

MINUTES OF THE BOARD OF SELECTMEN

December 13, 2021

Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Vice Chairman Deana M. P. Ziev; Joe Perry; David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) Clerk Robert Snow – ABSENT

PUBLIC ATTENDEES: Linda Cintron; Ed Tilton; Lynette Accomando; Rick and Linda Allen

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being video and audio recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

7:05 P.M. TO 7:10 p.m. PUBLIC COMMENT

There were no public comments.

GENERAL BUSINESS

1. Approve Council on Aging donations

Chairman Pierce read the following:

COA Director Ellie Davis has provided the Board with the attached list of donations, which consists of monetary donations to support the COA programs. In accordance with State law, G.L. c.44 §53A, the Board needs to vote to approve these donations.

Pierce said the donations total \$2,233 and we are fortunate to have these generous donors.

Joe Perry made a motion to approve these donations, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

2. Authorize Police Chief Scott Dumas to sign State Contract for 9-1-1 Grants:
 - Emergency Medical Dispatch Grant Application
 - Support and Incentive Grant Application

Chairman Pierce read the following:

Police Chief Scott Dumas is applying for the State 911 Emergency Medical Dispatch Grant and Support and Incentive Grant.

The Board needs to vote to designate Chief Dumas as the authorized signatory on the grant paperwork and to authorize Chairman Pierce to sign the authorized signatory forms on behalf of the Board of Selectmen.

Joe Perry made a motion to designate Chief Dumas as the authorized signatory on the grant paperwork and to authorize Chairman Pierce to sign the authorized signatory forms on behalf of the Board of Selectmen, Dave Petersen second, all in favor – aye (3-0). Bob Snow – ABSENT Deana Ziev - ABSTAINED

NEW BUSINESS

1. Discuss Attorney General notice on opioid settlement

Chairman Pierce read the following:

Debbie was contacted by the Attorney General Office asking her to consider having the Town sign on to settlement participation agreements in connection with the State's legal settlement with three opioid distributors and an opioid maker. The State's settlement with the companies provides funds to the State and to municipalities that sign on to the settlement participation agreements.

The AGO says that even if the Town did not have any direct impact with the opioid distribution companies and opioid maker named in the lawsuit, the Town is still eligible to participate. The Town can receive a portion of the State's settlement funds that can be used for purposes to abate the opioid crisis in the Town. Such uses include: purchasing Narcan for police and fire, and to pay for opioid education materials for schools. Fire Chief James Broderick, Police Chief Scott Dumas, and Health Director Frank Marchegiani all support having the Town participate in the settlement.

Debbie is asking the Board to vote to authorize her to file the settlement paperwork. The Attorney General's Office is requesting that the paperwork be filed by the end of this week.

Dave Petersen made a motion to authorize Debbie to file the settlement paperwork, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

2. Set meeting schedule

Chairman Pierce read the following:

The following are suggested meeting dates for the first three months of 2022:

January 3 – NO MEETING – This meeting agenda would need to be posted during the week of Christmas

January 10

January 17 – NO MEETING – Martin Luther King, Jr. Day

January 24

January 31

February 7

February 14

February 21– NO MEETING – President’s Day

February 28

March 7

March 14

March 21

March 28

Pierce said he can’t attend the January 10th meeting.

Deana Ziev made a motion to approve the meeting schedule, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

3. Discuss Belle Circle and Cindy Lane

Chairman Pierce said we recently became aware of a complaint about the roadway, curb and sidewalk on Belle Circle. He said this is a serious situation and someone poured gravel in a section to try to repair this. He said he and Debbie spoke to Town Planner Kirk Baker who sent an email to the Town’s engineer asking him to look at this and provide a cost estimate for the repairs. He said they requested that the Planning Board send a letter to the developer Said Abuzahra advising him of the situation and requesting that he fix it. He said the Planning Board retains jurisdiction about this until they vote to take the \$114,000 bond, which hopefully will be enough money to correct this. He said we prefer that the developer fix this and not the Town because it will be more expensive for the Town to do this work.

Town Planner Kirk Baker said that is a good summary and that they are also looking into whether or not they will need to take portions through eminent domain while it is still owned by the developer. He said at the end of last year the developer requested that they release the rest of the bond, but the Planning Board told them no because of roadway cracks. He said this issue on Belle Circle seems to be very localized but until the engineer assesses it we don’t know what is causing this. He said he will follow up with the engineer this week to find out when he will get out there.

Pierce said we would appreciate it if Kirk could stay on top of the engineer about this. He said this development has been going on for thirty years and it is very frustrating dealing with this developer. He said we tried to straighten this out and to get the road accepted at Town Meeting two years ago. He said a notice was mailed to all Belle Circle and Cindy Lane residents about the street acceptance, but not many showed up to Town Meeting to support this as it was a COVID year. He said he would like to put

this again in the warrant and he hopes that the residents show up and vote to accept these roads to take them out of the developer's hands. He said there is a separate issue involving a strip of land that the developer is not giving to the Town, but this is not the Town's issue and is not a reason that the Town cannot accept the road. Pierce read the email submitted by Bob Snow as follows:

Chairman Pierce

I am unable to attend Board of Selectmen's meeting for December 13, 2021 please read the following into the record...

Prior to the Spring Town Meeting of 2020 the Board of Selectmen worked to get an article on the warrant to get the two subdivision roads; Cindy Lane and Belle Circle accepted at 2020 Spring Town Meeting. I believe that the Board of Selectmen have performed due diligence in pursuing the acceptance of Cindy Lane and Belle Circle at the 2020 Spring Town Meeting. The matter of these two roads being accepted was hindered by the amendment at the Spring Town Meeting of 2020, so now this matter unfortunately is unresolved with the Taxpayers of both subdivision roads and waiting for relief in the form of repairs to their roads. The Board of Selectmen needs again to attach an article such as Article #29 of the June 22, 2020 STM Warrant for the 2022 STM Warrant so that the acceptance of Cindy Lane and Belle Circle bring relief to the Taxpayers of these two subdivision roads.

Respectfully

Robert Snow

Selectman

Linda Cintron of 15 Belle Circle said from her mailbox to beyond her angel statute, the area is in need of repair. She said Said is aware that it is caving in. She said she understands that money was held and there are issues with Abuzahra but it isn't fair for them to pay taxes. She said the middle of the street will be chopped up to bring in the lines for the new house being built, Abuzahra's plows never do a good job and she is concerned about getting into and out of her driveway. She said Swan and Atherton put gravel in and Abuzahra knows about these issues because he sent them to do this. She said people are falling on the sidewalk and she saw someone twist their ankle in November. She asked who will pay if she gets hurt. She said Kirk and Debbie have been very helpful.

Pierce said this is an unacceptable situation which will likely get worse until it is fixed. He asked Kirk to stay on top of this and to send formal letters to the developer, giving them a chance to correct this, but if he doesn't the Planning Board needs to vote to take the bond, the Town will get the money and put the project out to bid.

Linda Allen said they moved to 15 Cindy Lane in May and this is their first winter near the pond which they have seen creeping up further and further towards their house after the rainy seasons. She said in the last month the water has crept up about six feet and there are trees that are now underwater. She said her concern is about who is responsible for the pond and who cleans the culvert. She said trees are falling down,

others are sitting in water, and she is worried about erosion. She said she doesn't know if this is a man-made pond and said there are cracks in the sidewalk.

Pierce said the developer retains ownership and is legally responsible for the construction of the road and cleaning the culverts until the road is accepted by the Town.

Petersen said that pond has been there for the fifty years he has been in town and said beavers may be building dams which could be causing this issue. He suggested that they reach out to Conservation Agent Brent Baeslack to take a look but said this is private property, but Brent may be able to give some suggestions. He said on Belle Circle there is about 100 feet of sidewalk that is in terrible disrepair. He said at first he thought it may be washing away, but it is above the water line. He said there may have been tree stumps dumped there which are now rotting and causing the ground to sink. He said this area needs to be made safe for the winter, but not many people walk on the road.

Lynette Accomando said a lot of people walk and kids rollerblade and ride bikes around Belle Circle to keep off of the main road.

4. Discuss Municipal Cybersecurity Awareness Grant Program

Chairman Pierce read the following:

Debbie was contacted today from a State official from the Executive Office of Technology Services and Security (EOTSS) asking if the Town would consider applying for the State's Municipal Cybersecurity Awareness Grant Program. The need to have an official cybersecurity program is very important for the Town. I discussed this with IT Coordinator Karen Summit and she supports this grant application. The application deadline is December 17.

The Grant acceptance requires the Town to provide cyber security training to employees. Debbie has confirmed today that depending the number of employees trained in cybersecurity through the grant, it could potentially result in discounts on the Town's insurance policy.

Debbie is asking the Board to vote to authorize her to apply for the grant and to authorize the grant training requirements that will be necessary as part of the training compliance.

Dave Petersen made a motion to authorize Debbie to apply for the grant and to authorize the grant training requirements that will be necessary as part of the training compliance, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

5. Discuss Fire Station and Police Station parking and access project

Chairman Pierce read the following:

We are nearly complete with this project. We have noticed that the large dirt surface area between the two newly paved sections is a potential safety hazard. People parking on this surface who are intending to go to the Fire Station or Police Station may not clearly see the edge of the new paved surface which is slighter higher than the dirt surface, especially in the evening hours. Having two levels of surface for driving and parking is not ideal. The back area is dark at night, when most Town boards may be using the meeting rooms for public meetings. Bill Murray agrees with us and sent Debbie the following email message:

Hi Deb,

As requested, it is this office's opinion that by installing the two paved accessible areas, we have potentially created a nuisance area between them and this office recommends that the town pursue paving the intermediate area to relieve any potential hazards.

In addition to the above, the site design for the parking to the rear of the police and fire station was designed as "gravel parking" with a runoff ration (CN) number of 89. Pavement has a CN of 92, which is comparable especially as the underlying soils are coarse to medium sand and gravels. It is this office's opinion that the drainage system design at the rear of the site is more than capable of accommodating these flows.

Best,

Bill M.

William E. Murray, ASLA, APA, CLARB

Director of Planning and Landscape Architecture

We asked JJ Phelan for a price to pave this area, which is shown on the attached photos and plan, and the price would be \$49,965.00. Because of the warm temperatures forecasted for next week and because their equipment is on site, they can do the grading on Monday and Tuesday and pave on Wednesday. If we wait until spring, the costs will be more than 10% because paving materials will cost more at the start of the paving season and there is also a cost for JJ Phelan to re-mobilize the equipment. We have \$201,000 for the project and this additional work should cover this.

Places Associates = \$26,300

JJ Phelan = \$84,000

Legal Notice = \$357.75

Total = \$110,657.75

JJ Phelan Additional Work (Change Order) = \$49,965

Total = \$160,622.75

Dave and Debbie apologize for the short notice, but we think that this work should be done now, while we have the chance to do it, primarily because someone could trip

when going from the dirt surface to the paved surface. We are asking the Board to vote approve the Change Order.

Petersen said the contractor has done a good job and we realized this issue after the work was completed. He said the buildings will be used for public meetings and department trainings, and the people using the playground will park here as well. He said we need to get this done for safety purposes.

Dave Petersen made a motion to approve the change order in the amount of \$49,965, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

LICENSE RENEWALS

Class III

- Donald Savory and Mark Savory d/b/a Rowley Auto Salvage Inc. 588 Main Street

Dave Petersen made a motion to approve the Class III license renewal listed above, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

Class II

- Robert Souza d/b/a Automotive Transport Service, Inc. – 60 Main Street
- Donald Savory and Mark Savory d/b/a Bay Road Auto Sales – 56 Newburyport Turnpike and 588 Main Street
- Thomas Boucher d/b/a Boucher's Automotive Machine Shop, Inc. 239 Haverhill Street
- Salvatore A. LaFauci d/b/a AutoPro Collision Corp. 266 Haverhill Street
- Gino Tzortzis d/b/a Gino's Collision Center, Inc. 274 Newburyport Turnpike
- Mark Ouellette d/b/a M & J Foreign Cars, Inc. 415 Newburyport Turnpike
- Kostantinos Baltopoulos d/b/a Car & Truck Exchange, Inc. - 185 Newburyport Turnpike
- Darya Litvinava d/b/a Auto Imports Unlimited, Inc. 357 Main Street
- Josephine Bornstein d/b/a D&D Auto Sales 274 Newburyport Turnpike
- Thomas Mannelta Jr. d/b/a Legendary Motors LLC 28 Forest Ridge Drive Building #3

Joe Perry made a motion to approve the Class II license renewals listed above, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

FLEA MARKET LICENSE RENEWALS

- Starr P. Todd d/b/a Todd Farm LLC 283 Main Street
- Sandra A. Hamel d/b/a Sandy's Flea 31 Main Street
- Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC 275 Main Street

Joe Perry made a motion to approve the Flea Market license renewals listed above, Dave Petersen second, all in favor – aye (4-0). Bob Snow – ABSENT

MINUTES

- November 22, 2021 – Executive Session

Joe Perry made a motion to approve minutes of November 22, 2021 Executive Session, Dave Petersen second, all in favor – aye (3-0). Bob Snow – ABSENT Deana Ziev - ABSTAIN

ANNOUNCEMENT

Town of Rowley Tax Title Public Auction – Friday, December 17, 2021 at 12:00 p.m. at Town Hall. Six properties will be auctioned. For more information, please go to: zekosgroup.com or call Zekos Group Auctioneers at 508-842-9000

Chairman Pierce read an additional announcement about the Wreaths Across America program.

ADJOURN

Joe Perry made a motion to adjourn, Deana Ziev second, all in favor – aye (5-0).

Meeting adjourned at 7:37p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding General Business #1: Approve Council on Aging donations
2. Council on Aging donation list
3. Meeting memo regarding General Business #2: Authorize Police Chief Scott Dumas to sign State Contract for 9-1-1 Grants: Emergency Medical Dispatch Grant Application; Support and Incentive Grant Application
4. Emergency Medical Dispatch Grant Application paperwork
5. Support and Incentive Grant Application paperwork
6. Meeting memo regarding New Business #1: Discuss Attorney General notice on opioid settlement
7. Article from MMA titled, "Cities, towns urged to sign on to agreement providing millions to abate opioid crisis"
8. Email from MAOpioidSettlements regarding Municipal Participation in Statewide Opioid Settlements – Sign-Ons Due January 2, 2022
9. Settlement Participation Form – J&J Settlement
10. Subdivision Settlement Participation Form – Distributor Settlement
11. Document to Massachusetts Municipalities: Important Information About the National Opioid Settlement
12. Meeting memo regarding New Business #2: Set meeting schedule

13. Meeting memo regarding New Business #3: Discuss Belle Circle and Cindy Lane
14. Email from Brent Baeslack regarding Meetinghouse Subdivision – collapsing sidewalk east of 15 Bell Circle, including attached two photos
15. Email from Kirk Baker regarding Meetinghouse Subdivision – collapsing sidewalk east of 15 Bell Circle
16. Email from Bob Snow regarding Belle Circle
17. Order of Laying out for Cindy Lane and Belle Circle, including Exhibit A
18. Notice of street layout hearing for Cindy Lane and Belle Circle
19. Street acceptance plan for Cindy Lane and Belle Circle – pages C1 and C2
20. Article 29 of June 22, 2020 Special Town Meeting Warrant regarding Cindy Lane and Belle Circle
21. Meeting memo regarding New Business #4: Discuss Municipal Cybersecurity Awareness Grant Program
22. Email from Susan Noyes to Debbie Eagan regarding EOTSS Municipal Cybersecurity Training Awareness Grant – Application due December 17th
23. Meeting memo regarding New Business #5: Discuss Fire Station and Police Station parking and access project
24. Accessible Parking and Walks map from Places Associates, Inc.
25. 2 photos of parking and access project
26. Email from William Murray regarding stormwaterregulationsfinaljan08.pdf
27. Email from Conservation Commission regarding additional paving at Eiras Park behind the Fire Station
28. Meeting memo regarding Class III, Class II and Flea Market License renewals
29. Meeting memo regarding Class III renewals
30. Meeting memo regarding Class II renewals
31. Memo from Frank Marchegiani regarding site visits of Class II businesses
32. Meeting memo regarding Flea Market renewals
33. Additional announcement regarding Wreaths Across America