

## MINUTES OF THE BOARD OF SELECTMEN

January 23, 2023

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

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

### **CALL MEETING TO ORDER**

Chairman Snow called the meeting to order at 6:00 p.m. He said the meeting is being audio and video recorded by Rowley Community Media.

### **PLEDGE OF ALLEGIANCE**

Cliff Pierce led the Pledge of Allegiance.

### **6:00 p.m. TO 6:05 p.m. PUBLIC COMMENT**

There were no public comments.

**6:05 p.m. APPOINTMENT** - Town Planner Kirk Baker to provide an update on the MBTA Communities Action Plan for multi-family housing zoning

Chairman Snow read the following:

*Town Planner Kirk Baker has been working on the Town's MBTA Communities Initiative Action Plan. The completion of the Action Plan is one of the requirements under the MBTA Communities Multi-Family Zoning By-Right state law. Kirk has been working with the Zoning Review Committee, along with assistance from the Merrimack Valley Planning Commission, in identifying multi-family overlay districts in the Town that will comply with the new law.*

*Kirk will review his draft responses with the Board and get your feedback. The Action Plan needs to be completed this week and signed by Chairman Bob Snow.*

*At the end of the discussion with Kirk, the Board needs to vote to authorize Chairman Snow to sign the Action Plan so that it can be filed with the Department of Housing and Community Development no later than January 31, 2023. Kirk will make arrangements with Chairman Snow to have the document signed.*

Town Planner Kirk Baker said there have been Zoning Review Committee (ZRC) meetings to discuss this initiative, and the decision was to create overlay areas where multi-family housing can be created, which would need Town Meeting approval. He said the first step in this process is to get interim compliance with the State by filing this Action Plan by January 31, 2023. He said he has drafted the answers and will submit them once the Board of Selectmen reviews the answers. He reviewed the draft responses. He said Rowley is a MBTA community and not a rapid transit, so the final

plan is due 12/31/2024, but rapid transit communities have an earlier due date for the final plan. He said the State came up with 601 units for Rowley, so we need to create overlay districts to potentially allow for this number of units. He said the core team is him and the ZRC. Baker continued to review the draft responses in the following sections. He said they are looking at two overlay areas as follows:

1. 69.07 acres by the train station which concentrates on the Didax property and minimizes impact on the existing residential areas
2. 63.29 acres on the west end of Route 133 abutting Georgetown – they tried not to impact the existing residences

Baker said the draft responses have been sent to the Merrimack Valley Planning Commission (MVPC), and they said they are sufficient, but suggested that we draw more information from the Housing Production Plan and the Master Plan. He said we will need to do a lot of public outreach, and if the Town doesn't achieve final compliance with the State, the Town will lose State grant opportunities. He said people may have concerns with the high density of 15 units per acre, but these concerns need to be offset with other practical matters. He said once we get interim compliance with the Action Plan, they can work with MVPC to run a compliance model, confirm the areas are sufficient and do public outreach. He said it is too soon to present this at the spring 2023 Town Meeting, but it may be ready for a fall 2023 Town Meeting, but it will be ready for the spring 2024 Town Meeting.

Snow said the public outreach is important and the more input received from the Town, the better. He said we need to explain the impact of not complying with this to the Town, and work with MVPC on this. Pierce said the size of the two districts could change as they go through the analysis using the compliance model to see if the areas can support the 661 units, so the districts are not written in stone. Baker agreed and said the districts could become smaller as well. Snow suggested inviting the MVPC individuals working with Kirk on this project to speak during the public presentations. He said the Town needs to understand that this requirement is coming from the State. Pierce suggested changing the draft response regarding the timing of creating the districts to no later than the spring Town Meeting in 2024 to keep our options open. Baker agreed. Snow said the Planning Board is a great Board and he encouraged members of the public to serve if they are able to. Kneeland said we need to be as transparent as possible about this.

Bernie Cullen of 283 Wethersfield Street asked where the 661 units number came from. Baker said the calculation is from the State, and it is a lot of units. He said the Town's requirement is not to build the units, but to create an area where they could be built by right. Baker said the Town has to follow the process for interim compliance, and then we have one year to look at this and ask questions. Pierce said he thinks communities with large percentages of developable land will be penalized. Snow said rapid transit is a factor too.

Chris Harlow of 22 Dodge Road said the Board should listen closely to the individuals who live within a half mile of these areas, and engage in public outreach. He said he

begs Baker to go to the State and take a close look at the number of units. He said the Town should use the website to keep people up to date on this.

Baker said public outreach will be done to the people who live in those areas. Eagan said when the legislation passed, it was controversial. She said Rowley is 100% septic and Title V will be a determining factor on the developments, and asked if this was part of the equation. Baker said the State seems to have acknowledged this, and these numbers are aspirational. Snow said he wonders how much land will perc. Pierce said he doesn't know how 14 septic systems on one acre will work, and Title V is a limitation on this.

Cliff Pierce made a motion to authorize Chairman Snow to sign the Action Plan so that it can be filed with the Department of Housing and Community Development no later than January 31, 2023, Christine Kneeland second, all in favor - aye (4-0). Joe Perry - ABSENT

**6:15 p.m. APPOINTMENT** - Fire Chief Mark Emery to discuss plans to make modifications to the Self-Contained Breathing Apparatus unit on Engine 2 and to file a Reserve Fund transfer request for this project

Chairman Snow read the following:

*Fire Chief Mark Emery is requesting the Board's support to seek funds to modify the Self-Contained Breathing Apparatus unit on Engine 2. He would like to file a Reserve Fund Transfer Request with the Finance Committee for \$12,163.24 for the cost of this project.*

*He has provided the Board with photos showing the SCBA unit in Engine 2. He will walk you through the photos.*

*If the Board is in support of this request, please vote to support it. He will then file the Reserve Fund request with the Finance Committee.*

Fire Chief Emery said the company that designed the truck thought it would be a good idea to install the SCBA on a slide outside of the fire truck to keep the smoke air packs out of the truck, because they potentially cause cancer. He said they have been using the new truck now that the bouncing issues are resolved, and the slide containing the packs when opened protrudes into the road and car traffic, and takes up the whole road when it is on a narrow road. He said on a recent call, a firefighter almost slipped downhill while trying to access this equipment. He reviewed the pictures in the meeting packet to give the Board an idea of the equipment and issues. Snow asked if other Fire Departments are having the same issue. Emery said they are the only department in Massachusetts that opted for the system. He said Miami-Dade had this system and told him that they only kept it for one week. Snow said the fire truck has two seats in the front, three seats in the back, and everyone uses headsets to hear over the diesel engine. He said this equipment was previously built into the seats, and now the slide, if

accessed on a highway, will block off two lanes. He said this is dangerous. Emery said because of this issue, this truck is no longer being used as the first truck to respond to a call. He said the proposal he received has increased by \$875 since August, but it is to have two seats replaced, and two seats fold so the cabin needs to be modified, and the cost is \$12,163.24. Kneeland said safety comes first. Emery told the Board that he can show the Board the truck in person. He said this was a good idea in theory, but they don't bring dirty packs into the fire truck – they store the dirty packs in a pickup truck and bring them to a decontamination room. Ziev said this should have been more thoroughly researched. Emery said he wasn't involved in this.

Christine Kneeland made a motion to support this reserve fund transfer, Cliff Pierce second, all in favor - aye (4-0). Joe Perry - ABSENT

### **GENERAL BUSINESS**

1. Request from Fire Chief Mark Emery to appoint Ryan Smith as a Call Firefighter

Deana Ziev made a motion to appoint Ryan Smith as a Call Firefighter, Christine Kneeland second, all in favor - aye (4-0). Joe Perry - ABSENT

2. Letter of resignation from Call Firefighter Zachary Stack

Deana Ziev made a motion to accept this resignation with regrets, Christine Kneeland second, all in favor - aye (4-0). Joe Perry - ABSENT

3. Letter of resignation from Alternate Animal Control Officer/Animal Inspector Carol Larocque

Deana Ziev made a motion to accept this resignation, Cliff Pierce second, all in favor - aye (4-0). Joe Perry - ABSENT

### **NEW BUSINESS**

1. Ratify lease with Merrimack Valley Transit for Council on Aging van

Chairman Snow read the following:

*Merrimack Valley Transit has provided the COA with a van for no cost. The COA's new van is on back-order and the existing COA van has had some mechanical issues.*

*Chairman Bob Snow, who serves as the Town's representative to the Merrimack Valley Transit Board, supports the transfer of the van to the COA. The transfer was completed earlier this month.*

*Debbie is asking the Board to vote to ratify the Merrimack Valley Transit Vehicle Transfer Agreement for the new van.*

Christine Kneeland made a motion to ratify the Merrimack Valley Transit Vehicle Transfer Agreement for the new van, Deana Ziev second, all in favor - aye (4-0). Joe Perry - ABSENT

2. Approve Memorandum of Agreement with the State for the One Stop Grant for Bradstreet Affordable Housing Project

Chairman Snow read the following:

*The State has sent us the MOA for the Real Estate Technical Assistance Grant for the Bradstreet Road Affordable Housing Project as part of the Community One Stop for Growth grant program.*

*The State is providing the Town with a \$30,000 grant to pay for the costs of having Innes Associates Ltd. assist in the preparation of an RFP for the disposition of the affordable housing parcel on the Town's Bradstreet property to a developer who can create affordable housing on the property. Our next step is to apply for the State MassWorks grant for funding to pay for the all or part of the cost to construct the roadway. We will be in a better position to get that grant with a professional-level RFP in place.*

*Town Counsel Tom Mullen has reviewed the MOA and says it looks fine for the Board to approve.*

*Debbie is asking the Board to vote to approve the MOA and to authorize Chairman Snow to sign it.*

Christine Kneeland made a motion to approve this MOA and to authorize Chairman Snow to sign it, Deana Ziev second, all in favor - aye (4-0). Joe Perry - ABSENT

3. Review letter from KP Law regarding Special Counsel for Whittier Vocational Technical School

Chairman Snow read the following:

*The Board has received a letter from KP Law in connection with their representation as "special counsel" for the Whittier Vocational Technical School District for a school building project. We have received this letter because KP Law provides special labor counsel services to the Town.*

*KP Law is asking the Board to sign off on a legal "Determination." Town Counsel Tom Mullen reviewed the letter and he sees no conflict resulting from the dual representation.*

*If the Board is in agreement, the Board needs to vote to sign the Determination page of the letter. It will be signed after the meeting.*

Deana Ziev made a motion to sign the Determination page of the letter, Cliff Pierce second, all in favor - aye (4-0). Joe Perry - ABSENT

4. Discuss Fiscal Year 2024 Budget Guidelines and Fiscal Year 2024 non-union compensation schedule

Chairman Snow read the following:

*We are in the early stages of the FY 24 Budget development. The Town's preliminary property tax revenue estimated increases for FY 24 are as follows:*

- 2.5% levy = \$436,907
- New Growth = \$263,159
- **TOTAL = \$700,066**

*Revenue from hotel, cannabis, and meals taxes is steady thus far this fiscal year:*

Revenue	First Quarter	Second Quarter	Total as of Nov. 2022
Hotel	28,656.41	25,918.31	54,574.72
Cannabis	54,774.27	54,256.49	109,030.76
Meals	50,141.84	48,604.16	123,597.92
Total	133,572.52	128,778.96	262,351.48

*The Governor's House One Budget will not be filed for a few more weeks because the new Governor needs time to prepare it. State aid amounts for both Unrestricted General Government Aid and Chapter 70 Aid for schools are not known at this point. There are still many fixed cost unknowns at this point, such as employee health insurance and regional school assessments (Triton, Whittier, and Essex Tech).*

*Debbie met with the Fiscal Team and she would like to start the FY 24 Budget process now, knowing that there may need to be adjustments made should the actual fixed costs be higher than anticipated.*

**FY 24 Proposed Guidelines**

1. Expenses

*We are recommending that department expenses be level funded and that any requested increases be clearly outlined in the "Issues and Options Form." We anticipate some department expense budgets to increase due to high inflation. We have seen the cost of gasoline and fuel skyrocket over the past year. Requests for additional expenses will be prioritized based on the Department's needs.*

2. Wages Non-union

*The Personnel Advisory Committee (PAC) has tentatively approved and recommends a 2% cost of living increase for non-union employees. The recommendation is “tentative” because it is still early in the budget development process. The PAC is also recommending an increase to the Non-Union Longevity Schedule so that it matches the current FY 23 AFSCME schedule. The PAC is requesting the Board of Selectmen approve the FY 24 Non-union Compensation Schedule and the FY 24 Non-union Longevity Schedule. (See attached.) If reductions are required as the budget process evolves, then the non-union cost of living increase/longevity increase will be re-visited.*

### Union

*For union wages, we have MOAs in place for the Police Union and the Fire Union that will be funded at the May 1, 2023 Annual Town Meeting for both FY 23 and FY 24. The Town is currently working with AFSCME on a successor agreement for FY 23 and FY 24.*

*If the Board is in agreement to move forward with the proposed budget guidelines, the following needs to be approved by the Board:*

- 1) Vote to approve the FY 24 Non-union Compensation Schedule on a tentative basis and FY 24 Non-union Longevity Schedule, as recommended by the Personnel Advisory Committee*
- 2) Vote to adopt the FY 24 Budget Guidelines as stated above on a tentative basis*

Deana Ziev made a motion to approve the FY 24 Non-union Compensation Schedule on a tentative basis and FY 24 Non-union Longevity Schedule, as recommended by the Personnel Advisory Committee, Christine Kneeland second, all in favor - aye (4-0). Joe Perry - ABSENT

Christine Kneeland made a motion to adopt the FY 24 Budget Guidelines as stated above on a tentative basis, Cliff Pierce second, all in favor - aye (4-0). Joe Perry - ABSENT

### 5. Discuss 2022 Annual Town Report cover

Eagan said she forwarded the email with the photos to the Board so they could see the photos in color. Ziev said she likes the ones that show all of the monuments. Kneeland pointed out a photo that she likes on Eagan's laptop. The consensus of the Board was to use either #6 or #12, but to let Bob Snow make the final choice.

Deana Ziev made a motion to authorize Bob Snow to make the final choice for the photo, Cliff Pierce second, all in favor - aye (4-0). Joe Perry - ABSENT

### MINUTES

- January 9, 2023

Deana Ziev made a motion to approve the minutes of January 9, 2023, Christine Kneeland second, all in favor - aye (4-0). Joe Perry - ABSENT

## **ANNOUNCEMENTS**

1. The Town continues to be in a drought status. Please check the Town's website for the latest information or call the Rowley Water Department at 978-948-2640 for more information.
2. The Board of Selectmen announces that a textile recycling bin has been placed in the rear parking lot of the Town Hall Annex at 39 Central Street. Residents can drop off clothing, shoes, linens, sheets, pillows, blankets, hats, duffle bags, belts, gloves, towels, draperies, handbags, tablecloths, bathrobes, and stuffed animals. All items must be dry, bagged, and placed into the bin. Please do not leave items on the ground.
3. The Town has the following board vacancies:
  - **Council on Aging**
  - **Conservation Commission**
  - **Open Space Committee**
  - **Rowley Cultural Council**
  - **Zoning Board of Appeals – Alternate member**Interested residents should send a letter of interest to the Board of Selectmen. Positions are open until filled.

## **EXECUTIVE SESSION**

To conduct strategy sessions in preparation for negotiations with nonunion personnel, Mark Emery – G.L.c.30A §21(a)(2) as having the discussion in open meeting may have a detrimental effect on the negotiating position of the Town

Chairman Snow called for a motion to go in Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel, Mark Emery, because an Open Session will have a detrimental effect on the negotiating position of the Town pursuant to State Open Meeting Law G.L. c. 30A, Section 21(a)(2) and to not return to Open Session. Christine Kneeland so moved, Cliff Pierce second, all in favor – roll call vote: Bob Snow- aye; Deana Ziev – aye; Christine Kneeland – aye; Cliff Pierce – aye. Joe Perry – ABSENT.

Open session adjourned at 7:13 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Meeting memo regarding 6:05 p.m. Appointment: Town Planner Kirk Baker to provide an update on the MBTA Communities Action Plan for multi-family housing zoning

2. Email from Kirk Baker regarding Materials for discussion with BOS pertaining to MBTA Communities Action Plan submittal, including attached documents
3. Meeting memo regarding 6:15 p.m. Appointment: Fire Chief Mark Emery to discuss plans to make modifications to the Self-Contained Breathing Apparatus unit on Engine 2 and to file a Reserve Fund transfer request for this project
4. Letter from Fire Chief Mark Emery regarding plans to make modifications to the Self-Contained Breathing Apparatus unit on Engine 2
5. Seven photos of Self-Contained Breathing Apparatus unit on Engine 2
6. Draft Reserve Fund transfer for modifications to the Self-Contained Breathing Apparatus unit on Engine 2
7. Letter from Fire Chief Mark Emery to Finance Committee regarding plans to make modifications to the Self-Contained Breathing Apparatus unit on Engine 2
8. Estimate from Greenwood Emergency Vehicles for modifications to Self-Contained Breathing Apparatus unit on Engine 2
9. Meeting memo regarding General Business #1: Request from Fire Chief Mark Emery to appoint Ryan Smith as a Call Firefighter
10. Request from Fire Chief Mark Emery to appoint Ryan Smith as a Call Firefighter
11. Meeting memo regarding General Business #2: Letter of resignation from Call Firefighter Zachary Stack
12. Letter of resignation from Call Firefighter Zachary Stack
13. Meeting memo regarding General Business #3: Letter of resignation from Alternate Animal Control Officer/Animal Inspector Carol Larocque
14. Letter of resignation from Alternate Animal Control Officer/Animal Inspector Carol Larocque
15. Meeting memo regarding New Business #1: Ratify lease with Merrimack Valley Transit for Council on Aging van
16. Lease with Merrimack Valley Transit for Council on Aging van
17. Meeting memo regarding New Business #2: Approve Memorandum of Agreement with the State for the One Stop Grant for Bradstreet Affordable Housing Project
18. Memorandum of Agreement with the State for the One Stop Grant for Bradstreet Affordable Housing Project
19. Letter from Innes Associates Ltd. Regarding Bradstreet Road Affordable Housing Project: RFP Development
20. Letter from State Executive Office of Housing & Economic Development regarding FY23 Community One Stop for Growth grant award
21. Meeting memo regarding New Business #3: Review letter from KP Law regarding Special Counsel for Whittier Vocational Technical School
22. Memo from Debbie Eagan to Board of Selectmen regarding letter from KP Law regarding Special Counsel for Whittier Vocational Technical School
23. Email from Town Counsel Tom Mullen regarding legal representation letter

24. Letter from KP Law regarding Special Counsel for Whittier Vocational Technical School
25. Meeting memo regarding New Business #4: Discuss Fiscal Year 2024 Budget Guidelines and Fiscal Year 2024 non-union compensation schedule
26. Memo from Deborah Eagan to Board of Selectmen regarding FY24 Cost-Of-Living Adjustment and Longevity, including attachments
27. Meeting memo regarding New Business #5: Discuss 2022 Annual Town Report cover
28. Sixteen photos taken by Bob Snow of Memorials in front of Town Hall for potential Town Report cover photos
29. Draft minutes of January 9, 2023
30. Written motion to go into Executive Session