

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

November 25, 2013  
Meeting held at Town Hall

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

**PUBLIC ATTENDEES:** Larry White - FINCOM, Anne Gagnon - Mass. Department of Fish & Game, Brent Baeslack - Conservation Agent, Stuart L. Dalzell Sr. - Water Commissioner, Timothy Toomey - Water Commissioner, John Rezza - Water Superintendent, David McBride - Attorney, Roy Ricker - Water Commissioner

### **CALL MEETING TO ORDER**

Chairman Robert Snow called the meeting to order at 7:01 p.m. He said the meeting is being recorded digitally.

### **PLEDGE OF ALLEGIANCE**

Dave Petersen led the Pledge of Allegiance.

### **CHAIRMAN'S COMMENTS**

None.

### **GENERAL BUSINESS**

1. Review application from Institution from Savings to the Planning Board for modification of special permit and site plan approval

Chairman Snow said, "The Planning Board has distributed the application (COPY ATTACHED) from the Institution for Savings for a modification of a special permit and site plan to Town boards and departments for review. Does the Board of Selectmen have any comments? A public hearing is scheduled for December 4."

Merry said he hasn't had a chance to look it over yet. Petersen said they want to put an addition over the drive-thru to increase their office space for their expanding commercial loan business. He said the only problem at the location is the limited parking, but it is not a detriment to the Town. Snow said it is a good looking building.

The Board did not have any comments on this application.

**7:05 – 7:15 p.m. CITIZEN QUERY**

Citizen query was opened.

Dave Petersen said the dilapidated orange and white house on Haverhill Street was demolished today. He said it has been brought to his attention that the house on Central Street that had the fire needs attention. He said it will be a long drawn out legal affair before anything is done. He said the Housing Authority is inundated with rodents and this house is a public safety hazard and an eyesore. He asked if anything can be done by the Town to take the house down given that the sale of it is in limbo due to title issues. Snow said this is new information to him. Eagan said she can reach out to the Building Inspector to ask for an update. She said the process that would need to be followed is to go to Town Meeting for an appropriation of funds, put a lien on the home, and then procure the demolition services. Eagan said she will update the Board after she speaks with the Building Inspector.

**2. Request from Brent Baeslack to have the Boy Scouts place signs on conservation land**

Chairman Snow read the email from Brent Baeslack (COPY ATTACHED). Baeslack said a dedicated scout would like this to be his community service project to help him work towards being an Eagle Scout. Baeslack showed the Board a picture of an existing sign that the proposed sign may be modeled after, and a map of the lots on Wethersfield Street that were previously donated to the Town by The Bank of New England where the signs would be placed (COPIES ATTACHED). Merry said he likes the rustic look of the sign in the picture. Perry asked if there would be a sign on each side of the road. Baeslack said yes, and these parcels provide a nice vista of the Mill River and the floodplain. Baeslack said the project needs to take a minimum of one hundred hours to meet the Scout requirements, and it will include planning, outreach and taking measurements of the property's boundaries. Snow said this is a great project for a Scout. Merry said a requirement of the project is for the Scout to get funding for the project. Merry asked Baeslack if he will be the contact person for the project. Baeslack said yes.

Joseph Perry made a motion to approve this project, Jack Cook second, all in favor – aye (5-0).

**7:05 – 7:15 p.m. CITIZEN QUERY**

Citizen query was closed.

**7:15 p.m. APPOINTMENT** – Ann Gagnon, Land Agent, Northeast District Division of Fisheries and Wildlife to discuss salt marsh land

Chairman Snow called Gagnon forward and read her letter dated November 13, 2013 into the record (COPY ATTACHED). Gagnon clarified that the Conservation Commission voted unanimously to transfer map 37 parcel 25 to the Division of Fisheries and Wildlife in the manner that the Board of Selectmen sees fit, and didn't vote to gift it to them as stated in her letter. Snow asked Eagan how much the Town has spent so far on this transfer. Eagan said she is unsure on how much the tax title law firm invoice will be, but the invoice from Town Counsel was \$400.00 during the last billing cycle. She said the title issues are substantial and the title work is complicated. Gagnon said map 29 parcel 4 was taken at the same time as map 37 parcel 25, so hopefully the research on one will resolve the title issues on both. She said they will have to pay their title examiner to research this if they purchase one parcel, and hopefully they can use the title work for both parcels. Perry asked if the title issue has been resolved. Gagnon said no, if the Board wants to proceed with map 29 parcel 4, which she has brought the paperwork for to be reviewed by Town Counsel (COPY ATTACHED), once the paperwork is signed, they can hire their title examiner who could hopefully resolve the issues. She said if they can't resolve the issues, they wouldn't purchase the land and nothing would change. She said if they can resolve it, they would purchase 29-4 and 37-25 would be transferred to them if the Board votes that tonight. Petersen said if the title isn't cleared, the Town can't sell or give away those parcels. Gagnon said yes. Snow said he would like to take this under advisement and have Town Counsel review the documentation. Gagnon gave Snow the paperwork for 29-4 which the Board has already voted to allow the Division of Fish & Wildlife to purchase.

Joseph Perry made a motion to revisit this at a future meeting after the materials have been reviewed, Jack Cook second, all in favor – aye (5-0).

**GENERAL BUSINESS**

3. Lift hiring freeze for the COA administrative assistant

Chairman Snow said, "Council on Aging Director Maryellen Mighill is asking the Board of Selectmen to lift the hiring freeze so that she can post the position of administrative assistant."

Dave Petersen made a motion to lift the hiring freeze so that the Council on Aging administrative assistant position can be posted, Jack Cook second, all in favor – aye (5-0).

**7:30 p.m. APPOINTMENT** – Conservation Agent Brent Baeslack to discuss acceptance of land by Conservation Commission for open space

Chairman Snow read Baeslack's letter dated November 21, 2013 (COPY ATTACHED). Merry said this parcel includes the ice pond that was skated on in the past. Baeslack said Breen, who had in the late 1990s put forth the Ashley Road subdivision, approached him about this lot. Baeslack said he believes this property was originally part of the Bradford Realty Trust, which culminated in the Ice Pond development, but the original plan was for a much larger subdivision with many units. He said this property was the drainage easement for the larger plan that was never developed. He said the approved plan said that this property was to be transferred to the Conservation Commission once the project was finished, but because there wasn't a covenant in black and white, this was never done. Baeslack said he has now received notice from Breen that they wish to transfer this to the Conservation Commission and Town Counsel said because it is on the approved plan, the transfer can still take place. He said the Conservation Commission will research the title, and he anticipates they will vote to accept the parcel at their December 3, 2013 meeting. He asked the Board for authority to proceed with this and to use Town Counsel as needed.

Petersen asked if this parcel connects other pieces of conserved land. Baeslack said yes, there is a thirty to forty acre parcel that abuts this land, and this land contains most of the stream channel. He said it is advantageous to have continuity of protections. Merry said he thinks this is worth while.

Dave Petersen made a motion to approve this land acceptance by the Conservation Commission, Bob Merry second, all in favor – aye (5-0).

Baeslack said if all goes well, he will be back to request that the Board sign the paperwork for this transaction.

## **GENERAL BUSINESS**

### **4. Wreaths Across America update**

Chairman Snow said, "Eastern Essex Veterans Services Director Terry Hart has informed us that the "Wreaths Across America" caravan will be stopping at the Topsfield Fairgrounds on Monday, December 9 for a ceremony. Last year, the Board of Selectmen sent representatives to the ceremony. We are still waiting for more information on the details of the ceremony. Additionally, Terry Hart wants the Board of Selectmen to know that Wreaths Across America is planning to stop at Pine Grove School at approximately 2:00 p.m. on Monday, December 9."

Snow said these wreaths are placed on Veterans graves at the Arlington National Cemetery. Merry said he would like to participate and last year the wreath given to the Town was placed on Robert Hale's grave. Merry said if the Board approves, this year he would like to put the Town's wreath on Roy Marr's grave, and each year a new Veteran will be chosen for the wreath. Snow said he would like to go to this ceremony with Merry.

Dave Petersen made a motion to put the Town's wreath on Roy Marr's grave, Jack Cook second, all in favor – aye (5-0).

Snow said this is a great event and encouraged people to attend. Merry said the people who run the event were very impressed when they went by Pine Grove School and the kids lines both sides of the street with flags in their hands.

## **MINUTES**

- November 18, 2013

Jack Cook made a motion to approve the minutes from November 18, 2013, Joseph Perry second, all in favor – aye (5-0).

## **ANNOUNCEMENTS**

Chairman Snow said there is a blood drive at the Rowley Veteran's Association tomorrow from 2:00 p.m. until 7:00 p.m.

- The Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.
- The Town has the following vacant seats: Conservation Commission, Zoning Board of Appeals Associate 2 open seats; two fence viewer positions; and wood lumber bark inspector.
- Battery recycling box located at the Town Hall and Library
- U.S. Marine Corps Reserve – Toys for Tots drop-off box is at Town Hall – Unwrapped toys can be dropped off on or before Friday, December 6, 2013
- Rowley Girl Scouts Caroling on the Common and Tree Lighting – Sunday, December 8 – 4 p.m. to 5 p.m. on Rowley Town Common
- Wreaths Across America to stop at the Pine Grove School at approximately 2:00 p.m. on Monday, December 9

Snow said there is an 8:00 joint meeting with the Board of Water Commissioners to discuss a complaint against the Water Superintendent. The Board discussed going into recess until that time.

Anne Gagnon approached the Board and asked if Snow if he had received her email on another matter. Snow said yes. Gagnon asked if it had been distributed to the Board, since she hadn't gotten a response to it. Eagan said the Selectmen have received all of her emails. Merry said they have received copies of all of her emails. Gagnon asked if she will get a response to her email. Snow said yes.

Eagan asked the Board to vote to go into recess.

Dave Petersen made a motion to recess until 8:00 p.m., Jack Cook second, all in favor – aye (5-0).

Open meeting recessed at 7:47 p.m.

Joseph Perry made a motion to reconvene the meeting in open session, Jack Cook second, all in favor – aye (5-0).

Open meeting reconvened at 8:07 p.m.

**8:00 p.m. Joint Meeting** – Board of Water Commissioners

**Executive Session**

- Complaints against an employee

Chairman Snow called for a motion to open the joint meeting of the Board of Selectmen and the Board of Water Commissioners. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Tim Toomey – aye, Stuart L. Dalzell Sr. – aye, Roy Ricker – aye

Joint meeting opened at 8:09 p.m.

Chairman Snow called for a motion to go into executive session for the purpose of discussing complaints against an employee and to not return to open session.

Joseph Perry moved, pursuant to G.L. c. 30A, Sections 21(a)(1), that the Board vote to enter Executive Session for the purpose of discussing complaints against an employee and to not return to open session, Dave Petersen second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye.



Chairman Toomey made a motion to go into executive session for the purpose of discussing complaints against an employee and to not return to open session, Stuart L. Dalzell Sr. second, all in favor – roll call vote, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye, Roy Ricker – aye

Stuart L. Dalzell Sr. moved, pursuant to G.L. c. 30A, Sections 21(a)(1), that the Board vote to enter Executive Session for the purpose of discussing complaints against an employee and to not return to open session, Tim Toomey second, all in favor – roll call vote: Tim Toomey - aye, Stuart L. Dalzell Sr. – aye, Roy Ricker – aye.

Open meeting adjourned at 8:11 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

ATTACHMENTS:

1. Application from the Institution for Savings for a modification of a special permit and site plan
2. Email from Brent Baeslack regarding Boy Scouts putting signs on conservation land dated 11/25/13
3. Map of lots on Wethersfield Street related to proposed signage
4. Picture of existing sign which new signs may be modeled after
5. Letter from Anne Gagnon, Land Agent, Northeast District Division of Fisheries and Wildlife dated November 13, 2013 and two accompanying color maps
6. Option Package from Anne Gagnon regarding Map 29, Parcel 4
7. Letter from Brent Baeslack dated November 21, 2013 regarding acceptance of land by Conservation Commission for open space
8. Email from Terry Hart dated November 6, 2013 regarding Wreaths Across America
9. Email from Terry Hart dated November 13, 2013 regarding Wreaths Across America
10. Notice from American Red Cross regarding Blood Drive at Rowley Veterans Association on Tuesday, November 26, 2013