other direction.

Joanne DiNatale said there is always issues backing out of driveways, and the light is a problem when trying to discern if a car is there or not since the light is so bright. She said there are three very bright lights within 150' and she has lived there for 30 years. She said it is dark and you need to be careful, but the road is not a thouroughfare. She said their one small street is brighter than any other street. She asked as a compromise to move this light one pole closer to Newbury. She said it was easier to pull out onto Newbury before because you could see the lights from cars coming. She said she loves looking at the stars and these lights detract from that. She said Rowley is rural and we don't want it to be like a city. She said LED lights are cost effective, but they hurt your eyes because they are so bright.

Pierce said he went there and he feels the beginning of the street is overlit. He said there are two consecutive poles with lights which is contrary with the process of lighting every other pole in Town. He said he thinks they should go to two lights from three lights, and it gets dark beyond the DiNatale home.

DiNatale said they have lived there for thirty years, it is a nice quiet street that hasn't changed dramatically other than being a cut through with the nearby development. She said if there can't be a compromise as she suggested, then this is progress, but she thinks this is overkill. Petersen said he looked at this area a couple of times, and without the light at the corner, it is extremely dark. He said he has visited twice since the light was reinstalled, and he parked in the dark looking towards Newbury. He said #55 is dark, and he didn't see light shining onto it. He said the house is about 150' from the light. He said a compromiser could be to leave the light at the Newbury intersection, remove the light from the first pole on Harrison, and leave the light in question since it is on the corner. He said the deflector must be helpful.

Sergi said he never intended to create a dispute, he just requested the light since it was dark. Petersen said he agrees with the Chief about putting it on the corner and the Light Department has gone out of its' way to shield the light so that it would have the least effect on #55. He said in the summer when the trees are thick with leaves, he would imagine the light cannot be seen from #55.

DiNatale said by moving the light to the next pole down towards Newbury, it wouldn't shine into anyone's house, it would be right in the middle, and a shield wouldn't be needed. She said it is hard for someone who doesn't live there to know how the light is impacting them. She said this isn't a dispute, but there is a lot of light on a small street. She said if the Sergi family isn't opposed, can the light be moved as she suggested. Chief Dumas said he understands what Mrs. DiNatale is saying, but the light should be at the intersection, and if it is moved as she suggests, it will be very close to the house that just had the fire. He said this should be looked at objectively, the lights should be

at the intersections, the deflector is doing the job, and the problem shouldn't be pushed down the road. DiNatale said the current light totally illuminates #9's driveway and moving it would have the same or less effect. Mr. DiNatale said on Newbury, some lights have LED bulbs and others have a soft yellow bulb. Petersen said the soft yellow bulbs are being replaced with the LED bulbs. He reviewed the chart that Sergi had distributed. Petersen said the current pole is the best location for lighting the intersection, and is 75 yards away from #55. Mr. DiNatale said when this was first installed, two lights were put up without shields that shined directly into their bedroom. He said when the one light was put back up, Mrs. DiNatale reacted and sent the letter, but he can see how the shields are working. Petersen said he recommends that the Light Department take the light in the middle down and see how it goes. He said he highly values the recommendation from the Police Department.

Dave Petersen made a motion to recommend to the Light Board to remove the middle light and keep the light with the shield in its current location, Cliff Pierce second, all in favor - aye (3-0). Bob Snow – ABSENT Bob Merry - ABSENT

Pierce said they should definitely take out the second light. He said he is afraid that if they move the light in question down one pole, it will create issues with other people. He said the shield is having a good effect on the light in its current location, and this is the natural location for the light. He said he sympathizes with the residents and he doesn't think it needs to be lit up like Fenway Park.

## **GENERAL BUSINESS**

1. Historic District Commission notice of public hearing to replace border fence between 44 Central Street and 3 Wethersfield Street

Chairman Perry read the following:

*The Board of Selectmen received the attached notice for a public hearing being held by the Historic District Commission because the Town Hall Annex is located across the street from the applicant. The proposal is to replace the existing damaged border fence between 44 Central Street and 3 Wethersfield Street.*

*Does the Board of Selectmen have any comments concerning this application that they wish to send to the Historic District Commission?*

The Board did not have any comments on this application.

2. Request from Library Director Pam Jacobson to lift the hiring freeze for the Library Assistant for Youth Services position

Chairman Perry read the letter from Jacobson. Petersen said the person hired needs to understand that the position is currently funded for seven hours and not fifteen hours. He said the funding for the fifteen hours needs to pass at Town Meeting.

Dave Petersen made a motion to lift the hiring freeze, Bob Snow second, all in favor - aye (5-0).

## **FY 18 BUDGETS**

Finance Committee, Selectmen, Schools - Essex Agricultural Technical High School, Debt, Group Health/Medicare, Veterans, ~~Town Clerk - Revised~~\*\*\*, Records Access Officer\*\*

- Finance Committee

Cliff Pierce made a motion to approve the FY 18 Finance Committee budget, Dave Petersen second, all in favor - aye (5-0).

- Selectmen

Eagan said this is a re-submitted budget. She said the Collective Bargaining Reserve is still in limbo at this point, and negotiations with the Police Union continue this week. Petersen said the Records Access Officer stipend to be discussed this evening needs to be inserted into the Selectmen's budget.

Dave Petersen made a motion to approve the FY 18 Selectmen budget with the Collective Bargaining Reserve to be changed if needed, Bob Snow second, all in favor - aye (5-0).

- Schools - Essex Agricultural Technical High School

Petersen said the budget includes one additional student. Eagan said we are short in the budget for FY17, and we will need a transfer at the Special Town Meeting.

Bob Snow made a motion to approve the FY 18 Schools - Essex Agricultural Technical High School budget, Dave Petersen second, all in favor - aye (5-0).

- Debt

Dave Petersen made a motion to approve the FY 18 Debt budget, Bob Snow second, all in favor - aye (5-0).

- Group Health/Medicare

Dave Petersen made a motion to approve the FY 18 Group Health/Medicare budget, Bob Snow second, all in favor - aye (4-0). Bob Merry – RECUSED

- Veterans

Dave Petersen made a motion to approve the FY 18 Veterans budget, Cliff Pierce second, all in favor - aye (4-0). Bob Merry – RECUSED

- Records Access Officer

Petersen said the Town Clerk is requesting a \$2,500 stipend for being the Records Access Officer (RAO), and he has concerns about the size of the stipend. He said over the last couple of years, Toomey and Comley have inundated the Town with public records request, and asked other than those, how many come in over the course of the year. Eagan said we didn't handle the requests for every department, but the new law created a centralization of the requests. She said the Town is also establishing a revolving fund for the money charged to the requestors so that it can be reimbursed to the department incurring the expenses. She said the RAO is responsible for this fund. She said the RAO facilitates the requests, interfaces with the requestor, reaches out to departments for the information requested, and then processes the fees received.

Petersen said he doesn't recall seeing many requests other than those from Toomey, and he would like to see the stipend to \$500 for the first year so that we can see how many requests there are. He said the RAO isn't looking for the records, but is just coordinating the process. He said Ipswich was looking for a \$5,000 stipend which was turned down, and none of the surrounding towns are giving a stipend for this. He said we need to be careful about the size of the stipend. He said Brent Baeslack received a \$5,000 annual stipend for stormwater work which includes filing reports with the government and is a busy position. He said we can fund this with \$500 this year since it is a tight budget year, and next year we can look at how many requests have come in. He said now we have nothing to base this on, and it needs to be moved into the Selectmen's budget so that the stipend is given to whoever is appointed to be the RAO. He asked if the public records requests are time sensitive and how that are being handled if the RAO is on vacation. Eagan said yes, and she isn't sure how they are handled when the RAO is out. Petersen said this needs to be discussed.

Dave Petersen made a motion to move the RAO stipend to the Selectmen's budget, Cliff Pierce second, all in favor - aye (5-0).

Eagan said the Town Clerk's FY18 budget has already been approved. RAO Susan Hazen joined the meeting and said so far there have been thirteen requests that she spends about two hours per week on. She said she sends a letter of receipt, provides deadlines, send the request to town departments, writes another letter with the fees provided by the departments, then writes a third letter. She said this is a job her office has never had before. Pierce asked if the requests are coming from different people. Hazen said yes, and they can also appeal the response to their request. Perry asked Hazen who handles this if she isn't available. Hazen said she hasn't trained Sue Leach yet, and this is a complicated process with 22 exemptions. She said she never takes a two week vacation, and would come in to get the work done. Petersen said \$1,000 seems fair and the requests come from mainly two people. Hazen said that isn't true, and there have been thirteen requests so far. She said people may be testing the new law. Petersen said the surrounding towns aren't giving a stipend, we have no good history about this to determine the correct stipend, and we are under a budget crunch. Snow said if there have been thirteen so far, there could be fifty-two in a year. Petersen said the stipend could be for \$1,500. Pierce and Snow agreed. Snow asked Hazen to report to the Selectmen periodically, maybe every three months, including the number of requests received so they can understand the volume.

Dave Petersen made a motion to set the RAO stipend for \$1,500 to be paid quarterly, Bob Snow second, all in favor - aye (5-0).

### **NEW BUSINESS**

1. Seasonal Liquor License Renewal for Rowley Golf Course, LLC, 237 Dodge Road, Rowley

Chairman Perry read the following:

*It is the time of year for seasonal liquor license renewals. There is only one seasonal license holder in Town, and that is the Rowley Golf Course. The renewal application is in order and requires the approval of the Board of Selectmen.*

*If approved, there is nothing that the Board needs to sign tonight. The liquor license will be prepared and available in the Selectmen's Office tomorrow for the Selectmen to sign.*

Perry disclosed that he has a season pass at the Rowley Golf Course.

Dave Petersen made a motion to approve the liquor license renewal for the Rowley Golf Course, Bob Snow second, all in favor - aye (5-0).

2. FY 17 Group Health Insurance Renewal

Chairman Perry read the memo from Debbie Eagan regarding this renewal, with the 8.02% increase in FY18. Bernie Cullen said the increase was stated as 7.25% earlier. Eagan said the life insurance and medical insurance went up by different percentages, and this is one piece of that budget.

Dave Petersen made a motion to authorize Eagan to sign and return the renewal to MIIA, Bob Snow second, all in favor - aye (4-0). Bob Merry - RECUSED

## **OLD BUSINESS**

### 1. Pine Grove School Building Project Update

Chairman Perry read the following:

*The Community Engagement Meeting is scheduled for 7:00 p.m. this Thursday, March 30 at Pine Grove School. Town residents are invited to attend this meeting. The Building Committee met last week. Chairman Perry will give an update.*

Perry said the Committee went through the options, made choices, and the architects are coming up with the final figures for the meeting. He said it will be a lot of money, and they will have numbers for Monday's meeting. He said all are invited to the presentation on Thursday at 7:00 p.m. in the Pine Grove School all purpose room.

### 2. Review Town Meeting warrant articles and ballot question

Eagan said this is a very rough draft, and it has not been reviewed by Town Counsel. Eagan quickly reviewed each article. She said Article 15 is for the Revolving Funds. She said under the Municipal Modernization bill we need to establish a bylaw, and once the bylaw is established, these funds won't need to be renewed annually through town meeting vote. She said Article 16 established a special revolving account for cable franchise fees. Pierce asked if Article 23 should have some type of time period. She said Town Counsel has reviewed this and we don't have to have a time frame. She said Karen Summit can explain this article.

Perry said on April 24, 2017, the public hearing on the Town Meeting warrants will be held in the upstairs auditorium with the Department heads and the firms involved in the Pine Grove School project.

## **ANNOUNCEMENTS**

- Pine Grove School Project Community Engagement Meeting, March 30, 2017 at 7:00 p.m. at the Pine Grove School

- Annual and Special Town Meeting is scheduled for May 1, 2017 at the Pine Grove School. The meeting starts at 7:00 p.m.
- Town Election is scheduled for May 9, 2017 from noon to 8:00 p.m. in Saint Mary's Church Hall
- The Water Department and the Great American Rain Barrel Company are offering rain barrels to residents as part of a community wide conservation and sustainability program. For more information, go to the Water Department's webpage at [www.rowleywater.com](http://www.rowleywater.com)
- Information on the Pine Grove School project is available on the Town's website at [www.townofrowley.net](http://www.townofrowley.net).
- The Town has the following vacancies:
  1. **Fence Viewer** – three positions;
  2. **Wood, Lumber & Bark Inspector**;
  3. **Zoning Board of Appeals Associate** – two seats
  4. **Parks and Recreation Committee** – one seat;
  5. **Deputy Shellfish Constables** – two positionsFor more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on 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 8:47 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Written Executive Session Motion
2. Meeting memo regarding 7:15 p.m. Appointment: Police Chief Scott Dumas to discuss streetlight on Harrison Circle
3. Letter from Joe Sergi dated December 8, 2014
4. Email from Joanne DiNatale regarding Lighting on Harrison Circle
5. Email from Police Chief Dumas regarding Harrison Circle Street Light
6. Google map submitted by Joe Sergi during 7:15 Appointment
7. Meeting memo regarding General Business #1: Historic District Commission notice of public hearing to replace border fence between 44 Central Street and 3 Wethersfield

8. Historic District Commission notice of public hearing to replace border fence between 44 Central Street and 3 Wethersfield
9. Request from Library Director Pam Jacobson to lift the hiring freeze for the Library Assistant for Youth Services position
10. Finance Committee draft FY18 budget
11. Selectmen draft FY18 budget
12. Schools - Essex Agricultural Technical High School draft FY18 budget
13. Debt draft FY18 budget
14. Group Health/Medicare draft FY18 budget
15. Veterans draft FY18 budget
16. Records Access Officer draft FY18 budget
17. Meeting memo regarding New Business #1: Seasonal Liquor License Renewal for Rowley Golf Course, LLC, 237 Dodge Road, Rowley
18. Seasonal Liquor License Renewal package for Rowley Golf Course, LLC, 237 Dodge Road, Rowley
19. Memo from Debbie to Board of Selectmen regarding Town employee health insurance premiums
20. Health Insurance Renewal proposal from MIIA
21. Meeting memo regarding Old Business #1: Pine Grove School Building Project Update
22. Draft #2 Warrant for Annual Town Meeting