

MINUTES OF THE BOARD OF SELECTMEN MEETING

July 1, 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, Deana M.P. Ziev (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Lawrence White – FINCOM; David Levesque – Light Board applicant; Bernie Cullen -283 Wethersfield Street; Jill Mann – 600 Wethersfield Street; Sayad Moudachirou – Light Board applicant; Matt Brown – RMLP; Bryan DiPersia – RMLP; Mark Cousins - RMLP

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. APPOINTMENT Harbormaster Bill DiMento to discuss harbor patrol boat

Chairman Pierce read the following:

Harbormaster Bill DiMento is here tonight, with other members of the Harbormaster staff, to show the Board of Selectmen the new harbor patrol boat that was recently purchased.

Bill DiMento introduced the other employees of the Harbormaster Department: Assistant Fred Hardy, Deputy Dave Kent and Assistant Frank Price. He said Assistant Harbormaster Jenna DiMento was unable to make it tonight. He said they are here tonight to show off the patrol boat before they put it into service. He said they spent \$18,000 on a new motor, \$3,000 on a trailer, and \$3,000 for the 1975 21 foot Boston Whaler boat. He said they restored the boat and equipped it themselves, and it is in the Town Hall parking lot to be viewed by the Board. He said they all put many hours into this, and without their work, it probably would have cost the Town \$90,000 for this boat. Snow said it looks brand new. Perry said they did a fabulous job.

DiMento said they will still use the old boat, and they will use it to do the markings. He said the new boat is for rescue work. He said they can bring the Board of Selectmen out on it to see the river. He said there are 150 boats moored there, and they are working with the Conservation Commission to expand the parking lot. Fred Hardy said

they need a boat like this one to get out in an emergency. DiMento said this boat allows them to get out in low and high tides, and they will have infrared cameras for nighttime.

Petersen said the Harbormaster department staff deserve to be commended, and this is like the old Rowley with people donating their labor. He said this makes him feel good to be a Selectman.

Dave Petersen made a motion to send a letter commending the five Harbormaster employees and thanking them for the work they did, Joe Perry second, all in favor - aye (5-0).

GENERAL BUSINESS

1. Letter of resignation from Reserve Dispatcher Roseann Ferrante

Chairman Pierce read the email resignation letter.

Bob Snow made a motion to accept this resignation with regrets, Joe Perry second, all in favor - aye (5-0).

2. Request from Board of Cemetery Commissioners to lift the hiring freeze for the seasonal laborer position

Chairman Pierce read the following:

The Board of Cemetery Commissioners is asking the Board of Selectmen to lift the hiring freeze so that they may hire an additional seasonal laborer. This position will help with the grass cutting.

Petersen said he is the Chairman of the Cemetery Commissioners. He said in the spring, they requested the hiring of two seasonal laborers, and they are down a person with the resignation of the Cemetery Supervisor. He said the seasonal laborers were hired for twelve week periods, with one ending in August and the other in September. He said with the rain we have been getting, the grass is growing non-stop and they need more help. He said they would like to extend Seasonal Laborer Tricia McNeil's term until November 1, 2019, and hire a second person to also work until November 1, 2019, each working for 18 hours per week. He said they will look at the staffing levels for the next fiscal year.

Deanna Ziev made a motion to extend Tricia McNeil's term of employment until November 1, 2019, and to approve the hiring of another laborer until November 1, 2019, each position to work 18 hours per week, Bob Snow second, all in favor - aye (5-0).

1. Request from RCM Director Janet Morrissey to appoint Roland David Madden II to the position of Production Technician

Chairman Pierce read the request from Janet Morrissey.

Dave Petersen made a motion to appoint Roland David Madden II to the position of Production Technician, Bob Snow second, all in favor - aye (5-0).

7:15 p.m. JOINT MEETING BOARD OF LIGHT COMMISSIONERS for the purpose of meeting with the following candidates for the vacant Board of Light Commissioners seat

- David Levesque
- Sayad Moudachirou
- Michael C. Viccaro

and to discuss and vote to fill the vacant seat

Chairman Pierce read the following:

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 12, 2020.

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

Bryan DiPersia moved to open the Joint Meeting with the Board of Selectmen by a roll call vote, Mark Cousins second, all in favor – roll call: Bryan DiPersia – aye; Mark Cousins – aye.

Joint Meeting opened at 7:14 p.m.

Pierce read the withdrawal letter from Michael Viccaro.

Pierce asked applicant David Levesque why he is interested in serving. Levesque said he heard there was an opening and a few people told him to put his name in. He said it is good that there are a couple of other people interested. He said he has been the Town's Electrical Inspector since 1995, and has been on the Light Board in the past. He said he wants to keep the rates low. He said the Light Department has a good crew that fixes things right. He said as a Commissioner he wants to be involved and to help the Light Manager. He said he has done the State Ethics test, is familiar with the Open

Meeting Law and Chapter 164, and can attend the Wednesday evening Light Commissioner meetings.

Pierce asked applicant Sayad Moudachirou why he is interested in serving. Moudachirou said he moved to Rowley four years ago, and it is a very nice community, and he is impressed with the Light Department. He said he has worked in the power sector for over ten years and is currently a manager for regulatory affairs and licensing. He said he was also a consultant for ten years and he would like to bring his expertise to the community. He said he is not familiar with the Open Meeting Law or State Ethics exam, but is willing to take the test. He said he can attend Wednesday evening meetings, and will become familiar with Chapter 164.

Snow said Moudachirou has an impressive educational background and attended the University of Paris I – La Sorbonne. He asked Moudachirou if he has experience with battery technology. Moudachirou said yes, he understands how the technology works, and how to model how the technology works. Snow asked Moudachirou if he is familiar with the Sterling project. Moudachirou said no.

Petersen said that the appointed candidate will need to run for re-election. Pierce asked the Board of Light Commissioners if they have a recommendation.

DiPersia commended both candidates, who have a wealth of industry and personal experience. He said he recommends Moudachirou for his current and future guidance on regional and state energy policies and initiatives. He said Moudachirou has a good grasp on what is happening in the industry, and is eager to get involved.

Cousins said the Light Commissioners had a great Q&A session with the candidates previously. He said there are 3,500 meters in Rowley. He said Moudachirou's skills overlap with the skills of the consultants they use to monitor the energy markets. He said keeping the lights on with reasonable rates is 95% of the work to run the utility, and he recommended Levesque.

Pierce said the Light Commissioners have a split vote. Snow said he has just come off of the Light Board and has a perspective of where the Light Department is headed and what is needed. He said Moudachirou is the better candidate and will be an asset. Ziev thanked both candidates for coming, and agreed with Snow that Moudachirou is the better candidate.

Bob Snow made a motion to appoint Sayad Moudachirou, Deana Ziev second. The vote was not completed.

Petersen said it is nice to see new people stepping up to serve. He said this is an eight month position, and Moudachirou's expertise will help the Department to look forward.

Bob Snow made a motion to appoint Sayad Moudachirou to the Board of Light Commissioners, Deana Ziev second all in favor – roll call: Cliff Pierce – aye; Joe Perry – aye; Bob Snow – aye; Dave Petersen – aye; Deana Ziev – aye; Bryan DiPersia – aye; Mark Cousins – aye.

Chairman Cliff Pierce called for a motion and a second from the Board of Selectmen to close the Joint Meeting with the Board of Light Commissioners by a roll call vote. Bob Snow so moved, Joe Perry second, all in favor – roll call: Cliff Pierce – aye; Joe Perry – aye; Bob Snow – aye; Dave Petersen – aye; Deana Ziev – aye.

Mark Cousins moved to close the Joint Meeting with the Board of Selectmen and to adjourn by a roll call vote, Bryan DiPersia second, all in favor – roll call: Bryan DiPersia – aye; Mark Cousins – aye.

Joint Meeting closed and Board of Light Commissioners meeting adjourned at 7:29 p.m.

Chairman Pierce read the following:

The Joint Meeting is now closed. The individual appointed by the Joint Meeting will need to be sworn in by the Town Clerk before he can participate in a Light Board meeting. Amy will prepare the Official Action Notice (OAN) documenting the vote tomorrow and will email/mail it to the selected individual. The OAN needs to be submitted to the Town Clerk.

NEW BUSINESS

1. Notice of Intent to sell Chapter 61B land from Bruce E. Tompkins, Sarah B. Tompkins and Stephanie Desjardins of approximately 4.39 acres of land identified as Lots 1, 2, and 3 on Assessors Map 11 Parcel 59 located at 600 Wethersfield Street

Chairman Pierce read the following:

The Notice of Intent to sell went sent to the:

- *Planning Board*
- *Conservation Commission*
- *Open Space Committee, and*
- *Assessors.*

None of these Boards indicated a desire for the Town to pursue this parcel and are recommending that the Board of Selectmen vote to waive its right of first refusal so that the owners can pursue their plans for the land.

Attorney Jill Mann said she is here on behalf of Bruce Tompkins. She said the plan is to divide the land into three lots, and a rear parcel will be conveyed to the Conservation Commission. She said copies of the Purchase & Sales agreements have been provided, and they have notified the Board of Assessors that if the Board of Selectmen waives its right of first refusal that they will pay the five-year roll back in taxes. She said these will be single family home lots and they are going through the Notice of Intent Process and Storm Water permitting process. Conservation Agent Brent Baeslack said the Conservation Commission hasn't identified that parcel for acquisition, but thinks it will be looked upon favorably once it is offered.

Joe Perry made a motion to waive their right of first refusal for 600 Wethersfield Street, Bob Snow second, all in favor - aye (5-0).

2. Discuss Comcast Cable License Renewal

Chairman Pierce read the following:

The Comcast Cable Television license is up for renewal. Town Counsel Tom Mullen has set up a meeting with Chairman Pierce, Debbie, Janet, and the Comcast representative for next week. The Board should vote to authorize Chairman Pierce to work with Tom, Debbie and Janet on the license renewal.

Bob Snow made a motion to authorize Chairman Pierce to work with Tom, Debbie and Janet on the license renewal with Comcast, Deana Ziev second, all in favor - aye (5-0).

3. Discuss Parkland Acquisitions and Renovations for Communities Grant Program

Chairman Pierce read the following:

We are looking into a possible grant to help fund the ballfield construction at Veteran's Field. The PARC grant is distributed by the Massachusetts Department of Conservation Services and can be used to cover costs associated with the construction and construction oversight of the project.

We are still investigating the details of the grant and its timeline. It is possible that the grant would delay the construction start date and that it may not be appropriate for the field construction at this stage in the project.

There is a quick turn-around for the grant (due July 11), however. In the event that we do submit the application, the Board of Selectmen will need to vote to authorize Chairman Pierce to sign the Grant Program Application Form (once completed) which will name Debbie Eagan as the project contact.

Petersen said he has been working with the staff and Tim Southall on the project to develop this land, which has been slow going. He said Mayer Tree recently moved the tree on site to the new location as was agreed to when the land was purchased, and the Highway Department has been watering the newly planted tree. He said they are in the process of putting in the well and need to get power to it. He said then they will go out to bid for the field construction, and this grant would help fund some of the project. He said we can use less CPC money if we get this grant. Petersen said the plan is to build a full sized soccer field and little league baseball field to replace the field at the corner of Route 133 and Route 1. He said they found out when they did the soil test on the land that about a quarter of it is wetlands. Bryan DiPersia asked if the fields will be behind Pine Grove School. Petersen said yes, beyond the row of trees.

Deana Ziev made a motion to authorize Chairman Pierce to sign the Grant Program Application form, Bob Snow second, all in favor - aye (5-0).

4. Discuss ballfield development at Veterans Fields and award well contract

Chairman Pierce read the following:

In order to construct the new ballfields at Veterans Field, a new well needs to be installed that will service the irrigation system.

We requested quotes from three companies to install a:

- *6" wide well with an estimated depth of 300 feet*
- *Irrigation pump with an output of 30-40 gallons/minute*
- *Irrigation pressure tank*

One response was received from Viera Artesian Well in the amount of \$19,030. The total project cost may be higher or lower depending on the final depth of the well.

In order to move forward with the well installation, the Board of Selectmen will need to vote to award the well installation contract to Viera Artesian Well.

Dave Petersen will give an update on the status of the overall project.

Petersen said the 300 feet is a guess so that we could get quotes for the same work. He said the actual cost will be higher if they need to drill deeper than 300 feet.

Bob Snow made a motion to award the well installation contract to Viera Artesian Well, Joe Perry second, all in favor - aye (5-0).

7:45 p.m. CONTINUED PUBLIC HEARING Pole Hearing on an application submitted by the Rowley Municipal Lighting Plant and Verizon to locate a new pole at 139 Wethersfield Street

Chairman Pierce read the following:

The Rowley Municipal Light Department has withdrawn this request.

Pierce read the email from Light Manager Matt Brown.

Bob Snow made a motion to close the Public Hearing, Joe Perry second, all in favor - aye (5-0).

OLD BUSINESS

1. Update on Pine Grove School Project

Chairman Pierce read the following:

The contractor has found mold in the east wing of the building. Pinck & Company has provided Joe with an estimate of \$66,000 for mold abatement and \$66,000 to replace the walls and insulation. (See attached.) Debbie has notified the insurance company. Larry Berger will provide the Board with a written proposed change order and he will update the Board on the status of this work. The Board needs to ratify a total of \$132,000 for the abatement and the replacement of the affected areas.

Larry Berger said he has an updated price for this work. He said the work for the perimeter of the classroom areas for the entire east wing is \$70,560, and the construction change directive is issued for that amount. He said they are trying not to slow down the project, and the new total is \$137,271. Pierce said the Board has no discretion to decide to do this work or not. Berger said this was an unforeseen pre-existing condition found under the drywall between the windows and heater units. He said the mold didn't present on the exterior walls, and there are 334 linear feet per floor. Perry said this was brought up at the meeting this past Friday and he approved moving forward because he has the Board of Selectmen's authority to do so. Bryan DiPersia asked if there was air quality or asbestos testing done before. Berger said a study was done which uncovered asbestos, but not mold. Andraya Lombardi said a baseline air quality test was done, and it will be repeated once the mold is removed.

Dave Petersen made a motion to ratify the \$137,271 for the abatement and replacement of the affected areas, Bob Snow second, all in favor - aye (5-0).

Pierce read the following:

The Board of Selectmen voted on June 3, 2019 to approve Change Order #094 for the Pine Grove School entryway. The Board voted at that time to approve the change order “under protest” because the change was necessitated due to issues with the site design. Town Counsel Tom Mullen, on behalf of the Board of Selectmen, notified Dore & Whittier. (Letter is attached.) The change order is being funded through the owner’s contingency line, rather than the construction contingency line which will make these costs ineligible for MSBA reimbursement. Tom has informed Cliff, Joe, and Debbie that if the work is designated as an “Architectural Supplemental Instruction” (ASI), then the cost will be eligible for reimbursement. Tom suggests the Board request Dore & Whittier to re-classify this work as an “ASI” and that the Town and Dore & Whittier set up a “Tolling Agreement” by which the Town will withdraw the claim letter without prejudice and both sides (Town and Dore & Whittier) reserve their rights to pursue claims at the end of the project. If the Board is in agreement with Tom’s advice, then the Board will need to take a vote on this action. Larry Berger can provide further information on the ASI designation.

Berger said this is currently a cost proposal and not a change order. He said they are trying to determine where to put the expense, and the work will be done as an ASI. He said this will be paid out of the GMP contingency. Perry said moving the light pole is included in the cost, and RMLP employee Mark Anderson has spoken to Tom Hood about this.

Joe Perry made a motion to set up a “Tolling Agreement” by which the Town will withdraw the claim letter without prejudice and both sides (Town and Dore & Whittier) reserve their rights to pursue claims at the end of the project, Bob Snow second, all in favor - aye (5-0).

Petersen asked Berger how they are getting power to the construction trailers. He said they need to get power to a new well in the back. Berger said the contractor ran conduit, and the Town can tap into this at the end of the project for the well. Berger said it shouldn't be a big change, and he will alert the others and come up with a cost estimate. He said they are pushing hard for the 23rd.

8:00 p.m. APPOINTMENT - Conservation Agent Brent Baeslack to discuss the following:

- Donation of land off Kathleen Circle
- Update on National Pollution Discharge Elimination System and town stormwater plan

Chairman Pierce read the following:

The Conservation Commission has voted to accept 23.9 acres of land off Kathleen Circle from Gateway II Trust. The Conservation Commission is asking the Board of Selectmen to vote and sign the deed tonight. The deed must be notarized. Brent will serve as the notary. Chairman Pierce has the original in his meeting packet.

Brent Baeslack said when the land owner Coughlin requested the zoning change for Town Meeting, he offered this land for conservation. He said the land is adjacent to Hunsley Hills, and has steep slopes that would be challenging to develop, but there was a proposal to develop it at one time. He showed the Board the land on a map. He said the land is well forested, it is beautiful, and it adds to the protection of the Hunsley Hills area and a number of other contiguous conservation land parcels. He said it also protects and buffers Kathleen Circle.

Dave Petersen made a motion to accept this donation and sign the deed, Bob Snow second, all in favor - aye (4-0).

Baeslack said on July 9th, they will be requesting public input and providing an introduction to the stormwater management plan for the Town of Rowley. He gave a handout to the Board. He reviewed the six minimum control measures for stormwater management. He said we need a well thought out plan tailored to the community. He said stormwater is a transport mechanism. He said at a construction site, for example, when vegetation is removed there is loose soil. He said a downpour can move this soil, which will fill in the catch basins and transports other pollutants into the wetlands, streams and even into the Great Marsh. He said this can affect the shellfish industry, the health of fish and frogs, and can change the courses of streams which can lead to flooding. He reviewed the construction site sheet from the handout.

Petersen said when erosion controls are put in place for a project, at what point can they be removed. Baeslack said after he has inspected the site and appropriate vegetation cover is in place. Bryan DiPersia asked if this is an update to a plan. Baeslack said this is a brand new plan, but pieces of the plan have existed before.

OLD BUSINESS

2. Update on Metropolitan Planning Organization meeting

Bob Snow said he goes to these meetings monthly, and he reviewed the slides from the last meeting as follows:

- Rowley's population is projected to increase 13%; with 34.2% projected increase in households
- Route 1 / Route 133 is the number one crash cluster

- 74% of Rowley's roads are classified as good or better
- There are 41.5 miles of roads in Rowley
- The traffic light at Route 1 and Glen Street is in the queue for the design phase

MINUTES

June 13, 2019

Dave Petersen made a motion to approve the June 13, 2019 minutes, Bob Snow second, all in favor - aye (4-0). Joe Perry – ABSTAINED.

ANNOUNCEMENTS

- Vacancies:
 - 1) Planning Board Associate Member
 - 2) Two vacancies on the Conservation Commission;
 - 3) One vacancy on the Zoning Board of Appeals Associate seat;
 - 4) One vacancy on the Rowley Municipal Light Board; and
 - 5) Several vacancies on the Rowley Cultural CouncilInterested 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. Bob Snow so moved, Joe Perry second, all in favor - aye (5-0).

Open meeting adjourned at 8:38 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Board of Selectmen Public Comment Policy for Public Meetings
2. Meeting memo regarding 7:00 p.m. Appointment: Harbormaster Bill DiMento to discuss harbor patrol boat
3. Letter of resignation from Reserve Dispatcher Roseann Ferrante
4. Meeting memo regarding General Business #2: Request from Board of Cemetery Commissioners to lift the hiring freeze for the seasonal laborer position

5. Request from RCM Director Janet Morrissey to appoint Roland David Madden II to the position of Production Technician
6. Meeting memo regarding 7:15 p.m. Joint Meeting with Board of Light Commissioners
7. Meeting Agenda for Board of Light Commissioners
8. Vacancy Notice for Board of Light Commissioners
9. Withdrawal Letter received from Light Commissioner applicant Michael Viccaro
10. Letter from Light Commissioner applicant David Levesque
11. Letter from Light Commissioner applicant Sayad Moudachirou
12. Resume of Light Commissioner applicant Sayad Moudachirou
13. Email from Light Commissioner applicant Sayad Moudachirou dated May 30, 2019
14. Meeting memo regarding New Business #1: Notice of Intent to sell Chapter 61B land from Bruce E. Tompkins, Sarah B. Tompkins and Stephanie Desjardins of approximately 4.39 acres of land identified as Lots 1, 2, and 3 on Assessors Map 11 Parcel 59 located at 600 Wethersfield Street
15. Open Space Committee response to Right of First Refusal for 600 Wethersfield Street
16. Conservation Committee response to Right of First Refusal for 600 Wethersfield Street
17. Planning Board response to Right of First Refusal for 600 Wethersfield Street
18. Letter from Mann & Mann regarding Notice of Intent to sell Chapter 61B land from Bruce E. Tompkins, Sarah B. Tompkins and Stephanie Desjardins of approximately 4.39 acres of land identified as Lots 1, 2, and 3 on Assessors Map 11 Parcel 59 located at 600 Wethersfield Street, including enclosures
19. Meeting memo regarding New Business #2: Discuss Comcast Cable License Renewal
20. Meeting memo regarding New Business #3: Discuss Parkland Acquisitions and Renovations for Communities Grant Program
21. Blank Grant Program Application form
22. Meeting memo regarding New Business #4: Discuss ballfield development at Veterans Fields and award well contract
23. Irrigation Well Installation Quote Form submitted by Viera Artesian Well LLC
24. Quote from Viera Artesian Well LLC
25. Addendum #1 Request for Price Quotation Irrigation Well Installation
26. Request for Price Quotation Irrigation Well Installation dated May 28, 2019
27. Meeting memo regarding 7:45 p.m. Continued Public Hearing: Pole Hearing on an application submitted by the Rowley Municipal Lighting Plant and Verizon to locate a new pole at 139 Wethersfield Street
28. Email from Light Manager Matt Brown regarding New Pole and Anchor 139 Wethersfield Street
29. Meeting memo regarding Old Business #1: Update on Pine Grove School Project
30. Email from Andraya Lombardi regarding Mold in PGS East Wing, including attachments
31. Email from Joseph Perry regarding Pine Grove dated June 28, 2019

32. PCO #094 from W.T. Rich
33. Letter from United Civil regarding main entrance reconfigurations at Pine Grove School, included attached cost breakdowns
34. Letter from Levangie Electric Co. Inc. regarding main entrance reconfigurations at Pine Grove School, and attached map
35. Letter from Town Counsel Thomas Mullen sent to Dore & Whittier regarding Notice of Claim by Town of Rowley
36. Meeting memo regarding 8:00 p.m. Appointment: Conservation Agent Brent Baeslack to discuss the following: Donation of land off Kathleen Circle; Update on National Pollution Discharge Elimination System and town stormwater plan
37. Letter from Brent Baeslack regarding Donation of Land off Kathleen Circle, including enclosed Quitclaim Deed
38. Stormwater Management Summary of the Six Minimum Control Measures for Small MS42 from U.S. EPA & MassDEP
39. Meeting memo regarding Old Business #2: Update on Metropolitan Planning Organization meeting
40. 2020 Merrimack Valley Regional Transportation Plan draft dated June 26, 2019
41. Draft minutes of June 13, 2019