

MINUTES OF THE BOARD OF SELECTMEN

February 1, 2021

Recorded from Town Hall, 139 Main Street, Rowley, MA

1:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 1:02 p.m. He read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the open session portion of the meeting in real time. Persons who wish to do so are invited to watch the open session portion of the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at www.townofrowley.net or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/719885173> or also dial in using your phone by calling +1 (571) 317-3112 and using access code 719-885-173. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the open session portion of the meeting will be made available on the Town's website as soon as possible.

GENERAL BUSINESS

1. Request from Jena Haag to be re-appointed to the Council on Aging Board

Bob Snow made a motion to re-appoint Jena Haag to the Council on Aging Board, Dave Petersen second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

NEW BUSINESS

1. Update on Glen Street Bridge repairs

Chairman Pierce read the following:

The Glen Street Bridge is now open. The MDOT Dive Team inspected the Glen Street Bridge on Friday and determined that the bridge can be opened that day. The next steps for us will be to see what further repairs are need for the structure over the long-term.

Attached are pictures taken by Selectman Snow after the work was complete.

Bob Snow said Dave Petersen visited the site quite a bit during this work. He said he was there last Wednesday and he would like to thank MassDOT, including Paul Stedman and Frank Siminski, who had a big part in getting this repair done. He said Brad Hill was instrumental in getting the funding. He said they poured 27 yards of hydro-cement, and the dive team did a tremendous job. He said the sand bags were removed before the bridge was reopened. He said now we need to get money to re-do the bridge for the future.

Petersen said the team did a wonderful job, and he stopped by the site daily to view the work. He said the same divers and company that fixed the Mill Street bridge did this repair. He said the divers are one of the few groups in the country assigned to the Department of Transportation, we are fortunate to have them here, and they worked when the temperature of the water was 32 degrees, and the air temperature was even colder. He said it was great to see the cooperation between Patrick Snow and the State, and he hopes appropriate thank-you letters are sent. Pierce said it is amazing that these two bridges were repaired so rapidly with help from the State, Senator Tarr and Representative Hill. Petersen thanked Debbie Eagan for her work on this.

Dave Petersen made a motion to send a letter of thanks to the appropriate people who worked on this project, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

2. Discuss FY 22 Triton Regional School District budget

Chairman Pierce read the following:

The Triton Regional School District School Committee released a FY 22 Budget Development document which shows a “preliminary” assessment breakout of the three member Towns. Rowley’s assessment increase is the lowest of the three at \$284,512, or 2.58%. Newbury’s assessment increase is \$569,002 or 5.75% increase, and Salisbury’s assessment increase is \$994,011 or 7.33%.

District school enrollment has decreased by 170 students, of which 70 are from Rowley. Rowley had the largest enrollment drop, which resulted in Rowley receiving the lowest increase. Triton’s overall budget is increasing by \$1,847,525 or 5.36%.

Pierce said of the 70 students that left Triton, almost all of them went to the Clarke School, who gave Rowley residents a \$10,000 tuition discount. He said Forget thinks most of the students will return to Triton in the fall, and they left because the kids were not learning in person at Triton. He said Rowley also has a new large housing development off of Wethersfield Street, so Rowley’s lower than normal increase due to lower enrollments may not last very long. He said Brian Forget and Nerissa Wallen spoke about the State discussing changing the assessment allocation formula to offset the impact of decreasing enrollments, which could lead to an increase in Rowley’s assessment.

Perry said at the District Communications Meeting, Salisbury was concerned about the increase in their assessment which is almost \$1,000,000. He said with kids from Rowley going back to Triton next year, we could flip flop with Newbury and have a large assessment increase in FY 23.

Petersen said Larry White and Bernie Cullen normally discuss issues with the school budget. He said this year Triton has lost 170 students, and the trend over the past ten years has been declining enrollments, yet each year there is a substantial increase in the Triton budget. He said the school needs to explain what is going on. He said over the last ten years, the number of students has dropped by he thinks about 1,000, yet the assessment has grown by leaps and bounds. He said there is an overall increase in Triton's budget of 5.36% when 170 students have been lost. He said we are happy with the lower increase in the assessment for Rowley this year, but we will have a big problem next year if 50 of those 70 students return to Triton, which could cause an increase in Rowley's assessment of \$700,000 to \$800,000. He said Brian Forget or the School Committee needs to advise what is accounting for the huge budget increases with the drop in student enrollment.

Perry said he agrees, he is upset by the increase in the total budget of approximately \$1,800,000. He said it should be much lower with the drop in enrollments this year and over the last 10 to 15 years. Snow said every year we send a letter to the other two towns, and one town fluffs it off, but the three towns should discuss this and have unity going forward.

Petersen said this year the towns will have less meals and other taxes due to COVID, and hopefully we will get back to where we were before COVID. He said the towns are stressed and are budgeting with reduced tax revenues, but the Triton budget doesn't seem to be concerned with this difficulty for the towns. He said the State and Federal COVID task forces are saying the crisis will be getting worse, and we need to emphasize that Triton needs to recognize the issues facing the three towns and the reduced tax revenue. Snow said there is a gas tax coming and there will be an increase in federal taxes, and this burden falls on the taxpayers. Perry said we haven't yet seen the full impact from COVID on State and local income and taxes.

Pierce continued:

The Town's preliminary revenue estimated increases for FY 22 are as follows:

- 2.5% levy = \$397,006
- New Growth = \$233,701
- TOTAL = \$630,707

Normally, we strive to earmark 50% of the Town's new revenue for schools. Half of the total = \$315,353. It is still early in the budget process, but if the Triton assessment increase stays approximately at \$284,512, we will have enough to cover FY 22 increases from Whittier and Essex Tech.

What are the thoughts of the Board?

Pierce said we have the revenue to pay Triton's FY22 assessment. Petersen said Rowley should be able to cover its' increased assessment this year, but he is concerned about this increase in the overall Triton budget this year and in past years with the decreased in student enrollments. He said he is concerned about FY23, and we need to be looking two years ahead. Pierce said this concern has been brought up to Forget who responds that the increases are due to Special Education obligations, and the hiring of special education teachers, and to attract the best teachers they need to give competitive raises. He said the new collective bargaining agreement gives 3% over three years, which is a little excessive compared to the towns, and Triton gives favorable dental and health contributions to the employees. He said there are reasons for the increases, and the wages that have been negotiated are written in stone now, so we won't see big changes there.

Perry said a couple of years ago Rowley tried to reject the Triton budget with Salisbury, and there was somewhat of a decrease, but the budget is getting out of hand. Pierce said he agrees, but this year isn't an issue and we can fight in future years if the assessment increases a lot. Snow said we need to sit with the other towns and have one voice going forward.

Bob Snow made a motion to send letters to the other Towns and Triton Regional School District, Joe Perry second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

Eagan asked if the letter should focus on the fact that the overall budget is increasing by significant amounts, more than the town can raise under proposition 2.5%, enrollments are decreasing which results in a decrease in State aid, and the towns have to make up the difference in decreased State aid. The consensus of the Board was that this is the focus of the letter.

3. Approve License Agreement with Archdiocese of Boston to use St. Mary's Church Hall for Rowley Board of Health COVID-19 Vaccination Clinic for Town residents ages 75 and older

Chairman Pierce read the following:

The Board of Health has booked St. Mary's Church Hall for a COVID-19 Vaccination Clinic for this upcoming Thursday, February 4. Just as when the Town uses this hall for elections, St. Mary's owner, the Archdiocese of Boston, requires a signed license agreement and certificates of insurance.

Debbie asked Tom Mullen to review the agreement and he has no problems with it. The Board needs to vote to approve the agreement and to authorize Board of Health Chairman Charles Costello to sign it.

Joe Perry made a motion approve the agreement with St. Mary's Church and to authorize Board of Health Chairman Charles Costello to sign it, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

Perry thanked Charlie Costello and Frank Marchegiani for getting the sign-ups working over the weekend, and said they have done and continue to do a fabulous job. Petersen read the following announcement about the vaccine clinic:

**COVID-19 VACCINATION CLINIC
FOR
ROWLEY RESIDENTS AGES 75 AND OLDER**

The Town of Rowley is holding a COVID-19 Vaccination Clinic for Rowley residents ages 75 and older at the St. Mary's Church Hall on Thursday, February 4, 2021 from 12:00 p.m. to 4:00 p.m. Pre-registration is required to receive a vaccination. The vaccination form can be found on the homepage on the Town's website, www.townofrowley.net, under COVID-19 Vaccination Clinic. Click on the announcement to access the link to the registration form.

Persons who are unable to pre-register online will be directed to in-person drive-up registration at the Town Hall Annex Parking lot, 39 Central Street, from Saturday through Tuesday from 1:00 p.m. – 4:00 p.m. Forms can be filled out in the car. Blank registration forms will be available in a water-tight box next to the rear door in the Town Hall Annex building. Residents are urged to assist neighbors and family members who might have difficulty accessing and completing the form. Proof of age and residence will be required at the Clinic.

This vaccination clinic is limited to the residents of the town of Rowley only. Only people who have been pre-registered will be vaccinated. Remember on the day of the event to wear a t-shirt and bring your photo ID and medicare card with you. If you are not on the pre-registered list, you will be turned away. Thank you for your cooperation.

Call the Rowley Board of Health for more information at 978-948-2231.

Petersen said Charlie, Frank, the Health Nurse, the Board of Health and the Health Department staff have done a fabulous job through COVID which started about a year ago. He said Charlie spear-headed getting 400 vaccines for this clinic, and he thanked him and the staff.

Charlie Costello said thank-you for the thank-yous, and said they are looking forward to having a full house on Thursday. He said there are still openings, forms are available in the Annex parking lot, and people can also call the Health and Council on Aging offices and give their information to a person who will register them over the phone to make it easier. Pierce said this is a great service, and he has hear horror stories about registrations for other vaccination clinics. Snow asked when the next tier of people can

get vaccines. Costello said they are waiting to see how it goes with this tier of the most vulnerable population, and this clinic has taken a huge amount of effort and work. He said once they see how many people attend and how beneficial the clinic is, they will be motivated to extend it to the next tier of people.

Bob Snow made a motion approve the agreement with St. Mary's Church and to authorize Board of Health Chairman Charles Costello to sign it, Joe Perry second, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

OLD BUSINESS

1. Ambulance services contract update

Chairman Pierce read the following:

The Ipswich-Rowley Ambulance Services Request for Proposals Team received three proposals from ambulance services providers as follows:

- *Action Ambulance Services, Inc.*
- *Beauport Ambulance Service, Inc.*
- *Cataldo Ambulance Service, Inc.*

The RFP Team evaluated the three proposals and unanimously agreed that Action's proposals met all the requirements and offered the lowest price of \$0 over three years. Action's proposal keeps ALS Paramedic coverage at both the Linebrook Fire Station and in downtown Ipswich.

The RFP Team agreed that each Town should have a short-term contract that runs through June 30, 2021 and then a three-year contract that runs on a fiscal year basis starting on July 1, 2021.

Debbie has contacted Action Ambulance Service, Inc. CEO Mike Woronka and informed him that his proposal was selected by the Team and requested him to send both short-term contracts and the three-year contract to Ipswich and Rowley.

Selectman Snow may wish to provide further details.

Snow said the three proposals received were reviewed by him, the Fire Chief, Police Chief, Town Administrator Deborah Eagan, and the corresponding representatives from the Town of Ipswich, and hands down, Action came through. He said Action has done a tremendous job over the years and will continue to do so. Eagan said the process went well and they enjoyed working with their counterparts from Ipswich. She said the Linebrook Station is key for quick access to Rowley, and both the Police and Fire Chiefs have been very pleased with Action. She said we look forward to continuing the contract with Action for the next three plus years. She said the Board will review and execute the contract once we receive it.

Petersen said his personal experience with Action over the last three to four years is that they have responded in a timely manner, have expertise, and work well with the Police and Fire Stations. He said he is more than happy to endorse a contract with Action.

Dave Petersen made a motion approve the contract with Action Ambulance, Bob Snow second. The vote was not completed.

Eagan said once we have the contract, the Board can vote on it.

2. Update from Town Counsel Tom Mullen on Conservation Commission property adjacent to Town Landing area.

Chairman Pierce read the following:

Debbie sent the deed and Self-Help documents pertaining to the parcel of land that Harbormaster Bill DiMento spoke of last week to Town Counsel Tom Mullen. (These documents are all attached.) Tom reviewed the documents has determined that this land is Article 97 Conservation Land. His comments are below and attached is the EOEa Article 97 Land Disposition Policy.

Debbie:

I agree that we will need to obtain legislative approval under Article 97 of the Amendments to the Massachusetts Constitution if we are to use any portion of the Conservation Commission's land for parking purposes in connection with the Town landing.

There is no doubt that Article 97 applies. It requires that "[l]ands and easements taken or acquired" for conservation purposes "not be used for other purposes or otherwise disposed of" without a 2/3 roll call vote of both houses of the State Legislature. Here, the land in question was acquired by a deed to "the Town of Rowley ... through its Conservation Commission for administration, control and maintenance under the provisions of" G.L. c. 40, s. 8C. This language and the said statutory reference alone would probably suffice to put the land under the protection of Article 97. Beyond that, though, the deed references a recorded "Project Agreement" with the Executive Office of Environmental Affairs ("EOEA") that limits the use of the property to "passive recreation," refers to Article 97, and provides that "the PROJECT will not be used for purposes other than those stipulated herein or otherwise disposed of unless the [Town] receives the appropriate authorization from the General Court, the approval of the Secretary of Environmental Affairs, and any authorization required by the provisions of Mass. G.L. c. 41, s. 15A." (In context it appears that the last statutory reference was a mistake. What was intended was G.L. c. 40, s. 15A, concerning the transfer of control of real estate by municipalities.) Taken together, this more than suffices to establish that the land in question is protected by Article 97.

EOEA has established a rigorous process for approving land dispositions under Article 97, which would include any change in use of such land. A copy is attached. As you can see, the

policy requires a unanimous vote of the Conservation Commission declaring the land surplus, a 2/3 vote of Town Meeting, a 2/3 vote of both houses of the State Legislature, and the filing of an Environmental Notification Form under MEPA. The conditions required by EOEa include that land of equal or greater value or use be substituted for the land being disposed of. And any conditions of the Self-Help Program, which helped fund the original acquisition, would have to be complied with. (From the Project Agreement, I do not believe there are any such conditions beyond those set forth above.)

I have very recently had zoom meetings with representatives of EOEa, including those assigned to the MEPA unit and those who handle Article 97 dispositions, and have found them to be quite reasonable. The 2/3 vote required in the Legislature, though a tall order, does often happen where EOEa approves and the community's legislative delegation pushes for it. I would be happy to assist with this matter if the Selectmen wish. Thanks.

Tom

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Thomas A. Mullen, Esq.

Thomas A. Mullen, P.C.

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What does the Board wish to do? There is no option to go forward with funding for work on this property. The Conservation Commission owns the property and would need to initiate any action on this.

Pierce said this won't be an easy matter. Petersen said there is a problem with parking at the landing and he would like a Selectmen to meet with Bill DiMento to come up with an action plan on how to move forward, and come back to the Board to discuss. Pierce said Brent should be included. Snow volunteered to work on this.

Dave Petersen made a motion to designate Bob Snow as the Selectmen to meet with DiMento and Baeslack to come up with a plan on how to move forward with this, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

3. Ratify Metropolitan Area Planning Council Agreement for Disbursement and Use of Emergency COVID-19 Funding

Chairman Pierce read the following:

The Board of Health received funds in the amount of \$3,166.35 from the State Department of Public Health to be used to assist in combatting the spread of COVID-19. These emergency funds required an immediate sign-off from the Town.

Debbie signed the forms for the Town last Thursday. She is asking for the Board of Selectmen to ratify her sign-off on the forms on behalf of the Town. We followed a similar process last spring, when the Board of Health got State COVID Emergency Funds with paperwork that needed to be processed quickly.

Please vote by roll call.

Dave Petersen made a motion to ratify Eagan signing off on these forms on behalf of the Town, Bob Snow second, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

ANNOUNCEMENTS

The Rowley Board of Health is holding a COVID-19 Vaccination Clinic for Rowley residents ages 75 years and older on Thursday, February 4, 2021 at St. Mary's Church Hall. For more information, contact the Rowley Health Department at 948-2231.

ADJOURN

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Joe Perry second, all in favor – aye- roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSENT

Meeting adjourned at 1:45 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Request from Jena Haag to be re-appointed to the Council on Aging Board
2. Meeting memo regarding New Business #1: Update on Glen Street Bridge repairs
3. 8 photos of Glen Street Bridge repairs
4. Meeting memo regarding New Business #2: Discuss FY 22 Triton Regional School District budget
5. Triton Regional School District FY22 Budget Development January 27, 2021 Budget Workshop Preliminary Assessment Calculations
6. Triton District Communications Committee Meeting Agenda for January 28, 2021
7. Triton District Communications Committee Meeting Notes November 5, 2020
8. Triton Regional School District Fiscal Year 2022 Budget Request Book

9. Meeting memo regarding New Business #3: Approve License Agreement with Archdiocese of Boston to use St. Mary's Church Hall for Rowley Board of Health COVID-19 Vaccination Clinic for Town residents ages 75 and older
10. License Agreement with Archdiocese of Boston to use St. Mary's Church Hall
11. Meeting memo regarding Old Business #1: Ambulance services contract update
12. Award letter to Action Ambulance Service, Inc.
13. RFP Submitted by Action Ambulance Service, Inc. for Ambulance Services
14. Meeting memo regarding Old Business #2: Update from Town Counsel Tom Mullen on Conservation Commission property adjacent to Town Landing area.
15. Commonwealth of Massachusetts Executive Office of Environmental Affairs EOEPA Article 97 Land Disposition Policy
16. Email from Tom Mullen regarding Parking Area for Town Landing
17. Deed for land adjacent to Town Landing
18. Letter from Harbormaster Bill DiMento regarding projects at the town landing dated January 25, 2021
19. Meeting memo regarding Old Business #3: Ratify Metropolitan Area Planning Council Agreement for Disbursement and Use of Emergency COVID-19 Funding
20. Metropolitan Area Planning Council Agreement for Disbursement and Use of Emergency COVID-19 Funding