

MINUTES OF THE BOARD OF SELECTMEN

December 16, 2019

Meeting held at Town Hall, 139 Main Street, Rowley, MA
7:00 p.m.

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

PUBLIC ATTENDEES: Larry White – Finance Committee; Tom Corben; Larry Berger; Tom Hood

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:01 p.m. He said the meeting is being video recorded and televised live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Request from Highway Surveyor Patrick Snow to appoint Anton Keene as Highway Department Laborer

Chairman Pierce read the request.

Dave Petersen made a motion to appoint Anton Keene as Highway Department Laborer, Bob Snow second, all in favor – aye (5-0).

2. Request from North Shore Tour de Cure to hold annual cycling event on May 17, 2020

Chairman Pierce read the following:

The American Diabetes Association has requested to hold their annual North Shore Tour de Cure cycling, walking and running fundraising event through Rowley via Route 1A in on Sunday, May 17, 2020 from 9:30 a.m. through 1:00 p.m.

The Police Chief, Fire Chief, Highway Surveyor and Health Agent did not have any comments or concerns about this event.

Dave Petersen made a motion to approve the request from North Shore Tour de Cure to hold their annual cycling event on May 17, 2020, Joe Perry second, all in favor – aye (5-0).

NEW BUSINESS

1. Discuss notice from the Conservation Commission regarding tree cutting and all terrain vehicles “ATV” on Town property at 173 Leslie Road

Chairman Pierce read the following:

Conservation Agent Brent Baeslack wants the Board to be aware that he noticed evidence of tree cutting at 173 Leslie Road, which is the Town’s Linebrook Burial Ground (Cemetery).

Does the Board wish to refer this to the Board of Cemetery Commissioners?

Petersen said he is the Chairman of the Cemetery Commissioners. He said he looked at this, there was a lot of snow on the ground and he didn’t notice anything, but he will look at it again. He said there isn’t much we can do, this is a rural area, and there didn’t appear to be any damage to the Cemetery stones.

2. Review Zoning Board of Appeals Special Permit application filed by GTS Realty, Inc., George Speropulos, to add additional parking spaces within the 50-foot setback requirements of Rowley Protective Zoning Bylaw 6.1.3.2.3 at 285 Newburyport Turnpike

Chairman Pierce read the following:

The Zoning Board of Appeals has sent the Board of Selectmen a copy of an application for a Special Permit filed by GTS Realty, Inc. (George Speropulos) to add additional parking spaces within the 50-foot setback at 285 Newburyport Turnpike. A public hearing is scheduled for December 18th at 7:05 p.m. at the Town Hall Annex.

Does the Board have any comments on this application that they wish to send to the Zoning Board of Appeals?

Chairman Pierce said the deviation from the 50’ setback is contrary to the spirit of the Bylaw. He said the Bylaw was enacted with the 50’ setback in order to improve the aesthetic in the district and to prevent cars from being parked all over properties. He said the Board of Selectmen should request that the ZBA investigate alternatives.

Joe Perry made a motion to send Cliff’s comments to the ZBA, Bob Snow second, all in favor – aye (5-0).

3. Approve agreement with USI Consulting Group for General Accounting Standards Board (GASB) Statement 75 Actuarial Valuation Services for postretirement health benefits.

Chairman Pierce read the memo from Debbie Eagan.

Dave Petersen made a motion to authorize Cliff Pierce to sign the agreement with USI Consulting Group, Bob Snow second, all in favor – aye (5-0).

Pierce signed the agreement.

4. Discuss school funding

Chairman Pierce said we have a memo written by Nerissa Wallen about the recent school funding law. He said it has been widely publicized that schools are getting more funding, but everyone should read Nerissa's memo. He said Wallen's memo indicated that the new law will provide additional funding for urban cities with low income students, but won't provide any additional funding for the Triton district. He said Triton may get some additional funding, but it won't be a windfall as reported in the news.

Pierce read the last paragraph on the first page of Wallen's memo, and the final paragraph of Wallen's memo. Perry said an important take-away from the District Communications Meetings is that the regional school districts are talking to each other. He said regional school districts have as many as fourteen and as few as two towns in the district, and there are issues statewide. Pierce said there may be future changes, but for the next couple of years we are on our own. He said a preliminary estimate for Triton's budget will be out in January. Snow said we have been trying to get the estimates earlier, in December. Perry said Triton hoped to give preliminary numbers in November, but they are negotiating new three year contracts with different groups, so they don't have the estimates at this time.

7:10 to 7:15 p.m. PUBLIC COMMENT

There were no Public Comments.

OLD BUSINESS

1. Update on Pine Grove School Project

Chairman Pierce read the following:

The Board will discuss the roof leaks at the Pine Grove School with Project Manager Larry Berger. Chairman Pierce requested Larry to attend tonight's meeting.

Selectman Ziev was on scene for two Fire Department calls for the school's fire alarm activation. The first was on the evening of Monday, December 9 and the second was on the morning of Saturday, December 14. Water was coming in the roof in the north wing.

Selectman Ziev also compiled a list of concerns she had on the building project that was sent to Larry Berger for review. Chairman Pierce and Selectman Ziev went on a site walk last Wednesday and will update the Board on what they saw and the explanations they received from Larry Berger.

Larry Berger said the leak is in the same location as the old leak, but there is a different issue. He said the first leak was related to the roof drain and the second is related to roof penetrations for electrical conduits. He said there was a failure in one of the “witch’s hats”, which is a disc with a pyramid on top that is clamped on the top and glued to the roof, that had a seam open which caused the leak. He said there was another penetration at the top of conduit where water was rolling down and getting past the mechanical connection. He said it happened to present in the same location, so the same smoke detector went off. Pierce said it is hard to believe that the two leaks are totally unrelated. Berger said until these two events, the roof has been water tight for the year that it has been in place.

Tom Hood said there could also be small punctures from the technicians working on the roof who could have dropped a screwdriver. He said they use maintenance mats when working but sometimes things happen, and that is why the roof has a warranty. He said the roof is pitched towards the drain, so if there is a leak above the drain, it will follow all the way down to the drain because it is the lowest point. He said the leaks were caused by different issues, but the water will flow to the drain. He said this leak was fixed over the weekend, and the fire alarm has been normal since Saturday night. Ziev said the detector was not damp as stated in Berger’s email, and water was dripping out of it. Berger said the superintendent told him it was damp, they dried it out, and the system was reset. Hood said he didn’t see the detector until after it was removed, but it was dry when he saw it in the All Purpose Room. He said it was a brand new smoke detector that had been installed on Monday. Ziev said the water was coming through the smoke detector, and it was saturated, and she was confused by the term “damp” that was used. Berger said he was away and unable to go to the site, and he relayed the information he was given. She said we were told on Thursday that it was very unlikely there would be another issue, and this is concerning. Berger said the initial leak was dealt with. Ziev asked Berger to look at the photos of the second leak and said you can see where someone tried to fix it with a putty substance, and you can see that the ceiling tile was completely deteriorated. Berger said the tile will be replaced as stated during the walk-through. Hood said by Saturday night, every tile has been replaced and repaired, except for the tile under the roof drain, which was replaced this morning. Ziev said she is concerned that this is going to happen again. Pierce asked what the warranty on the roof is. Berger said the membrane warranty is 20 years. Tom Corben asked if the warranty includes labor too. Berger said the warranty is for the membrane only.

Petersen asked what a drain scupper is. Berger said it is like a funnel where water is pitched to. Berger said the North Wing roof pitches to the middle, with other drains, and a scupper drain on the gym section which faces the field. He said there are other

scuppers on the canopies. Petersen asked if ice clogging on a scupper will be a continuing problem. He said you can potentially have an ice clog but what happened was when it iced, water found a way back into the building, and the roofer is preparing a flashing so the water can't get back in. Petersen said he is concerned that in a couple of weeks the snow will melt, then freeze and will it cause a build-up if clogged. He said he is concerned that the water isn't just running off. Snow asked how many inches of water was on the roof when we had the leak. Berger said he doesn't know. Hood said there was no puddle on the roof, but there was 3.5 inches of rain on Saturday. Snow said he is concerned about a future drain clog and water becoming a heavy weight on the roof. Hood said the structure is designed to handle a heavier load, and there are several drains that drain into the middle roof. He said the roof drain has been repaired, the smoke detector dried up and was normal when plugged in. He said the damaged ceiling tiles have been replaced. He said this is new construction, it is why we have warranties, and this is not unusual. He said what is strange is that the roof has been in place for a year and we haven't had any leaks until now. He said the building moves with expansion and contraction. Snow said he is concerned about two leaks in the same area. Ziev said a huge part of the concern is that this is the same area that was heavily leaking prior to the construction, which is worrisome. Berger said the whole building leaked prior to the construction. Hood said the old system was built up tar and gravel, and it is almost impossible to find a leak with that system. He said the new roof system has one additional roof drain on that wing, is far superior to anything, it's a with a TPO roof with a 20 year warranty and it is easy to find a leak. Ziev said the janitor's storage closet also has a leak. Berger said he wasn't told about this and it is the first time he is hearing of it. Hood said the roof access door was not fully closed, they made a few adjustments to it and made sure it was pulled tight. He said they added a sealant around the latch.

Pierce said he wonders if the board should take a vote to discontinue the sodding of the field until the spring and instead hydro-seed it in the spring. Hood said if that happens, they won't be able to play on it. He said sod doesn't take long to have the roots grab, but hydro-seeding will take two growing seasons. He said he has sodded in December before. He said the sod is coming from Rhode Island, and with four or five warm days the roots will start catching.

LICENSE RENEWALS

Class III

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

Class II

Tim Watkins d/b/a Precision Auto d/b/a Precision Volvo 60 Main Street

Donald Savory and Mark Savory d/b/a Bay Road Auto Sales – 56 Newburyport Turnpike

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

Rafael Reyes d/b/a J R Reyes Transportation & Truck Center, Inc. 264 Newburyport Turnpike, Rear
Mark Ouellette d/b/a M & J Foreign Cars, Inc. 415 Newburyport Turnpike
Donald Savory and Mark Savory d/b/a Bay Road Auto Sales – 588 Main Street
Frank Iovanello and James Price d/b/a Car Lines 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

Chairman Pierce read the following:

We have received all of the renewal paperwork from the current Class II Dealer's license holders. Regulatory Compliance Officer Frank Marchegiani conducted the annual inspections of these establishments, using a checklist which is based off of the Dealer Spot Check Form used by the Vehicle Services Section of the Massachusetts State Police when they inspect Class II Dealer's businesses. Frank's report and checklists are attached for your review. Please review Frank's report and checklists. Some information from his report and checklists are highlighted below.

Petersen said as a point of reference, last year there was a problem with the license given to Bontos on Boxford Road. He said there are a number of dealers that have no cars for sale on their lots, and he thinks some are renewing the licenses to keep the grandfathered status. He said if Frank Marchegiani can't get in to talk to the license holders, and they have no cars for sale, the licenses shouldn't be renewed, unless they can show evidence of car sales. He said the process needs to be tightened. Pierce said the licenses expire on their own and the Board can do nothing, return the applications for the businesses where there were no cars for sale, and ask them to contact Frank. Eagan said they wouldn't be able to utilize the licenses from January 1st until they apply for new ones. Petersen read the listing of dealers that had no cars for sale at the time of inspection, and other comments from Frank's inspection reports. He said the whole thing is a mess, and there are probably a few that are okay. Petersen said we can renew Carlines and D&D. Eagan said if D&D is renewed, we need to be clear that there is no parking allowed on the conservation land. Eagan said we have additional information from Frank's follow up on Precision Auto. Pierce said the lots need to be cleaned up first before any of these are renewed. Eagan said that we believe D&D no longer has cars parked on the conservation land. She said Precision Volvo explained that some cars are being repaired or waiting for plates. She read the following:

*Tim Watkins d/b/a Precision Auto d/b/a Precision Volvo 60 Main Street
Frank has followed up on his prior report. He went to the site and spoke to Tim Watkins. Frank provides the following information:*

- *9 vehicles with no plates that are going to be removed as junk vehicles or sold, some are waiting for a title so this can be done.*
- *15 vehicles with plates waiting to be repaired.*
- *6 vehicles with the proper stickers ready to be sold.*

- *7 vehicles with the “not for sale” sticker being repaired / prepped for future sale.*
- *The large boat is still there but will be removed, I will leave a picture at the Selectmen’s office.*

She said that Frank seemed to be satisfied by Precision Volvo’s explanation. Eagan said Frank also spoke to Mr. Reyes today, and that JR Reyes could be renewed for 30 or 60 days pending items being taken care of. She said we have found out from the Town Planner that the front property being leased to Nature’s Remedy has a Special Permit / Site Plan for an adult use marijuana retail establishment, and this permit requires that Reyes not be in that location. She said a building permit has been issued to Nature’s Remedy, but nothing has happened yet. She said the Planning Board will make sure that Reyes is not in business to be in compliance with the Planning Board permit. Pierce said this is an issue between tenants, and Reyes can use the property until Nature’s Remedy starts to operate. Eagan said the Planning Board has the enforcement capability for this. She said for JR Reyes, the trailer is not part of the license, but the unregistered cars are.

Dave Petersen said we can issue 60 day license renewals, have the license holders show they are selling cars, have the license holders get the items cleaned up and park the cars where they should be, and have these items all squared away by February when Frank re-inspects. Eagan said the State is asking the Town to be more diligent, and going forward, does the Board wish to require proof of sales for the renewals? Petersen said the drawing for 185 Newburyport Turnpike is a pencil drawing, and they need to provide a new drawing. Petersen said he is concerned about businesses where there aren’t cars for sale, and they aren’t parking cars where they should be. Pierce said we shouldn’t renew the licenses if they aren’t in the business of selling cars.

Dave Petersen made a motion to renew all Class II licenses for 60 days, Bob Snow second, all in favor – aye (5-0).

Dave Petersen made a motion to renew the Class III license for 60 days, Bob Snow second, all in favor – aye (5-0).

FLEA MARKET LICENSE RENEWALS

Sandra A. Hamel d/b/a Sandy's Flea 31 Main Street

Dave Petersen made a motion to renew this Flea Market license, Joe Perry second, all in favor – aye (5-0).

ANNOUNCEMENTS

- Eastern Essex Veterans Board of Directors Meetings are now being video-recorded and shown on Rowley Community Media
- Toys for Tots Drop off box – Town Hall
- Vacancies:
 - 1) One vacancy on the Conservation Commission;
 - 2) One vacancy on the Zoning Board of Appeals Associate seat; and

3) Several vacancies on the Rowley Cultural Council
Interested residents should send a letter of interest to the Board of Selectmen or
call the Selectmen's Office at 948-2372.

ADJOURN

Chairman Pierce called for a motion to adjourn. Joe Perry so moved, Bob Snow
second, all in favor - aye (5-0).

Meeting adjourned at 7:47 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Board of Selectmen Public Comment Policy
2. Request from Highway Surveyor Patrick Snow to appoint Anton Keene as Highway Department Laborer
3. Meeting memo regarding General Business #2: Request from North Shore Tour de Cure to hold annual cycling event on May 17, 2020
4. Request from North Shore Tour de Cure to hold annual cycling event on May 17, 2020
5. Meeting memo regarding New Business #1: Discuss notice from the Conservation Commission regarding tree cutting and all terrain vehicles "ATV" on Town property at 173 Leslie Road
6. Notice from the Conservation Commission regarding tree cutting and all terrain vehicles "ATV" on Town property at 173 Leslie Road
7. Meeting memo regarding New Business #2: Review Zoning Board of Appeals Special Permit application filed by GTS Realty, Inc., George Speropulos, to add additional parking spaces within the 50-foot set back requirements of Rowley Protective Zoning Bylaw 6.1.3.2.3 at 285 Newburyport Turnpike
8. Zoning Board of Appeals Special Permit application filed by GTS Realty, Inc., George Speropulos, to add additional parking spaces within the 50-foot set back requirements of Rowley Protective Zoning Bylaw 6.1.3.2.3 at 285 Newburyport Turnpike
9. Memo from Debbie Eagan regarding agreement with USI Consulting Group for General Accounting Standards Board (GASB) Statement 75 Actuarial Valuation Services for postretirement health benefits
10. Signed agreement with USI Consulting Group for General Accounting Standards Board (GASB) Statement 75 Actuarial Valuation Services for postretirement health benefits
11. Meeting memo regarding New Business #4: Discuss school funding
12. Triton's Outlook under the Student Opportunity Act prepared by Triton School Committee Chair Nerissa Wallen for the 12/5/19 DCC meeting

13. Meeting memo regarding Old Business #1: Update on Pine Grove School Project
14. Four pages of photos of water leak into Pine Grove School
15. Email from Larry Berger regarding PGS issues
16. Email from James Broderick regarding 191 Main Street Pine Grove School
17. Fire Department report on the 12/14/19 incident
18. Meeting memo regarding Class III Dealer's License Renewals
19. Meeting memo regarding Class II Dealer's License Renewals
20. Email from Kirk Baker regarding NBPT 264-268 Class 2 Auto Dealers License Renewal for Dec 16th BOS Mtg.pdg, including attached file
21. Memo to Board of Selectmen from Amy Lydon dated December 12, 2019 regarding Calendar Year 2020 Class II License Renewals, including Frank's report and checklists
22. Addendum to Meeting Packet Information on Class II Renewals, including photos
23. Meeting memo regarding Flea Market Renewals