

MINUTES OF THE BOARD OF SELECTMEN MEETING

November 23, 2015,
Meeting held at Town Hall, 6:30 p.m.

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

PUBLIC ATTENDEES: Lawrence White – FINCOM/Open Space; Henry Rolfe - Independent Press; Sean McFadden – Assessors; Diane D’Angeli – Assessors; Donald Thurston – Assessors; Bill DiMento – Assessors; Steve Barry, Bernie Cullen

CALL MEETING TO ORDER

Chairman Robert Merry called meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6:30 p.m. EXECUTIVE SESSION -To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Mass. General Laws Chapter 30B §6 – evaluation of non-price proposals received in the Request for Proposals for Executive Recruitment for Police Chief

Chairman Merry called for a motion to go into Executive Session for the purpose of complying with, or acting under the authority of, any general or special law or federal grant-in-aid requirements - in this case, Mass. General Laws Chapter 30B §6 – evaluation of non-price proposals received in the Request for Proposals for Executive Recruitment for Police Chief, and to go back into open session. Joseph Perry so moved, Bob Snow second, all in favor roll call vote: Bob Merry – aye; Joseph Perry – aye; Bob Snow – aye; Dave Petersen – aye; Cliff Pierce - aye.

Executive Session opened 6:34 p.m.

Executive Session closed and open session resumed at 7:16 p.m.

7:15 p.m. JOINT MEETING & PUBLIC HEARING

- Joint meeting with Board of Assessors – Tax Classification Hearing

Chairman Merry called the Joint Meeting with the Board of Assessors to order by calling for a motion to open the joint meeting by a roll call vote. Joseph Perry so moved, Cliff Pierce second, all in favor roll call vote: Bob Merry – aye; Joseph Perry – aye; Bob Snow – aye; Dave Petersen – aye; Cliff Pierce – aye; Diane D'Angeli – aye, Don Thurston – aye, Bill DiMento – aye.

Joint meeting opened 7:19 p.m.

Merry read the public hearing notice into the record.

Chairman Merry called for a motion to open the tax classification hearing, by a roll call vote. Dave Petersen so moved, Cliff Pierce second, all in favor roll call vote: Bob Merry – aye; Joseph Perry – aye; Bob Snow – aye; Dave Petersen – aye; Cliff Pierce – aye; Diane D'Angeli – aye, Don Thurston – aye, Bill DiMento – aye.

Tax classification hearing opened 7:20 p.m.

Chairman Merry said the notice of this public hearing was published in the November 13, 2015 edition of The Daily News. Merry asked the Board of Assessors to make a presentation on the classification of tax rates and a recommendation for fiscal 2016.

Bill DiMento reviewed the tables provided by the Board of Assessors for the tax classification hearing. He said the average single family home value is \$415,774 and the proposed tax rate is 14.36 per thousand, which is an increase of .12 per thousand. He said they recommend maintaining a flat rate of 14.36 versus shifting the rate for Commercial/Industrial properties. He said it would take a 50% shift to Commercial/Industrial to have a significant impact on residential rates. Sean McFadden said the numbers for Commercial/Industrial are flat and many businesses have moved buildings. He said Ipswich Bay Glass has a new building, and Artistic Landscapes has a building, and these are the only new growth for Commercial/Industrial. He said last year there was growth of \$27 million primarily from the Rowley Country Club condos, compared to \$12 million in growth this year. He said lower priced starter homes are selling for more money since it is harder to get into real estate in Rowley, and the prices for these homes have increased more than the average home price has.

Petersen said he recommends following the recommendation of the Board of Assessors and is concerned about losing commercial businesses. Perry and Snow agreed.

Merry read the following, "Once members of both Boards discuss the classifications and the recommendation from the Board of Assessors, Chairman Merry asks if any of the audience members have any questions. Residents must state clearly his or her name and address."

There were no comments from the audience.

Chairman Merry calls for a motion to close the public hearing by a roll call vote. Joseph Perry so moved, Bob Snow second, all in favor roll call vote: Bob Merry – aye; Joseph Perry – aye; Bob Snow – aye; Dave Petersen – aye; Cliff Pierce – aye; Diane D’Angeli – aye, Don Thurston – aye, Bill DiMento – aye.

Tax classification hearing closed 7:28 p.m.

Chairman Merry called for a motion on the determination of classification rates for residential, open space, commercial, industrial and personal property for fiscal 2016 by a roll call vote. Dave Petersen made a motion to set a single rate for residential, open space, commercial, industrial and person property for the fiscal year 2016, Bob Snow second all in favor roll call vote: Bob Merry – aye; Joseph Perry – aye; Bob Snow – aye; Dave Petersen – aye; Cliff Pierce – aye; Diane D’Angeli – aye, Don Thurston – aye, Bill DiMento – aye

Chairman Merry called for a motion to adjourn the Joint Meeting of the Board of Selectmen and the Board of Assessors by a roll call vote. Joseph Perry so moved, Bob Snow second, all in favor roll call vote: Bob Merry – aye; Joseph Perry – aye; Bob Snow – aye; Dave Petersen – aye; Cliff Pierce – aye; Diane D’Angeli – aye, Don Thurston – aye, Bill DiMento – aye.

Joint Meeting adjourned at 7:29 p.m.

The Selectmen signed the Department of Revenue Bureau of Accounts Classification Tax Allocation Rowley provided by Sean McFadden. Petersen thanked McFadden for doing a fine job working with the public during tenuous times, and he and Rosemary do a great job. DiMento said they appreciate McFadden who has been with the Town for many years, and will hopefully be here for many more years.

7:30 p.m. APPOINTMENT* – Treasurer/Collector Karen Summit to discuss Town of Rowley Affordable Care Act Compliance Policy and Procedures

Chairman Merry read the memo from Karen Summit regarding the ACA Compliance – Policy and Procedures. Summit said the policy that the Board needs to adopt says the Town is trying to comply and it is the Town’s intent to comply with the law, and it outlines the methodology being used. She said MIIA said at a recent conference that the IRS is hiring 50,000 agents to make sure the law is being complied with and they recommend that this policy be adopted. She said it outlines how the Town is calculating full time employees and if insurance is being offered to them. She said the Town of Rowley has pretty stable employees and she is fairly confident the Town is offering insurance to the employees that should be offered it. She said affordability is based on family income. She recommended that the Board adopt the policy. Perry said there is a typo in the second sentence of the second paragraph and the word employee should be changed to employ.

Dave Petersen made a motion to adopt the policy as amended, Bob Snow second, all in favor - aye (5-0).

Eagan said this policy will be included in the employee orientation paperwork and in the Personnel Plan.

CITIZEN QUERY 7:38 p.m. – 7:43 p.m.

Bernie Cullen of 283 Wethersfield Street said it would help tremendously if the Board of Assessors would include the percentage increase calculation in their presentation. He said it looks to be a 5% increase, and the numbers don't mean anything until you see the increase. He said some homes may increase more than 10% and the Board of Selectmen should be aware of the percentage increases.

Steve Barry of 10 Merrills Way asked the Board if they had received any information regarding the plan and cost before the Carell Group's presentation of the Police/Fire building on Haverhill Street a couple of weeks ago. Merry said the Town put out a RFP on this project. Barry asked if Carell provided any other information substantiating the presentation, and did he provide any other information regarding the cost. Merry said he gave the estimate with the presentation. Barry asked if the cost was in line with expectations. Merry said yes. Barry said it seemed odd that the Board didn't have any questions during the presentation. Merry said the cost is the cost, and the project will be put out for bid. Barry asked if the Board is satisfied with the presentation and the cost. Merry said he is. Pierce said Carell expressed that the worst case scenario was being presented and hopefully the project will cost less. Eagan said the consultant was working with the Police Chief and Fire Chief for several months and came forward to present the plan to the Board of Selectmen. Snow said a year ago, three consultants came in to present before the Board of Selectmen. Barry asked if the Board is happy with the cost. Petersen said nobody is happy with the \$11,000,000 cost, but the proposal was based on the needs of the two Chiefs. He said prices are continuing to increase, and at one point the cost for this project was about five or six million. He said the Chiefs are satisfied and the Board of Selectmen is satisfied that the needs are being met with the plan. He said the price is the price and the citizens need to decide if they want to do the project. Snow said construction costs are increasing 5% annually. Barry said he agrees this is needed and hopefully the Board of Selectmen's support of the project will help the citizens realize this is needed.

7:45 p.m. APPOINTMENT Jack Grundstrom to discuss a Veterans memorial

Grundstrom distributed information to the Board and said they agreed to install a bench with a polished top. He said the Cemetery Commissioners said there is no room for a

monument and they would like a bench near the Star Garden. He said the VFW agrees and wants to install two benches near the Star Garden to be used for observation. He said the Cemetery will set the benches, which will be inscribed with the verbiage included in the packet.

Petersen said they are all set to move forward since the Cemetery Commissioners make the decisions regarding the Cemetery.

GENERAL BUSINESS

1. Letter of resignation from Reserve Patrolman James Bedard

Chairman Merry read the resignation letter.

Dave Petersen made a motion to accept this resignation and to send Bedard a thank you letter, Bob Snow second, all in favor - aye (5-0).

2. Letter from Richard Cullinan re: Wreaths Across America

Chairman Merry read the letter from Richard Cullinan re: Wreaths Across America. Snow said this is the sixth year for this event and it is quite a day where you can see the convoy of trucks, the Veterans, the Gold Star Mothers and their stories about the sons they have lost in battle. He said it is a very moving day. Merry said for the last four years, a Veteran's grave has been chosen to place the wreath given to the Town on. He said the first wreath was placed on the Revolutionary War Monument, and after that was placed on graves of World War II Veterans that were killed in action, and the plan is to do this again this year. Merry, Snow and Petersen said they would like to attend the ceremony. Merry said an outfit from Maine does this ceremony every year. Petersen said members of the public can go on the Wreaths Across America website to make a donation if they wish to.

3. Authorize Lt. Stephen W. May to be the authorized signatory on State 9-1-1 Grant application contract forms

Chairman Merry read the following:

Police Lieutenant Stephen May is working on two State 9-1-1 grant applications. The State Contract forms require him to be the authorized signatory for these grants. In order for Lt. May to be the authorized signatory, the Board of Selectmen, who serves as

the chief executive officer of the Town, needs to vote to authorize Stephen W. May to be the signatory.

After the Board votes to authorize Stephen May to be the signatory, the Board will need to vote to authorize Chairman Merry to sign the Commonwealth of Massachusetts Contract Authorized Signatory list sheets. (Chairman Merry will need to sign two sheets.)

Joseph Perry made a motion to authorize Stephen W. May to be the signatory on these grant applications, Dave Petersen second, all in favor - aye (5-0).

Joseph Perry made a motion to authorize Chairman Merry to sign the Commonwealth of Massachusetts Contract Authorized Signatory list sheets, Bob Snow second, all in favor - aye (4-0). Bob Merry - ABSTAINED

NEW BUSINESS

1. Discuss Class II Dealer's license for Rowley Gas Exchange Inc.

Chairman Merry read the following:

Rowley Gas Exchange has a Class II Dealer's License at 165 Newburyport Turnpike that expires on January 1, 2016. The structure at this location has been demolished (see attached pictures). We have also received notice that the used auto sales bond that they are required to have to have a Class II license has been cancelled as of January 1, 2016 (Cancellation Notice attached).

Does the Board wish to send a letter requesting that this license be returned, with a copy to the Registry of Motor Vehicles, since there is not currently a location where they are selling used cars?

How does the Board wish to handle the renewal? Amy has called two times to ask the applicant what their intentions are and has not heard back from them. We spoke to Town Planner Kirk Baker today to inform him that this matter is on tonight's agenda. This site is in the Town's Retail District which doesn't allow the sale of used vehicles. Debbie recommends that if the Board decides to send a letter to the license holder, that the Planning Board is also copied on it.

Petersen said he spoke to the Building Inspector today and asked him about this parcel. He said the building on the parcel has been demolished and there are no plans in the near future to build a new structure. He said he recommends that the license be revoked, or ask them to return it, and to not renew it for 2016.

Dave Petersen made a motion to ask Rowley Gas Exchange to return the license and to inform them that the Board does not intend to renew this license for 2016, Bob Snow second, all in favor - aye (5-0).

2. Authorize Altus Dental Insurance renewal

Chairman Merry said, "The Town's dental insurance contract for employees with Altus Dental is up for renewal. The Board needs to vote to renew the contract so that we can continue offering dental insurance to Town employees. Chairman Merry please sign where indicated."

Joseph Perry made a motion to renew the contract and to authorize Bob Merry to sign the contract on behalf of the Board, Dave Petersen second, all in favor - aye (5-0).

Bernie Cullen asked if there is a change in cost. Eagan said employees pay 100% of the premium.

Bob Merry signed the documents.

3. Vice Chairman Joe Perry to provide an update on the November 18, 2015 Triton School Committee meeting

Joseph Perry said he has a couple of comments. He said regarding the survey distributed to middle and high school students that was reported in the newspaper, School Committee Member Dick Cummings asked for a policy for the School Committee to review surveys before they are distributed. He said Superintendent Farmer has apologized for this. He said Farmer has indicated his intention to resign on June 30, 2016. Snow said Howie Carr wrote an article on the survey issue in the Boston Herald.

4. Email message from Triton School Committee Chairwoman Deb Choate re: appointment of school superintendent and Selectmen's representative to parent panel

Chairman Merry read the email message from Triton School Committee Chairwoman Deb Choate re: appointment of school superintendent and Selectmen's representative to parent panel.

Bob Snow made a motion to nominate Joseph Perry as the Selectmen's representative, Dave Petersen second, all in favor - aye (4-0). Joseph Perry – ABSTAINED

5. Discuss Selectmen's meeting schedule

Chairman Merry read the following:

Debbie has prepared a new meeting schedule, which includes no meeting for November 30th. Because this week is a short week because of the holiday, the meeting agenda would need to be posted tomorrow morning.

Meeting Schedule through end of March 2016

November 30, 2015 – NO MEETING

December 7, 2015

December 14, 2015

December 21, 2015

January 4, 2016

January 11, 2016

January 25, 2016

February 1, 2016

February 8, 2016

February 22, 2016

February 29, 2016

March 7, 2016

March 14, 2016

March 21, 2016

March 28, 2016

Bob Snow made a motion to approve the meeting schedule as presented, Dave Petersen second, all in favor - aye (5-0).

OLD BUSINESS

1. Discuss Building Inspector's Certificates of Room Occupancy for Town Hall and Annex

Chairman Merry said, "Building Inspector Ken Ward revised the Room Occupancy Certificates to more clearly state which spaces the limits apply to. The occupancy limits have not changed. The revised certificates are attached."

Joseph Perry made a motion authorize Chairman Merry to select the locations to post the Occupancy Certificates, Bob Snow second, all in favor - aye (5-0).

2. Discuss and set date for Recall Election for Water Commissioner Timothy Toomey

Chairman Merry read the following:

In accordance with the Recall Bylaw, the Board will need to set the date for the Recall Election of Water Commissioner Timothy Toomey, since he has not submitted his resignation. Town Clerk Susan Hazen has reviewed the potential election dates with Chief Legal Counsel Michelle Tassinari of the Secretary of State's Office.

Chairman Merry will read attached email. The Board will need to vote to schedule the Recall Election date and time of noon to 8:00 p.m.

Merry read the email from Town Clerk Susan Hazen to Debbie Eagan regarding Recall Dates.

Dave Petersen made a motion to set the recall election date for February 2, 2016 from noon until 8:00 p.m., Bob Snow second, all in favor - aye (5-0).

Petersen said nomination papers will be available tomorrow and need to be returned by December 15, 2015. Bernie Cullen asked if Tim Toomey is automatically on the ballot. Petersen said yes. Eagan said Toomey doesn't have to take out papers.

MINUTES

- October 5, 2015

Joseph Perry made a motion to approve the minutes from October 5, 2015, Cliff Pierce second, all in favor - aye (4-0). Bob Merry - Abstained.

Review and release Executive Session Minutes: February 28, 2011 with redaction; March 7, 2011 with redactions; March 14, 2011; April 4, 2011 with redactions; November 21, 2011 with redaction; March 26, 2012; May 7, 2012 with redaction; June

18, 2012 with redactions; November 26, 2012 with redaction; February 4, 2013; February 25, 2013; March 4, 2013 with redaction; March 18, 2013 with redaction; March 25, 2013 with redactions; April 1, 2013; December 9, 2013 with redaction; December 16, 2013 with redaction; December 23, 2013

Dave Petersen made a motion to review and release the Executive Session minutes of:

February 28, 2011 with redaction; March 7, 2011 with redactions; March 14, 2011; April 4, 2011 with redactions; November 21, 2011 with redaction; March 26, 2012; May 7, 2012 with redaction; June 18, 2012 with redactions; November 26, 2012 with redaction; February 4, 2013; February 25, 2013; March 4, 2013 with redaction; March 18, 2013 with redaction; March 25, 2013 with redactions; April 1, 2013; December 9, 2013 with redaction; December 16, 2013 with redaction; December 23, 2013

Bob Snow second, all in favor - aye (5-0).

ANNOUNCEMENTS

- Friends of the Rowley Public Library Holiday Basket Raffle
- Marine Corps Reserve Toys for Tots drop off box is located at Town Hall – last day to drop off toys is December 10, 2015
- The Town has the following vacancies:
 - a. **Shellfish Commissioners** – two seats
 - b. **Cable Advisory Committee** – seeking five members
 - c. **Fence Viewer** – three positions;
 - d. **Wood, Lumber & Bark Inspector**;
 - e. **Zoning Board of Appeals** – one seat
 - f. **Zoning Board of Appeals Associate** - two seats
 - g. **Historical Commission-Historic District Commission** – two seats
 - h. **Parks and Recreation Committee** – two seats; and
 - i. **Open Space Committee** is seeking one memberFor more information on these positions, please contact the Selectmen's Office at 948-2372.
- Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

There being no further business before the Board, Chairman Merry called for a motion to adjourn. Joseph Perry so moved, Bob Snow second, all in favor - aye (5-0).

Open meeting adjourned at 8:21 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written motion to go into Executive Session
2. Meeting memo regarding JOINT MEETING & PUBLIC HEARING: Joint meeting with Board of Assessors – Tax Classification Hearing
3. Copy of Public Notice for Tax Classification Hearing from Newburyport Daily News
4. Notice posted with Town Clerk for Tax Classification Hearing
5. Handout from Board of Assessors for fiscal year 2016 Tax Classification Hearing
6. The Commonwealth of Massachusetts Department of Revenue Tax Rate Recapitulation of Rowley
7. Memo from Karen Summit regarding the ACA Compliance – Policy and Procedures
8. Draft Town of Rowley Policy and Procedures for Health Insurance under the Federal Affordable Care Act
9. Meeting memo regarding 7:45 p.m. APPOINTMENT Jack Grundstrom to discuss a Veterans memorial
10. Photos of proposed benches for Veterans memorial and verbiage to be in scripted on benches
11. Letter of resignation from Reserve Patrolman James Bedard
12. Letter from Richard Cullinan re: Wreaths Across America
13. Meeting memo regarding General Business #1: Authorize Lt. Stephen W. May to be the authorized signatory on State 9-1-1 Grant application contract forms
14. Two State 9-1-1 Grant Applications and signed two Authorized Signatory Listings
15. Meeting memo regarding New Business #1: Discuss Class II Dealer's license for Rowley Gas Exchange Inc
16. Class II Dealer's license for Rowley Gas Exchange Inc
17. Cancellation notice for used auto sales bond for Rowley Gas Exchange Inc
18. Photos of site of license issued to Rowley Gas Exchange Inc
19. Meeting memo regarding New Business #2: Authorize Altus Dental Insurance renewal
20. Town of Rowley Group Dental Contract
21. Meeting memo regarding New Business #3: Vice Chairman Joe Perry to provide an update on the November 18, 2015 Triton School Committee meeting
22. Email message from Triton School Committee Chairwoman Deb Choate re: appointment of school superintendent and Selectmen's representative to parent panel
23. Meeting memo regarding New Business #5: Discuss Selectmen's meeting schedule
24. Meeting memo regarding Old Business #1: Discuss Building Inspector's Certificates of Room Occupancy for Town Hall and Annex
25. Certificates of Room Occupancy for Town Hall and Annex
26. Meeting memo regarding Old Business #2: Discuss and set date for Recall Election for Water Commissioner Timothy Toomey
27. Email from Town Clerk to Deborah Eagan regarding Recall Dates
28. Draft Minutes for October 5, 2015

29. Executive Session Minutes for: February 28, 2011 with redaction; March 7, 2011 with redactions; March 14, 2011; April 4, 2011 with redactions; November 21, 2011 with redaction; March 26, 2012; May 7, 2012 with redaction; June 18, 2012 with redactions; November 26, 2012 with redaction; February 4, 2013; February 25, 2013; March 4, 2013 with redaction; March 18, 2013 with redaction; March 25, 2013 with redactions; April 1, 2013; December 9, 2013 with redaction; December 16, 2013 with redaction; December 23, 2013