

MINUTES OF THE BOARD OF SELECTMEN MEETING

May 22, 2017

Meeting held at Town Hall, 139 Main Street, Rowley, MA
6:15 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: John Cardillo – Historic District Commission; Sara Bourque – Historic District Commission; Bill Vitkosky – Historic District Commission; Frank Todd – Historic District Commission; Michael Sabatini – Historic District Commission; Barbara Breaker– Historic District Commission; Tom Mullen – Town Counsel; Larry White – Finance Committee; Bernard Cullen – 283 Wethersfield Street

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 6:16 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

Bob Merry led the Pledge of Allegiance.

Mike Sabatini of the Historic District Commission entered the meeting room at 6:18 p.m.

Historic District Commission Chairman Frank Todd called the meeting to order.

6:15 p.m. JOINT MEETING – HISTORIC DISTRICT COMMISSION

Chairman Perry called the Joint Meeting with the Historic District Commission to order by a roll call vote of the Board of Selectmen. Bob Snow so moved, Cliff Pierce second, all in favor – roll call vote: Joe Perry – aye, Bob Snow – aye, Cliff Pierce – aye, Bob Merry – aye, Dave Petersen – aye.

Chairman Todd called the Joint Meeting with the Board of Selectmen to order by a roll call vote of the Historic District Commission. Frank Todd so moved, Sara Bourque second, all in favor – roll call vote: Frank Todd – aye, Sara Bourque – aye, John Cardillo– aye; Bill Vitkosky – aye, Michael Sabatini – aye Barbara Breaker – aye. Nat Dummer – ABSENT; Mike Harney – ABSENT.

Joint Meeting opened at 6:20 p.m.

EXECUTIVE SESSION

Litigation Strategy

- Executive Session under G.L. c. 30A, s. 21(a)(3) to discuss strategy in connection with threatened litigation involving Michael Kovalchuk and property at 238 Main Street because an open meeting may have a detrimental effect on the litigating position of the Town.

Chairman Perry called for a motion to go into Executive Session for the following purposes:

To discuss strategies in connection with threatened litigation involving Michael Kovalchuk and property at 238 Main Street, pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the litigating position of the Town; and to return to open session. Bob Snow so moved, Cliff Pierce second, all in favor – roll call vote: Joe Perry – aye, Bob Snow – aye, Cliff Pierce – aye, Bob Merry – aye, Dave Petersen – aye.

Historic District Commission Chairman Frank Todd called for a motion to go into Executive Session for the following purposes:

To discuss strategies in connection with threatened litigation involving Michael Kovalchuk and property at 238 Main Street, pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the litigating position of the Town and to not return to open session. Sara Bourque so moved, Michael Sabatini second, all in favor – roll call vote: Frank Todd – aye, Sara Bourque – aye, John Cardillo – aye; Bill Vitkosky – aye, Michael Sabatini – aye Barbara Breaker – aye. Nat Dummer – ABSENT; Mike Harney – ABSENT.

Executive Session opened at 6:21 p.m.

Executive Session closed and open session resumed at 6:42 p.m.

GENERAL BUSINESS

1. Letter from George Pacenka regarding Eagle Scout Court of Honor

Chairman Perry read the letter. Perry said he will be at the ceremony. Petersen asked Perry to express the Board's congratulations.

2. Letter of resignation from Brett Alger from the Open Space Committee

Chairman Perry read the following:

Brett Alger sent an email to the Board of Selectmen resigning from the Open Space Committee. The Board of Selectmen needs to vote to accept his resignation.

Brett also noted in his email that Tina Tzortzis will be joining the School Committee and therefore also resigning from the Open Space Committee. Tina has yet to submit her letter of resignation to the Board of Selectmen.

Perry read the email from Alger.

Dave Petersen made a motion to accept Alger's resignation and send him a letter of thanks, Bob Snow second, all in favor - aye (5-0).

3. Rowley Girl Scouts Bridging and Awards Ceremony

Chairman Perry read the following:

Jane Koopman White, Co-Leader of Girls Scouts Troop 75124, has invited the Board of Selectmen to attend the Girl Scouts Awards Ceremony on Friday, June 9th at 7:00 p.m. the Pine Grove School. Chairman Perry will read the attached list of participants in this ceremony provided by Jane Koopman White.

Chairman Perry is planning to attend. During the Ceremony, 5 scouts are scheduled to receive the Bronze Award and 4 scouts are scheduled to receive the Silver Award.

The Board needs to vote to issue letters of commendation to all the Bronze and Silver Award recipients and to authorize the Chairman to sign all of these.

Bob Snow made a motion to issue letters of commendation to all the Bronze and Silver Award recipients and to authorize the Chairman to sign these, Cliff Pierce second, all in favor - aye (5-0).

4. Letter from the Newbury Board of Selectmen regarding the Massachusetts Coastal Zone Management Resiliency Grants Program

Chairman Perry read the following:

The Newbury Board of Selectmen is applying for a state grant and has asked Debbie to send a letter of support of the application to the Coastal Zone Management.

Debbie is asking for the Board of Selectmen's approval of this endorsement.

Perry read the letter from the Newbury Board of Selectmen.

Dave Petersen made a motion to send a letter of support for Newbury's application to the Coastal Zone Management, Cliff Pierce second, all in favor - aye (5-0).

5. Request from Board of Cemetery Commissioners to appoint Tricia McNeill as seasonal laborer

Chairman Perry read the following:

The Board of Cemetery Commissioners requests that the Board of Selectmen vote to appoint Tricia McNeill to the position of seasonal laborer. Tricia was also a seasonal laborer for the cemetery last year.

Dave Petersen made a motion to appoint Tricia McNeil to the Cemetery Seasonal Laborer position, Bob Snow second, all in favor - aye (4-0). Bob Merry – RECUSED.

Petersen asked if there will be a second laborer. Eagan said yes.

NEW BUSINESS

1. Discuss Eiras Park Water

Chairman Perry read the following:

Tim Southall called Pennichuck on May 10th to request the water at Eiras Park be turned on, and was told that there were no appointments available to turn the water on. He contacted Amy about this problem and she was told the same thing by Pennichuck. It was not until Amy contacted the Water Superintendent and the Water Commissioners about this problem on May 17th that we received a response. The Superintendent forwarded Amy an email from Pennichuck explaining that the problem had to do with the type of service at Eiras Park. Apparently Rowley requires three technicians to turn on the type of water meter at Eiras Park, and the software program has a default message that says there are "no available appointments." Pennichuk apologized for the situation and explained that it was human error because the new customer service representative who received the call was unaware of the "three-technician" policy for Rowley.

While the problem at Eiras Park has been solved, it took a lot of time and unnecessary effort by a Town volunteer, Tim Southall, and the Selectmen's staff to get to the root of the problem and to get it resolved. Perhaps, the greater problem is the lack of inter-

departmental cooperation between the Water Department and other Town departments. When the Water Department has a question or a need, they are able to reach out to any of the Town departments and their employees for assistance. When a Town Department needs assistance on a Water matter, they need to call Pennichuck and cannot speak to a Water Department employee.

Does the Board wish to send a letter to the Board of Water Commissioners asking them to re-consider their Water Service policies as it relates to Town Departments? (See August 9, 2016 memo from Water Board to all Town Departments.) Can their policy be changed so that the Town employees are able to contact the Water Department employees with questions and/or assistance?

Petersen said he thinks we should send a letter. He said the Highway and Light departments are willing to help whenever they are asked, even when it is outside of their normal duties. He said the Water Department used to be willing to help. He said we ran into this issue last year, and in addition to the Eiras Park water, the Cemetery and Agricultural Commission have water that needs to be turned on and off seasonally. He said this shouldn't be a big issue, and this could be built into the calendar. Pierce said that makes sense. Merry said for 19 years he was the Manager of Rowley Municipal Light Department, and if people needed help, he would speak to them. He said they would help put tamps and floats in to the river, and he doesn't understand this.

Bernie Cullen said he is not authorized to speak on behalf of the Water Board, but he finds this disappointing and not particularly responsive. He said there was a glitch with the new employee at Pennichuck, but said it is an odd arrangement if three people are needed to turn a valve. He said he thinks a letter is worthwhile to ensure this gets on the Water Board agenda to be addressed. He said this issue was resolved, but the bigger issue is the lack of responsiveness. He said it is worthwhile to push the issue of interdepartmental cooperation and working together with Town departments. He said there is a process in place to deal with customer issues, but they should maintain close and cooperative relationships with Town departments.

Petersen said a recent example is when the Light Department used their bucket truck to remove a damaged storm window at the Annex that couldn't have been safely removed by the janitor. He said the kids are playing ball at Eiras Park without a water bubbler. He said one hand washes the other, and it is to the Water Department's advantage to be selling this water.

Dave Petersen made a motion to send a letter to the Board of Water Commissioners asking them to re-consider their Water Service policies as it relates to Town Departments, Cliff Pierce second, all in favor - aye (5-0).

2. Discuss American with Disabilities Grant Program

Chairman Perry read the following:

Debbie came across a state ADA improvement grant that she thought could be used for the Annex Elevator Project. She asked Natalie to review the grant requirements to see if we are eligible. It appears that we are eligible to apply, but that we need to conduct a Self-Evaluation of our current policies and practices and that we need to develop a Transitional Plan.

Debbie and Natalie would like to move forward with the grant application, in the hopes of getting state funds to off-set the cost of the elevator or another ADA-related project.

Debbie is seeking approval from the Board of Selectmen to start the application process. She is also asking for authorization to complete the Self-Evaluation and Transitional Plan. We will need to work with our department heads who serve as "building custodians", such as the Library Director, Water Superintendent, etc., in the Self-Evaluation and Transitional Plan. Once we complete these, we can start the grant application. We've got additional funds in Natalie's FY 17 wage line due to her unpaid maternity leave that we can use to pay her for this additional work.

Dave Petersen made a motion to authorize starting the application process and to authorize the completion of the Self-Evaluation and Transitional Plan, Bob Snow second, all in favor - aye (5-0).

7:10 – 7:15 p.m. CITIZEN QUERY

There were no Citizen Queries.

NEW BUSINESS

3. Sign deeds transferring 351 and 355 Wethersfield Street to the Conservation Commission

Chairman Perry read the following:

The deeds transferring the two parcels of tax title land on Wethersfield Street to the Conservation Commission are ready for the Board of Selectmen to sign.

Conservation Agent Brent Baeslack worked with Town Counsel Judy Pickett on writing the deeds. The May 1, 2017 Special Town Meeting approved this transfer.

The Board of Selectmen needs to vote to sign the deeds. Treasurer/Collector Karen Summit will notarize these documents. There are two deeds, which need to be signed.

Dave Petersen made a motion to sign the deeds, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the deeds and Karen Summit notarized them.

OLD BUSINESS

1. Pine Grove School Project update

Chairman Perry read the following:

The Schematic Design has been filed with the MSBA. Chairman Perry is looking into the possibility of having a bridge agreement with Dore & Whittier so that they can continue to work on the design plans. Chairman Perry will update the Board.

Perry said it is important to get the agreement with Dore & Whittier to continue the work before the MSBA vote on June 28th to approve the plan. He said the funding of the project will happen in July or August. He said the MSBA is meeting on June 7th, so he will find out what is happening.

2. Update on Annual Independence Day Celebration on the Town Common

Chairman Perry read the following:

Tim Southall is available on either June 24 or July 1 for the Annual Independence Day Celebration. Which day is the Board's preference?

Bob Snow made a motion to set the date of the celebration for June 24, 2017, Cliff Pierce second, all in favor - aye (5-0).

FY 17 BUDGET TRANSFERS

1. MGL Ch. 44 § 33B(b) transfer request from Treasurer/Collector Karen Summit from Treasurer/Collector Expenses to Assistant Treasurer/Collector Salary

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

FY 18 RE-APPOINTMENTS

<u>Position or Board/Commission Member</u>	<u>Appointee</u>	<u>Expiration Date</u>
Conservation Commission	Howard Vogel	6/30/2020
Conservation Commission	Arthur Page	6/30/2020
Conservation Commission	Judith Kehs	6/30/2020

Dave Petersen made a motion to re-appoint the Conservation Commissioners detailed above, Bob Snow second, all in favor - aye (5-0).

FY 18 SELECTMEN'S APPOINTMENTS

- Eastern Essex Veterans District Representative
- Personnel Advisory Committee Representative
- Rowley Emergency Management Agency (Chairman and Vice Chairman are appointed)
 - 1) Chairman
 - 2) Vice Chairman
- Cannoneer
- Massachusetts Bay Transportation Authority (MBTA) representative
- Merrimack Valley Planning Commission representative
- Merrimack Valley Planning Commissioner alternate representative
- Northern Essex Regional Planning Commission (Chairman and Vice Chairman are appointed)
 - 1) Chairman
 - 2) Vice Chairman
- Zoning Review Committee Representative

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- Eastern Essex Veterans District Representative

Dave Petersen made a motion to appoint Bob Snow as the Eastern Essex Veterans District Representative, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSTAINED

- Personnel Advisory Committee Representative

Cliff Pierce made a motion to appoint Dave Petersen as the Personnel Advisory Committee Representative, Bob Snow second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

- Rowley Emergency Management Agency (Chairman and Vice Chairman are appointed)
 - 3) Chairman
 - 4) Vice Chairman

Dave Petersen made a motion to appoint Joseph Perry as the Rowley Emergency Management Agency Representative, Bob Snow second, all in favor - aye (4-0). Joseph Perry – ABSTAINED

Dave Petersen made a motion to appoint Bob Snow as the Rowley Emergency Management Agency Representative, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSTAINED

- Cannoneer

Dave Petersen made a motion to appoint Bob Merry as the Cannoneer, Bob Snow second, all in favor - aye (4-0). Bob Merry - ABSTAINED

- Massachusetts Bay Transportation Authority (MBTA) representative

Dave Petersen made a motion to appoint Bob Snow as the Massachusetts Bay Transportation Authority (MBTA) Representative, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSTAINED

- Merrimack Valley Planning Commission representative

Dave Petersen made a motion to appoint Bob Snow as the Merrimack Valley Planning Commission Representative, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSTAINED

- Merrimack Valley Planning Commissioner alternate representative

Bob Snow made a motion to appoint Joseph Perry as the Merrimack Valley Planning Commissioner alternate Representative, Bob Snow second, all in favor - aye (4-0).
Joseph Perry – ABSTAINED

- Northern Essex Regional Planning Commission (Chairman and Vice Chairman are appointed)
 - 1) Chairman
 - 2) Vice Chairman

Dave Petersen made a motion to appoint Joseph Perry as the Northern Essex Regional Planning Commission Representative, Cliff Pierce second, all in favor - aye (4-0).
Joseph Perry – ABSTAINED

Dave Petersen made a motion to appoint Bob Snow as the Northern Essex Regional Planning Commission Representative, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSTAINED

- Zoning Review Committee Representative

Dave Petersen made a motion to appoint Bob Merry as the Zoning Review Committee Representative, Cliff Pierce second, all in favor - aye (4-0). Bob Merry – ABSTAINED

MINUTES

- March 27, 2017

Bob Snow made a motion to approve the March 27, 2017 minutes, Cliff Pierce second, all in favor - aye (5-0).

- April 10, 2017

Bob Snow made a motion to approve the April 10, 2017 minutes, Cliff Pierce second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

ANNOUNCEMENTS

- Memorial Day Parade and Ceremonies will be held on May 29, 2017. The parade starts at 1:30 p.m. from the Rowley Veterans Association

- Attention all Korean War Veterans who served in Korea. The Eastern Essex Veterans Services District is issuing the Korean Ambassador for Peace Medal. Please contact the Veterans Office at 978-356-3915 or ktyler@eessexvets.com
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- The Town has the following vacancies:
 - a. **Conservation Commission** – one seat
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals Associate** – three seats
 - e. **Parks and Recreation Committee** – one seat;
 - f. **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 7:27 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding Joint Meeting Procedure
2. Letter from George Pacenka regarding Eagle Scout Court of Honor
3. Meeting memo regarding General Business #2: Letter of resignation from Brett Alger from the Open Space Committee
4. Letter of resignation from Brett Alger from the Open Space Committee
5. Meeting memo regarding General Business #3: Rowley Girl Scouts Bridging and Awards Ceremony
6. List of Girl Scouts participating in the Bridging and Awards Ceremony
7. Meeting memo regarding General Business #4: Letter from the Newbury Board of Selectmen regarding the Massachusetts Coastal Zone Management Resiliency Grants Program
8. Letter from the Newbury Board of Selectmen regarding the Massachusetts Coastal Zone Management Resiliency Grants Program

9. Meeting memo regarding General Business #5: Request from Board of Cemetery Commissioners to appoint Tricia McNeill as seasonal laborer
10. Meeting memo regarding New Business #1: Discuss Eiras Park Water
11. Email from Amy Lydon regarding Eiras Park Water
12. Email from MaryBeth Wiser regarding Eiras Park Meter
13. Memo from Board of Water Commissioners regarding Regular and Seasonal Water Service
14. Meeting memo regarding New Business #2: Discuss American with Disabilities Grant Program
15. Memo from Natalie Lovett regarding Massachusetts Americans with Disabilities Act (ADA) Improvement Grant Program
16. Meeting memo regarding New Business #3: Sign deeds transferring 351 and 355 Wethersfield Street to the Conservation Commission
17. Signed deeds for 351 and 355 Wethersfield Street
18. Meeting memo regarding Old Business #1: Pine Grove School Project update
19. Meeting memo regarding Old Business #2: Update on Annual Independence Day Celebration on the Town Common
20. MGL Ch. 44 § 33B(b) transfer request from Treasurer/Collector Karen Summit from Treasurer/Collector Expenses to Assistant Treasurer/Collector Salary
21. Meeting memo regarding FY 18 Re-appointments
22. Meeting memo regarding FY 18 Selectmen's appointments
23. Draft Minutes of March 27, 2017
24. Draft Minutes of April 10, 2017