

## **MINUTES OF THE BOARD OF SELECTMEN MEETING**

February 4, 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; David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** Jena Haag – 179 Hillside Street; Larry White – FINCOM; David Zizza – FINCOM; Mark Cousins; Bryan DiPersia; Sieglinde Aigner-Crooks; Bernie Cullen – 283 Wethersfield Street; Phil Towne – 22 Bennett Hill Road; Terri Davidson Cabitt – 55 Glen Street; Jill Chouvelon – 6 Homestead Lane

### **CALL MEETING TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**7:00 p.m. JOINT MEETING BOARD OF LIGHT COMMISSIONERS** for the purpose of meeting with Mark Cousins and Bryan DiPersia to discuss the vacant seat on the Board of Light Commissioners

Bob Snow left the Selectmen's table and sat in the seats designated for the Board of Light Commissioners at 7:01 p.m.

Chairman Pierce read the following:

*Two residents, Mark Cousins and Bryan DiPersia, have expressed an interest in being appointed to a vacant seat on the Board of Light Commissioners. Mr. Cousins' and Mr. DiPersia's letters and resumes are attached.*

*A copy of the Vacancy Notice is attached.*

*Because this is an opening on an elected Board, the statute requires both the Board of Selectmen and Board of Light Commissioners to meet jointly to make this appointment. This appointment runs until the Annual Town Election, which will be held on May 14, 2019.*

Chairman Cliff Pierce called for a motion and a second from the Board of Selectmen to open the Joint Meeting with the Board of Light Commissioners by a roll call vote. Dave

Petersen so moved, Joe Perry second, all in favor – roll call vote: Dave Petersen – aye; Joe Perry – aye; Cliff Pierce – aye. Bob Snow did not vote as part of the Board of Selectmen.

Chairman Kevin Snow called for a motion and a second from a member of the Board of Light Commissioners to open the Joint Meeting with the Board of Selectmen by a roll call vote. Bob Snow so moved, Kevin Snow second, all in favor – roll call vote: Bob Snow – aye; Kevin Snow – aye; Cliff Pierce – aye.

Joint meeting opened at 7:02 p.m.

Pierce said we have two great qualified applications for one position. He asked Mark Cousins to discuss his interest in serving on the Board and his qualifications.

Cousins said he has lived in Town his entire life, and he thinks the Light Department is well run. He said the department is reliable and charges reasonable rates and would like to be involved in the future of the department. He said he has worked in public power for the last fifteen years, and in utilities since the 1990s. He said he performed financial audits for firms such as Boston Edison, then worked at a regional accounting firm, then worked for the Ipswich Light Department for eight years, and has been working at the Wakefield Light Department for the past four years. He said he has twenty plus years of experience in the utilities industry. He said he has been involved in the building of substations, wind turbines and with battery storage. He said there are many things happening in the industry, such as solar installations, and he enjoys working in the industry.

Pierce said if appointed, Cousins will need to learn about and comply with the State Open Meeting Law, Public Records and Ethics laws. Cousin said he has most of this under his belt already. He said he participates in meetings in Wakefield. Kevin Snow asked Cousins if he is familiar with Chapter 164. Cousins said he thinks a collaborative approach between the Light Department and the Town works best.

Bob Snow asked Cousins to elaborate on his experience with battery storage. Cousins said the system he worked with was the size of a tractor trailer and had a 3 megawatt capacity and a 5 megawatt discharge. He said it was worth \$120,000 per megawatt and cost \$3,400,000, of which one third was paid for by a State grant. He said they looked at the payback period and did financial modeling.

Pierce asked Bryan DiPersia to discuss his interest in serving on the Board and his qualifications.

DiPersia said he has lived in Town for six years and is really interested in getting more involved. He said he has been to all of the Light Board meetings for the past year and

ran for the Light Board last year. He said he has worked in the private side of power generation for the past fifteen years. He said he has a high interest in providing great, cost effective power for the Town of Rowley. He said the Light Department is a very good department that improves lives in Town and serving on the Light Board is a good way for him to help maintain this for the Town. He said he enjoys participating in industry events. He said he would like to reduce Town emissions while keeping costs low, and reliability high using solar power as an input. He said municipalities don't have to abide by many State regulations, but it is important to take part in green initiatives. He said he would like to bring his experience to the Light Board and advance the department into the future. Pierce asked DiPersia if he is willing to learn about State Open Meeting Law, Public Records and Ethics laws. DiPersia said yes.

Pierce asked the Board of Light Commissioners if they have a recommendation on who to appoint. Kevin Snow said these are two fantastic applicants with experience. He said he is leaning towards Cousins given his municipal experience, knowledge of Chapter 164 and experience working with a Board of Light Commissioners. He said this does not disparage DiPersia, who has a great wealth of knowledge. Bob Snow said these are two good candidates. He said DiPersia has attended all Light Board meetings for the past year, and Cousins has great credentials. He said he is leaning towards Cousins because of his background. He said he has had great dialogues with DiPersia, this is a tough call, but he is leaning towards Cousins. Pierce said they are both excellent candidates, but Cousin's background is a little more relevant, but DiPersia is qualified.

Bernie Cullen said diversity on the Commission is important and valuable. Petersen said given that Kevin Snow is a light manager and Cousins works in Wakefield, he wonders if there will be too many chiefs with the new Rowley Light Manager coming on board. He said DiPersia ran for the seat a year ago, and even though he wasn't elected he has stuck with it and has gone to the meetings. Terri Davidson said she supports DiPersia who is committed to the community. She said she agrees with Cullen that it is important to have other perspectives and DiPersia has professional expertise. Phil Towne said he supports DiPersia as well, who always goes to the Light Board meetings and wants to implement green initiatives in Rowley. He said DiPersia's dedication and time is worth consideration. Petersen said the Board of Selectmen takes the recommendation of the Light Board. Eagan said the Board may wish to ask the candidates if there are willing to run for the seat in the May election, since this appointment is only until then. Both candidates said they would be willing to run for the seat.

Kevin Snow made a motion to recommend Cousins to be appointed to the Light Board. This vote was not completed. Bob Snow said he is leaning toward DiPersia since they

have had spirited discussions. Pierce said the Board of Light Commissioners is stalemated.

Joe Perry made a motion appoint Bryan DiPersia to the Board of Light Commissioners, Dave Petersen second, all in favor – roll call vote: Dave Petersen – aye; Joe Perry – aye; Cliff Pierce – aye. Bob Snow did not vote as part of the Board of Selectmen.

Pierce thanked Cousins for his interest and said he hopes he takes out papers to run for the Board of Light Commissioners. The Selectmen congratulated DiPersia on his appointment.

Joe Perry made a motion to close the Joint Meeting with the Board of Light Commissioners, Dave Petersen so moved, Joe Perry second, all in favor – roll call vote: Dave Petersen – aye; Joe Perry – aye; Cliff Pierce – aye. Bob Snow did not vote as part of the Board of Selectmen.

Kevin Snow made a motion to close the Joint Meeting with the Board of Selectmen, Bob Snow second, all in favor – roll call vote: Bob Snow – aye; Kevin Snow – aye; Cliff Pierce – aye.

Joint meeting closed at 7:27 p.m. Bob Snow returned to the Selectmen's table.

#### **7:15 to 7:20 p.m. PUBLIC COMMENT**

Jill Chouvelon of 6 Homestead Lane said Rowley's Master Plan was completed in June of 2003, and was a five year plan. She said we desperately need to plan for the long term and the Town doesn't have an economic planner. She said there are five proposed retail / medical marijuana establishments in Rowley, and a new Master Plan with a focus on Economic Development is needed.

Terri Davidson of Glen Street said Rowley has ten or eleven positions up for election in May. She said she is the Chair of the Town's Democratic Town Committee and she receives questions from people about these positions, such as is there a stipend, or how many times do they meet. She said people desire to participate in Town government, but they aren't sure how to go about it. She said the Selectmen should do more outreach to the community to get new people, similar to a job fair. She suggested doing more publicity, so that we have a robust election so we can get new blood and energy. She said she would be happy to volunteer and help with the marketing.

Phil Towne of 22 Bennett Hill Road said there could be a meeting at the Library where the Selectmen can talk about the nuts and bolts. He said outreach has to happen, there is a conception that there are the same people on the Boards, and other people aren't wanted. He said the appointment of DiPersia as new blood sends the right signal.

Pierce said they don't want to keep people out, and they want new blood, and they will think about how to encourage this. Snow said this is a learning process, and there is a lot to learn before serving on the Board of Selectmen. Petersen said people need to go to Board meetings to get familiar with the process. Perry said everyone is welcome to attend and the meetings are video-taped. Petersen said there have been candidate debates held at the Library and only five people show up, so there isn't a lot of interest in that. Pierce said the only qualification needed to serve on a Board is the desire to improve the community.

### **GENERAL BUSINESS**

1. Request from Fire Chief James Broderick to lift the hiring freeze for two firefighter positions

Chairman Pierce read the following:

*The Board of Selectmen needs to vote to lift the hiring freeze for the two firefighter positions.*

Joe Perry made a motion lift the hiring freeze for the two firefighter positions, Bob Snow second, all in favor - aye (4-0).

Petersen said the money for these positions was appropriated at the last Town Meeting and voted on by the people.

### **NEW BUSINESS**

1. Discuss Annual Town Meeting and Spring Special Town Meeting schedule

Chairman Pierce read the following:

*Proposed Schedule*

***Monday, February 5, 2019 - Board of Selectmen opens ATM Warrant***

***Monday, March 4, 2019 - ATM Warrant closes at 4:00 p.m. STM Warrant opens.***

***Thursday, March 28, 2019 – STM Warrant closes at 4:00 p.m.***

***Monday, April 8, 2019 - Board of Selectmen must vote to finalize wording of ballot question(s) for the May 14, 2019 Annual Election.***

***Monday, April 15, 2019 – Warrant is finalized***

**Wednesday, April 17, 2019** – Warrant is signed and given to the Town Clerk for posting by the Constable. Warrant is sent to the printer.

**Monday, May 6, 2019** – ATM and STM

**Tuesday, May 14, 2019** – Annual Town Election

Debbie is asking the Board to vote tonight to:

- 1) open the ATM warrant today and closing it on March 4 at 4:00 p.m.
- 2) open the STM warrant on March 4, 2019 and to close it on March 28, 2019 at 4:00 p.m.

Dave Petersen made a motion open the ATM warrant today and close it on March 4 at 4:00 p.m., Bob Snow second, all in favor - aye (4-0).

Bob Snow made a motion open the STM warrant on March 4, 2019 and to close it on March 28, 2019 at 4:00 p.m., Dave Petersen second, all in favor - aye (4-0).

2. Set Board of Selectmen meeting schedule for February, March, April, and May

Chairman Pierce read the following:

*The proposed meeting schedule for the next four months is as follows:*

*February 4, 2019*

*February 11, 2019*

*February 18, 2019 – No Meeting President's Day*

*February 25, 2019*

*March 4, 2019*

*March 11, 2019*

*March 18, 2019*

*March 25, 2019*

*April 1, 2019*

*April 8, 2019*

*April 15, 2019 – No Meeting Patriot's Day*

*April 22, 2019*

*April 29, 2019*

*May 6, 2019 – Town Meeting*

May 13, 2019

May 20, 2019

May 27, 2019 – No Meeting Memorial Day

Pierce said he will not be here on April 1<sup>st</sup>. Perry said April 15<sup>th</sup> is on the Town Meeting schedule just discussed, but there is no Selectmen's meeting that date. Eagan said she will find an alternate date for April 15<sup>th</sup>.

Joe Perry made a motion to approve the meeting schedule as presented, Dave Petersen second, all in favor - aye (4-0).

3. Request from Rowley Youth Baseball to use the Town Common for T-Ball

Chairman Pierce read the following:

*Please see the attached request. Parks & Recreation Committee Vice Chairman Tim Southall confirmed that T-Ball will need to be held on the Town Common again this year until the new fields are complete.*

Dave Petersen made a motion to approve the request from Rowley Youth Baseball to use the Town Common for T-ball on Monday through Friday from 6:00 p.m. until 7:00 p.m. starting on April 29, 2019 through June 19, 2019, Joe Perry second, all in favor - aye (4-0).

**OLD BUSINESS**

1. FY 20 Triton Budget Update

Chairman Pierce said last week the District Communications Meeting was held in the Newbury municipal offices, and there was no real news. He said the school officials reiterated their projected operating costs and that the assessments would remain as projected. He said Salisbury voiced that they couldn't afford their increase of \$982,000, but they didn't come back with a specific number. Petersen said when Triton first set up the Triton Agreement, the enrollments used for calculating the assessments was a five year rolling average to keep the numbers from jumping up and down drastically. He said school choice caused confusion when looking at the numbers. He said he hopes they look at using the five year rolling average again, but all three Towns would need to agree to this and Newbury doesn't want to get involved since their assessment has been low using the current method. He said there are a lot of houses being built in Rowley, and Rowley will get hit with a large increase due to increased enrollments in the next year or so. Pierce said the Triton School Committee has been tasked with this. Perry said they have been working on it, but all three Towns need to agree and Newbury doesn't want to change to this method. He said even if Triton cuts their

budget extremely by \$1,000,000, Salisbury's assessment will only decrease by \$300,000. Snow said the recent Town projects have been funded through debt exclusion overrides which will be paid off after 20 to 30 years. He said the school assessment doesn't go away.

## 2. Pine Grove School Project Update

Chairman Pierce read the following:

*The Board discussed the Pinck & Company's letter regarding a fee increase for the project. The letter and the contract were sent to Town Counsel Tom Mullen for review.*

Pierce said Mullen responded with a strongly worded memo that Pinck's request is not consistent with the terms of their contract. He said we should refer Mullen's letter to Pinck for their response. Perry said he would like to hear Pinck's response to this.

Joe Perry made a motion to send Tom Mullen's letter to Pinck & Co., Dave Petersen second, all in favor - aye (4-0).

Perry said Phase 3 for the upper south side will be complete on Friday and it looks great. He said Friday afternoon, the lower south side will be vacated.

## 3. Fire Station and Police Station Addition Project Update

Chairman Pierce read the following:

*Things continue to go smoothly on this project. Work is continuing in the dispatch center and fire station. The project is expected to be substantially complete by the last week in February. The landscaping will need to wait until the spring.*

## 4. Extend Highway Materials and Services contracts for: BitCon; Brox Industries; P.J. Albert; All States Asphalt; and Sealcoating

Chairman Pierce read the following:

*Highway Surveyor Patrick Snow is requesting that contracts be extended for 8 of the 10 contracts for the Roadway Materials and Services project. Two of the contracts are not being extended because the services that fall under them are not needed this year (granite curb resetting and cement wheelchair ramps).*

*Each contract includes the provision that the Town can extend it for two additional one year terms if found to be in the best interest of the Town. The contracts have already been extended once.*

*The Board of Selectmen will need to vote to extend the following Highway Department Road Materials and Services contracts through December 31, 2019:*

- *Item 1 Type I Bituminous Concrete (In-Place) – BitCon Corporation*
- *Item 1A Type I Bituminous Concrete Berm Curb – BitCon Corporation*
- *Item 2 Type I Bituminous Concrete At Plant – Brox Industries, Inc.*
- *Item 3 Bituminous Concrete Disposal – Brox Industries, Inc.*
- *Item 4 Bituminous Excavation by Cold Planer – P.J. Albert, Inc.*
- *Item 5 Roadway Reclamation – All States Asphalt, Inc.*
- *Item 6 Fiber Reinforced Crack Seal – Crack Sealing, Inc.*
- *Item 7 Adjustment, Rebuild and Remodeling of Structures – BitCon Corporation*

Dave Petersen made a motion to extend the contracts as presented, Bob Snow second, all in favor - aye (4-0).

5. Discuss re-bidding the Town Hall Annex ramp replacement project

Chairman Pierce read the following:

*Attached is a proposal from the architectural firm, CBI, for the re-bidding of the Town Hall Annex handicap ramp with wood rails, rather than fabricated metal rails.*

*In November, the low bidder on this project, A.J. Wood, withdrew their bid because they said that they hadn't factored in the price for the fabricated metal guardrails. Because the next low bidder was over budget at \$103,000, we asked the architect to change the guardrails and handrails specifications from metal to pressure treated wood, which will significantly reduce the project cost. CBI is requesting additional funds to cover the cost of re-bidding the project.*

*The Board of Selectmen needs to vote to authorize Debbie Eagan to proceed with the CBI proposal and to re-bid the project should they wish to continue with the project.*

Pierce said the cost for the re-bid is \$6,000. Petersen said this is an ongoing saga with overbidding. He said originally the handicap access of the whole building was put out to bid to be upgraded, but the prices came in way over the project budget. He said the ramp doesn't meet code, and we need CBI to re-work and handle the bidding. He said this needs to be done as soon as possible.

Dave Petersen made a motion to authorize Debbie Eagan to proceed with the CBI proposal and re-bid the project, Bob Snow second, all in favor - aye (4-0).

## **MINUTES**

- January 28, 2019

Dave Petersen made a motion to approve the minutes of January 28, 2019, Joe Perry second, all in favor - aye (3-0). Bob Snow – ABSTAINED.

## **ANNOUNCEMENTS**

- The Town has the following vacancies:
  - a. Agricultural Commission Associate;
  - b. Cultural Council;
  - c. Fence Viewer – three positions;
  - d. Wood, Lumber & Bark Inspector;
  - e. Zoning Board of Appeals Associate – two seats; and
  - f. Deputy Shellfish Constables – two positions.For more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

## **EXECUTIVE SESSION**

- To discuss strategy with respect to collective bargaining with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)

Chairman Pierce called for a motion to go into Executive Session to discuss the following:

*To discuss strategy with respect to collective bargaining with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the bargaining position of the Town and to not return to open session.*

Joe Perry so moved, Dave Petersen second, all in favor – roll call vote: Joe Perry – aye, Bob Snow – aye, Cliff Pierce – aye, Dave Petersen – aye.

Executive Session opened, and Open Session closed at 8:03 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Meeting memo regarding 7:00 p.m. Joint Meeting with Board of Light Commissioners for the purpose of meeting with Mark Cousins and Bryan DiPersia to discuss the vacant seat on the Board of Light Commissioners
2. Vacancy Notice for Board of Light Commissioners
3. Cover letter and resume for Mark Cousins
4. Cover letter and resume for Bryan DiPersia
5. Board of Selectmen Public Comment Policy
6. Meeting memo regarding General Business #1: Request from Fire Chief James Broderick to lift the hiring freeze for two firefighter positions
7. Meeting memo regarding New Business #1: Discuss Annual Town Meeting and Spring Special Town Meeting schedule
8. Meeting memo regarding New Business #2: Set Board of Selectmen meeting schedule for February, March, April, and May
9. Meeting memo regarding New Business #3: Request from Rowley Youth Baseball to use the Town Common for T-Ball
10. Request from Rowley Youth Baseball to use the Town Common for T-Ball
11. Meeting memo regarding Old Business #1: FY 20 Triton Budget Update
12. Triton Regional School District 2019/2020 base budget for discussion purposes only 1/26/19
13. Meeting memo regarding Old Business #2: Pine Grove School Project Update
14. Letter from Pinck & Co. dated January 23, 2019
15. Email from Tom Mullen regarding Pinck Contract dated January 31, 2019
16. Meeting memo regarding Old Business #3: Fire Station and Police Station Addition Project Update
17. Meeting memo regarding Old Business #4: Extend Highway Materials and Services contracts for: BitCon; Brox Industries; P.J. Albert; All States Asphalt; and Sealcoating
18. Meeting memo regarding Old Business #5: Discuss re-bidding the Town Hall Annex ramp replacement project
19. Memo from Debbie Eagan regarding CBI proposal, including attached proposal
20. Draft minutes of January 28, 2019
21. Written Executive Session Motion