

Board of Selectmen
Tuesday, October 29, 2013

A Board of Selectmen meeting was held in Conference Room A in Town Hall on Tues., October 29, 2013 at 6pm. Chairperson Battistelli in attendance for Executive Session only, other four selectpersons in attendance as well as the Town Administrator and the Asst. to the Town Administrator.

6:00 Meeting Called to Order

Executive Session – Real Property and Litigation: Selectperson Lucas moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #6: to consider the purchase, exchange, lease or value of real property and Exception #3: to discuss strategy with respect to pending litigation, Selectperson Sheedy seconded, Roll Call Vote: Chairperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, all in favor.

Executive Session
Motion Approved

Chairperson Battistelli: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s negotiating position and we will reconvene in Open Session.”

Chairperson Battistelli left meeting, Selectperson Murphy chairing the balance of the meeting.

7:30 Pledge of Allegiance and Moment of Silence

Approval of Minutes of October 15, 2013: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of October 15, 2013, Selectperson Wilkinson seconded, Vote: 4-0.

Approval of 10-15-13
minutes.
Motion Approved

Selectmen Updates and Liaison Reports: Selectperson Lucas said that she attended a meeting that was held with the consulting engineering firm handling the appeal for the FEMA maps. She said it sounds like a reasonable appeal for both Bearskin Neck and Long Beach; the appeal is due 11/11/13.

Selectmen Updates &
Liaison Reports

The Board of Selectmen and the School Committee met to discuss the joint technology department. Both groups will meet again in six months.

Public Comment Period: T. Arsenian, 95 Granite Street, said he’d like to speak when private road paving and beach and park regulations when they’re on the agenda. He said it’s been 11 years since Phase I of the Harbor Advisory Plan. He stated that in 11 years they have yet to sit with Harbor Advisory Committee. He stated that there have been two recent appointments and questions when the Board of Selectmen plans to invite them here for a regular meeting or a workshop to discuss the plan and perhaps amend it.

Public Comment
Period

Frederick Tarr, 154 Main Street, said he like to thank the forest fire crews for the great job working for 4 days. He stated that the Sawmill Brook pipeline has

been out of order and could not be used. This set them back greatly; that pipe should be repaired.

Town Administrator's Report:

Town Administrator's Report

- M. Vieira stated that on Halloween there will be trick or treating at Town Hall from 2-4pm.
- He stated that the DPW is working on a plaque to commemorate Leander Haskins for Haskins Park,
- the Thacher Island fees for Association was \$7,484 for this year (over 2,326 visitors),
- Town art restoration, 1st phase is about to begin, the pieces of art work may be moved or shifted around, through CPC funds
- Joint energy purchase, meeting with J. Parisi, second net metering agreement in town is being considered (electricity for town-wide procurement).
- Capital improvement committee requests are due tomorrow to the Board of Selectmen.
- State Office A&F, notified the town that the bill that Senator Tarr and Rep. Ferrante worked on, to help defray the cost of \$350,000 for Millpond Dam, went through.

8:00

Action List

Appointment of David Coyne to the Finance Committee
Motion Approved

Appointment of David Coyne to the Finance Committee: Selectperson Wilkinson moved that the Selectmen appoint David Coyne as a member of the Finance Committee for a three year term to expire on May 1, 2016, Selectperson Lucas seconded, Vote: 4-0.

Hiring Approval for Water & Sewer Specialist
Motion Approved

Hiring Approval for Water & Sewer Specialist: Selectperson Lucas moved that the Selectmen approve the hiring of a Water & Sewer Specialist for the Department of Public Works, Selectperson Wilkinson seconded, Vote: 4-0.

Hiring Approval for Treasurer/Collector Operations Assistant
Motion Approved

Hiring Approval for Treasurer/Collector Operations Assistant: Selectperson Wilkinson moved that the Selectmen approve the hiring of the Treasurer/Collector Operations Assistant, Selectperson Sheedy seconded, Vote: 4-0.

Approval of Performance Merit Bonuses
Motion Approved

Approval of Performance Merit Bonuses: Selectperson Sheedy moved that the Board of Selectmen approve the allocation of the merit bonuses for FY13 as recommended by the Personnel Board, Selectperson Wilkinson seconded, Vote: 4-0.

New Police Detail Rates
Motion Approved

New Police Detail Rates: Selectperson Wilkinson moved that the Selectmen approve the new police detail rates of \$45.59 for fiscal year 2014, \$46.50 for fiscal year 15, and \$47.43 for fiscal year 16 for private details and the rate of \$39.00 for all three fiscal years for Town details, Selectperson Sheedy seconded, Vote: 4-0.

Grant Agreement with Action, Inc.
Motion Approved

Grant Agreement with Action, Inc.: Selectperson Lucas moved that the Selectmen approve and sign a grant agreement with Action, Inc. of 180 Main St., Gloucester, Massachusetts for the rental and mortgage assistance program for Rockport citizens in the amount of \$100,000, Selectperson Sheedy seconded, Vote: 4-0.

Grant Agreement with Gloucester Housing Authority: Selectperson Wilkinson moved that the Selectmen approve and sign a grant agreement with the Gloucester Housing Authority of 259 Washington Street, Gloucester, Massachusetts for the safety net program and support services for Rockport citizens in the amount of \$6,816.00, Selectperson Sheedy seconded, Vote: 4-0.

Grant Agreement with Gloucester Housing Authority
Motion Approved

Grant Agreement with HAWC: Selectperson Sheedy moved that the Selectmen approve and sign a grant agreement with HAWC of 27 Congress Street, Salem, Massachusetts for legal advice, safety planning, access to the 24 hour support hotline, and other support services for Rockport citizens in the amount of \$3,000.00, Selectperson Wilkinson seconded, Vote: 4-0.

Grant Agreement with HAWC
Motion Approved

Grant Thacher Island Association: Selectperson Wilkinson moved that the Selectmen approve and sign a grant agreement with the Thacher Island Association, at P.O. Box 73, Rockport, Massachusetts for the restoration and preservation of an original Twin Light Fresnel Lens in the amount of \$10,000.00, Selectperson Sheedy seconded, Vote: 4-0.

Grant – Thacher Island Association
Motion Approved

Grant Agreement with Thacher Island Association: Selectperson Lucas moved that the Selectmen approve and sign a grant agreement with the Thacher Island Association at P. O. Box 73, Rockport, Massachusetts for the rehabilitation and/or preservation of the Historic Straitsmouth Island Lighthouse in the Amount of \$25,000, seconded by Selectperson Wilkinson, Vote: 4-0.

Grant Agreement with Thacher Island Association
Motion Approved

Beaches & Parks Regulations Revision: Selectperson Wilkinson moved that the Selectmen approve the October 29, 2013 revisions of the Beach and Park Regulations that incorporate the position of Town Administrator for approval purposes, Selectperson Lucas seconded, Vote: 4-0. T. Arsenian, 95 Granite Street, said this sounds procedural and relatively harmless. However, anytime you're changing any rules that carry the weight of law that have fines attached to them, it needs a public hearing.

Beaches and Parks Regulations Revision
Motion Approved

Plowing Private Roads: Selectperson Sheedy moved that the Selectmen allow the plowing of private roads if they are open to the public, longer than _____ feet, and has a minimum of three houses, seconded by Selectperson Wilkinson , no vote taken .

Plowing Private Roads
No vote taken

Discussion: Selectperson Wilkinson said the DPW has power over the public roads, and the Board of Selectmen has power over private roads. The state has very restrictive regulations over private roads. The town has always done a nice job so we've always done more than necessary.

Bill Aspesi, DPW, said the criteria on plowing private roads: it has to be a minimum of 300' long; have a minimum of 3 year round houses on it, and it has to be a laid out road. A lot of the private roads have fire hydrants on them.

Selectperson Sheedy moved that the Board of Selectmen allow the plowing of private roads, 1) has to be open to the public, 2) must be needed for public safety, that is a hydrant on the way; emergency access to beach or be a cross over road, 3) have a minimum of 3 residences that need to be separate structures abutting the private way, 4) length at least 300', 5) maintained not to cause

Action List:

damage to the snow plowing equipment, 6) provide an area for disposal or replacement of snow, seconded by Selectperson Wilkinson, Vote: 4-0.

Plowing Private Roads
No vote taken

Dorothy Flynn, 160 South Street, said she is concerned about deaths in fires or storms. Those things concern her rather than the length of the road.

Continued

Selectperson Murphy said he is concerned about the town's liability for plowing private roads.

J. Gardner, DPW Commissioner Chairman, said if we damage some portion of the road, the town would be liable. He said all private roads that were being plowed were looked at and we tried to apply the existing criteria. He stated that the town doesn't get Chapter 90 funds for private roads. If we could take ownership of some of these roads, we could get increased Chapter 90 funds.

T. Arsenian, 95 Granite St., said he attended several DPW meetings and the standards seemed to make sense. He stated that the fire hydrant issue is important. He said whatever criteria are decided upon; there can't be any exceptions on any of the criteria. The town taking ownership of some roads would require a town meeting vote.

Chief McCarthy, public safety issue, police, fire and ambulance need to go down these roads. It's more than just fire hydrants.

DPW Director, J. Parisi, said some of the roads that we're not plowing, they are being plowed privately. DPW always ensures that the roads are clear. Acceptance of a roadway which is actually a common driveway, they were done for 911 purposes; they are a traveled way.

Larry Hale said this wouldn't be on the agenda if it weren't for him. His road stopped being plowed years ago. He said he has videos of private plowing going on with public vehicles.

Selectperson Murphy questioned what the cost would be if the town plowed all private roads.

DPW Commissioner Chairman Gardner said some of the roads are very narrow.

DPW Commissioner Reed questioned why we don't plow all the roads and charge a fee.

The list needs to be cleaned up and the criteria should be applied to everyone.

J. Gardner, the public safety issue is already taken care of. Whenever there is an ambulance call the road is cleared.

J. Parisi said if the town isn't plowing a road, someone else is. He stated that the town doesn't have permission to go on someone's private property and plow.

Dorothy Flynn, 160 South Street, questioned if the town has just one size plow.

Action List:
Continued

Selectperson Wilkinson recommended a task force with a couple of members of the Board of Selectmen, and two people from the DPW to review this. Also we should have a summit with Mr. Hale, the DPW Director, and the Town Administrator to resolve this finally.

Paving Private Roads
No vote taken

Long Beach Sediment Transport Study Agreement: Selectperson Sheedy moved that the Selectmen approve and sign an agreement with Applied Coastal Research and Engineering, Inc. of 766 Falmouth Road, Suite A1, Mashpee, Massachusetts to provide engineering services for a Long Beach Sediment Transport Study for a price not to exceed \$73,530.00, Selectperson Wilkinson seconded, Vote: 4-0.

Long Beach Sediment
Transport Study
Agreement
Motion Approved

8:40

Discussion Items

Discussion Items:

Winter Parking Ban: Selectperson Murphy would like to use technology and other available methods to remove the parking ban. Selectperson Sheedy stated that she agrees with him, there are often times during the ban that parking would be fine. Selectperson Lucas said how about reverse 911 (code red). Not everyone in town has it, only those residents who voluntarily sign up for it have it. Bill Aspesi, DPW, said the trucks shoot sand and gravel and cars will be damaged if they're left on the road.

Winter Parking Ban

Jonathan Weaver, 237 Granite Street, said the roads are kept in nice shape. The parking ban is from a certain date and time to a certain date and time, it's just overnight which is ludicrous.

J. Parisi, said the overnight time is the time the plow drivers are cleaning up a storm event.

Selectperson Wilkinson said it's been like this for years and the roads are in good shape.

Kathy Meany, 16 Summit Avenue, said we will have a system to warn people, just be aggressive about it. Storms in the middle of the day do happen. We need to use technology. We know when bad weather is coming. If people aren't signing up for Code red, it's because we're not using it with vital information.

Selectperson Lucas questioned if the town could trial a new system.

DPW Director Parisi said it's a significant amount of work to maintain the code reds. If cars are still on the road, it will be difficult to impossible to get to some of the sidewalks.

Mrs. Flynn said she has been in town since 1960, people will work with you – new technology should be used. She will check into what they do in Marblehead, because that's a similar community with really narrow roads.

J. Gardner questioned if we need different/narrower equipment – and perhaps different ways to communicate with people. He said we shouldn't just pull the ban off without being sure that we're managing it in a different way.

Selectperson Murphy requested that this be put on an upcoming agenda.

Flag Protocols Policy: the Board reviewed the new policy; this will be on the next agenda as an action item; there are no revisions needed at this time.

Flag Protocols Policy

Selectmen Liaison Assignments: postpone to next meeting so the full board can discuss.

Selectmen Liaison
Assignments –
postponed to next
meeting so full board
can discuss

Selectperson Wilkinson moved to add an agenda item tonight to add meetings to the Board of Selectmen schedule, seconded by Selectperson Sheedy, Vote: 4-0.

Add meetings to
Board of Selectmen
Schedule
Motion Approved

Selectperson Wilkinson moved to hold an Executive Session on 11/5/13, and a meeting on 11/19/13 on the Long Beach lease renewals, Selectperson Sheedy seconded, Vote: 4-0.

Add Executive
Session to Board of
Selectmen Schedule
Motion Approved

Other Business/Announcements

9:30 Selectperson Wilkinson moved to adjourn, seconded by Selectperson Sheedy, Vote: 4-0.

Warrant signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 10/31/13 in the amounts of \$502,882.62 and \$445,842.04 respectively.

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 11/1/13 in the amounts of \$59,007.28 and \$8,457.10 respectively.

Items Signed:

Contract with Applied Coastal
Thacher Island Preservation Act, Thacher Island Association
Grant Agreement, HAWC
Grant Agreement, Gloucester Housing Authority
Grant Agreement, Action, Inc.