

MINUTES OF THE BOARD OF SELECTMEN MEETING

October 21, 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, Brent Baeslack – Conservation Agent, Karen Summit - Treasurer / Collector, Karen O'Donnell - Assistant Treasurer / Collector, David Santomenna - Essex County Greenbelt, Tim Toomey – Water Commissioner

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:02 p.m. He said the meeting is being video and audio taped.

PLEDGE OF ALLEGIANCE

Joseph Perry led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

None.

GENERAL BUSINESS

1. Road Opening Permit application from National Grid to open Wilson Pond Road @ Ellsworth for tie in of gas main

Chairman Snow said the permit request looks to be in order (COPY ATTACHED).

Dave Petersen made a motion to sign the Road Opening Permit Request from National Grid to open Wilson Pond Road @ Ellsworth for tie in of gas main, Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the permit.

2. Road Opening Permit application from James Cheney to open 50 Cross St. for water service

Chairman Snow said the permit request looks to be in order (COPY ATTACHED).

Dave Petersen made a motion to sign the Road Opening Permit Request from James Cheney to open 50 Cross St. for water service, Jack Cook second, all in favor – aye (5-0).

The Selectmen signed the permit.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen query was opened.

GENERAL BUSINESS

3. Letter from MassDot re: salting at commuter rail crossings

Chairman Snow said, "The Board of Selectmen has received a letter from MassDot reminding the Town to refrain from placing salt on the roadway areas in the vicinity of the Town's two railway crossings. The Rowley Highway Department complies with this policy and does not salt the railway crossing and the areas in the immediate vicinity of the crossing."

Merry said the salt is corrosive and interferes with the signaling system

Snow read the letter from MassDot (COPY ATACHED).

OLD BUSINESS

1. 375th Anniversary Committee update from Joe Perry

Chairman Snow said, "Selectman Joe Perry is the Board of Selectmen's representative to the 375th Anniversary Steering Committee. The Committee has held several meetings and Selectman Perry will be updating the Board on the Committee's plans."

Perry said the Committee will be sending out letters to local businesses requesting donations for certain events. He said the main part of the celebration will occur on the actual anniversary date of Thursday, September fourth, and there will also be events on Friday, Saturday and the celebration closing will be on Sunday, September seventh. He said a calendar of events will be coming out soon to outline the events taking place such as Rowley River Day, Memorial Day, Independence Day and there will be events at the Congregational Church in December. Snow said the Congregational Church is important in the Town's history, and at one point, all Town records were held in the Church.

2. Discuss snow plowing contract

Chairman Snow read the memo written by Deborah Eagan regarding the snow plowing contract (COPY ATTACHED). Eagan said she worked with Highway Surveyor Ron Keefe on the latest draft (COPY ATTACHED), and the sections were organized into the order normally used for the Town's contracts. She said specifications are now clearly defined, and the compensation section has been expanded. She said the insurance requirements in the contract strikes a balance between having adequate coverage and the cost of coverage for the contractors. She said the Snow Plowing Operations coverage has been added since the automobile liability coverage may not cover a claim due to snowplowing. She said worker's compensation insurance has always been required by law.

Perry said Keefe had concerns about the contractors being able to afford the increased insurance requirements. Eagan said Keefe is satisfied with the limits in this draft, and the Professional Liability coverage requirement was removed. Petersen said he is satisfied with this and asked the Highway Department to provide a list of the snow plowing contractors that will be used this season.

Joseph Perry made a motion to approve the snow plowing contract, Bob Merry second, all in favor – aye (5-0).

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen query was closed. There were no Citizen's queries.

7:15 p.m. APPOINTMENT – Treasurer / Collector Karen Summit to discuss disposition of unclaimed property and appointment of Karen O'Donnell as the CPA Administrator

Chairman Snow read the following:

Karen Summit would like to discuss adopting Mass. General Laws Chapter 200A in the spring town meeting. If the Town adopts this statute we would have a process for disposing of abandoned and unclaimed funds.

Also, the Board of Selectmen needs to appoint a Community Preservation Act Administrator. Treasurer/Collector Karen Summit is recommending that the Board of Selectmen appoint Assistant Treasurer/Collector Karen O'Donnell as CPA Administrator. (Memo from Karen S. is attached.)

The Board of Selectmen has provided a stipend to the Treasurer/Collector's department for the employee who did this additional work, which is additional work beyond the duties of the position.

The Board needs to vote on the following:

- 1. Appoint Assistant Treasurer/Collector Karen O'Donnell CPA Administrator*
- 2. Set stipend amount. The stipend has been \$2,000 per fiscal year.
The Selectmen can pro-rate that amount and set it for \$1,500.*
- 3. Fund the stipend at the spring special town meeting.*
- 4. The Selectmen should establish a payment plan for the stipend in which the stipend is disbursed on a "staggered" schedule, such as twice per year, etc.*

Summit said if the Town adopts Mass. General Law Chapter 200A, the Town would have a process to handle unclaimed checks and the money doesn't have to be turned over to the state, but rather it can be re-deposited into the General Fund after an attempt to notify the person who hasn't cashed the check. She said the majority of uncashed checks result from deposits that renters make to the Light Department when their service is turned on, who then move and the Town doesn't have their new contract information. Snow asked if this would be adopted at the Spring Town Meeting and Summit said yes. Eagan said she will add it to the list for the Spring Town Meeting.

Snow said the CPA Administrator has always been a function handled by the Treasurer's Office, but when Laura Hamilton moved to the Water Department from the Treasurer's Office, she continued to serve as the CPA Administrator. Summit said there is a strong connection between the Treasurer's Office and the Accounting Office and it is important for her to know about the CPC projects so that she can invest the CPC money that is not readily needed.

Snow asked Assistant Treasurer/Collector Karen O'Donnell what her background is. O'Donnell said she has her Bachelor's degree from Merrimack College and a Masters in Business Administration from Endicott College. Merry said he agrees with Summit's reasoning about why this work should be handled by someone in the Treasurer's Office. Perry said he thinks O'Donnell is an excellent person to perform this work. Petersen asked if the Treasurer's Office has all of the CPC records. Summit said she has requested them, and there is a file cabinet at the Water Department. Snow asked O'Donnell if she is interested in serving as the CPA Administrator, O'Donnell answered yes.

Joseph Perry made a motion to appoint Karen O'Donnell as the CPA Administrator until June 30, 2014, Jack Cook second, all in favor – aye (5-0).

Eagan asked the Board to confirm that the stipend will remain at \$2,000 per year, and if the stipend will be \$1,500 for O'Donnell who would serve as the CPA Administrator for the remaining three quarters of the year. Petersen said the stipend should be paid out in two installments rather than at the beginning of the fiscal year in case the person leaves during the year. Cook said it can be paid monthly. Eagan said the \$1,500 stipend for Karen O'Donnell is subject to Town Meeting approval in the Spring. Petersen said going forward the stipend can be paid quarterly.

Dave Petersen made a motion to set the CPA Administrator stipend at \$2,000 per year and to pay Karen O'Donnell \$1,500 for the remainder of fiscal year 2014 to be paid quarterly upon the authority of the voters at the Spring Town Meeting, Jack Cook second, all in favor – aye (5-0).

Cook asked if the previous CPA Administrator was paid the entire amount. Eagan said yes, and that has been the customary practice going back ten years.

The Board congratulated O'Donnell on the appointment.

7:30 p.m. APPOINTMENT - David Santomenna to discuss Girl Scouts property

Chairman Snow read the following:

We have asked David Santomenna to attend tonight's meeting to go over the presentation of the Town Meeting article. Conservation Agent Brent Baeslack is also here. What does the Board wish to do for the November 4th town meeting?

The Town Meeting Article is as follows:

ARTICLE 8. To see if the Town will vote, pursuant to Mass. Gen. Laws Ch. 44B, to transfer and appropriate from the Community Preservation Fund Unreserved Account the amount of \$10,000 to be used by the Board of Selectmen for costs associated with the evaluation of the future purchase and planning of land owned by the Girl Scouts of Eastern Massachusetts, Inc. shown as property on Assessors Map 18 Lot 7 and as recommended by the Community Preservation Committee, or take any other action relative thereto.

(Inserted by the Board of Selectmen and Community Preservation Committee)

Finance Committee Recommends

Explanatory Note: The Community Preservation Committee has approved this article. The Rowley Board of Selectmen is exploring the purchase of the Girl Scouts Camp, owned by the Girl Scouts of Eastern Massachusetts. The camp has been closed for the past few years, and the Girl Scouts of Eastern Massachusetts Inc. desire to sell it within the next year. The parcel is 187 acres +/- located on Wethersfield Street west of Route 1 and has a large area of open space, a campground, a main building, two lodges, and a swimming pool. The Board of Selectmen will use these funds to survey the property, conduct an appraisal, and conduct soil/perc tests. The Selectmen are reaching out to organizations to see if there is an interest in collaborating on the future use of the active recreation/campground area. The Selectmen strongly desire to protect this land from development.

David Santomenna said he will take his cue from the Board of Selectmen regarding the presentation at Town Meeting, but he can step up after the Board's motion and describe the process with the Girl Scouts' and Greenbelt's interest in the project, and speak about the property's attributes that make it an appropriate conservation acquisition. Snow said there are three of four other parties interested in joining the acquisition. Santomenna said he was present when the Boat Camp owners walked the property and they are a young and expanding organization who could use the facilities for some of their programming, but he doesn't think the Town should view the organization as a source of revenue, but rather they would take on the management responsibilities of the facilities, while providing services to the residents. Snow said the Board doesn't want to see this land being developed. Larry White of the Finance Committee asked if the entire 187 acres would be owned by the Town of Rowley in conjunction with the other camp groups, or if portions would be subdivided and developed. Snow said this project is still in its infancy. Petersen said no decisions have been made yet, but the options would be for the Town to buy the land and then lease out to the camps, or buy a portion of the land and a private party buy another portion containing the facilities, with restrictions regarding the ability to develop the land. He said this project may use a sizeable portion of the CPC available funding, the whole picture needs to be looked at, but the land would likely have multiple uses such as camps, conservation and recreation. White suggested that the Board stress that the purchase may be funded in conjunction with money from other private entities with a similar vision for the land.

Merry said the key issue is cost and he would rather have the Town maintain control because things can change over time. He said the biggest issue brought to their attention when they visited Camp Dennison in Georgetown was the maintenance of the buildings. He said the \$10,000 will allow the Town to further explore this potential acquisition. Petersen said the \$10,000 is an important commitment by the Town to show the Girl Scouts that it is interested in purchasing the property, and said that there may be state grant money available to help finance the purchase. Santomenna said he did outreach to different state agencies and grants and there was not a great response. Santomenna said he does think this parcel is an excellent candidate for a state land grant, but this would primarily be a municipal undertaking.

Conservation Agent Brent Baeslack said the Georgetown Conservation Agent advised the Town to carefully plan out this acquisition and said in their experience with Camp Dennison, some structures have been preserved, but aren't necessarily being utilized. Snow said there is an olympic sized pool and many recreational uses for the land, such as cross country skiing. Santomenna said he appreciates the Town's interest in the project and putting the \$10,000 funding request on the warrant will show the Girl Scouts that the Town is interested in pursuing this.

Petersen said at Town meeting, various images should be displayed, including the colored map of the area to show the townspeople where the land is. He said Baeslack and/ or the Selectmen should make the presentation, and it may not be necessary for Santomenna to make a presentation. Santomenna said he will plan to come to Town Meeting in case there are further questions. The Board thanked Santomenna for his time.

OLD BUSINESS

3. Review Special Town Meeting Warrant – assign motions

Chairman Snow was assigned Article 8 and the adjournment motion. Jack Cook was assigned Articles 4,5 and 6. Joseph Perry was assigned Articles 7, 10 (as the CPC backup), 12, 13 and 17. Dave Petersen was assigned Article 3. Bob Merry was assigned Article 11.

NEW BUSINESS

1. Review Local Action Units application for Rowley Village Green Affordable Housing Units

Chairman Snow said, “The Board of Selectmen needs to vote to apply to the state Department of Housing and Community Development for “Local Action Units” certification for two of the 25 units at the Rowley Village Green project on Main Street. The Board of Selectmen needs to vote to authorize Chairman Snow to sign the Local Action Units Application.”

Dave Petersen made a motion to authorize Chairman Snow to sign the Local Action Units Application (COPY ATTACHED), Bob Merry second, all in favor – aye (5-0).

2. Discuss Water Department – Water Treatment Plant Entry and Testing Agreement for the Smith Lane Monopole

Chairman Snow read the following:

Water Superintendent John Rezza dropped off the attached letter from Weston & Sampson and an entry and testing agreement for the Smith Lane monopole on Friday. (ATTACHMENT #1).

Under the terms of the existing lease agreement, the Town has the right to place antennas and associated equipment on the Tower. The letter from Weston & Sampson is concerning because the engineering company hired by the Water Department is engaging in discussions with the Smith Lane cell tower company. I am asking myself the following questions, which I now will pose to the Water Board Chairman:

Why is an employee of Weston and Sampson informing the Water Superintendent of the Town that “an amended lease between the Town of Rowley and SBA for this access is being drafted and will be forwarded once complete”?

Why is the engineering firm asking the Town to sign a document that is unnecessary? The Board of Selectmen did not authorize Weston and Sampson to engage in discussions concerning the lease.

The Town Administrator and Town Counsel have reviewed the letter and the consent agreement and both are in agreement that under the terms of the existing lease, the Town has the right to place antennas on the tower without amending the lease and without signing the Entry and Testing Agreement.

I shall read the memo from Town Counsel into the record (COPY ATTACHED).

The Water Department should have come to the Town Administrator once SBA said that the lease needed to be amended and that the Town needed to sign an Entry and Testing Agreement. Has she known that SBA was requiring these actions, she would have called the cell tower company to explain the Town’s right to place the antennas on the tower under the lease agreement. If the company refused to allow the Town to proceed, Debbie would have has the Town’s attorney send a letter to the cell tower’s legal department. Attached are section 4 (b) and 12 of the lease.

How shall we proceed from here? Should the Town Administrator contact SBA and inform them of Section 4(b) of the lease?

Snow read the letter from Weston & Sampson, and the memo from Brackett & Lucas (COPIES ATTACHED).

Water Board Chairman Tim Toomey said the tower was the best place to put the new communication equipment that the Water Department needs. He said the engineer and the onsite consultant reviewed the lease agreement to see if it was possible to use the tower. He said Weston and Sampson recommended that we sign this Entry and Testing Agreement. Snow asked why Sykora didn’t realize that this was on Town owned land. Toomey said he isn’t sure, but that there will be a change order for this. Snow asked why Weston & Sampson went down this path and if the Town is paying for this, this agreement is something that we don’t need. Perry said if the Water Department had communicated with the Town Administrator, we wouldn’t be paying an additional expense for something we don’t need. Eagan said the Board of Selectmen are the Lessor on the lease agreement and the Board of Water Commissioners should have sent a request to the Board of Selectmen who would vote on it and then communicate with SBA. She said the Water Department requested a copy of the lease and there was no further communication. Toomey said the Superintendent should have told the Board the procedure to be followed.

Snow asked Toomey to go back to Weston & Sampson and ask why and how much time was wasted on this issue.

Dave Petersen said the Board of Water Commissioners should vote to place the equipment on the tower, then send the Board of Selectmen the request, who will then vote on it and notify SBA. Toomey said this equipment is for the skater system and the test should be performed while the leaves are on the trees. Snow asked Toomey to please explain to Sykora that they can't issue an agreement. Toomey said the Water Department didn't talk to the Town Administrator to make sure this went smoothly.

Dave Petersen made a motion to authorize the Water Department, through the Board of Selectmen to perform the equipment testing on the monopole, Jack Cook second, all in favor – aye (5-0).

Petersen said this authority to perform the test while the leaves are still on the trees, and there will be a separate vote when the equipment is installed.

Eagan asked for a letter from the Water Department with details regarding the test so that she can communicate with SBA.

MINUTES

- September 30, 2013

Joseph Perry made a motion to approve the minutes from September 30, 2013, Jack Cook second, all in favor – aye (5-0).

- October 7, 2013

Joseph Perry made a motion to approve the minutes from October 7, 2013, Jack Cook second, all in favor – aye (4-0). Bob Merry - ABSTAIN

ANNOUNCEMENTS

- The Food Pantry will be closed Thursday, October 24 and Tuesday, October 29, 2013 and will re-open on Thursday, October 31, 2013 from 5:30 p.m. to 7:00 p.m.
- The Town has the following vacant seats: Board of Library Trustees, Zoning Board of Appeals Associate 3 open seats; two fence viewer positions; and wood lumber bark inspector.
- Battery recycling box located at the Town Hall and Library
- Household Hazardous Waste Collection Day – Saturday, Nov. 23 from 8:30 a.m. to 12:30 p.m. Rowley Highway Department facility at 40 Independent Street
- Special Town Meeting - November 4, 2013 at 7:30 p.m. at the Pine Grove School
- Halloween Trick-or-Treating will be held on Thursday, October 31, 2013 from 5:30 p.m. to 7:30 p.m.

- Fall Safety Driving reminder – the angle of the sun is lower so be mindful of glare and blinding sun. Wash your windshield.

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

Open meeting adjourned at 8:50 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Road Opening Permit application from National Grid to open Wilson Pond Road @ Ellsworth for tie in of gas main
2. Road Opening Permit application from James Cheney to open 50 Cross St. for water service
3. Letter from MassDot re: salting at commuter rail crossings
4. Memo written by Deborah Eagan regarding the snow plowing contract
5. Draft snow plowing contract
6. Memo from Karen Summit regarding appointing Karen O'Donnell as CPA Administrator
7. Mass General Law excerpts regarding disposition of unclaimed property
8. Special Town Meeting Warrant
9. Local Action Units application for Rowley Village Green Affordable Housing Units
10. Letter from Weston & Sampson dated October 17, 2013 to John Rezza
11. Draft Entry & Testing Agreement
12. Memorandum from Brackett and Lucas regarding the Entry and Testing Agreement
13. Excerpts from the cell tower lease agreement