

MINUTES OF THE BOARD OF SELECTMEN

March 2, 2020

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

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

PUBLIC ATTENDEES: Lawrence White – Finance Committee; Daniel Shinnick – Conservation Commission; Brent Baeslack – Conservation Agent; Howie Vogel – Conservation Agent; Robert Garner; Alice Gardner; Judy Kehs; Sam Shreiff; Tom Corben; Deborah Cunningham – Conservation Department; Bernard Cullen – 283 Wethersfield Street; Janet Peabody – Library Trustees; Pamela Jacobson – Library Director; Jennifer Patterson – Library Trustees; Michael Sabatini

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Curtis Turner led the Pledge of Allegiance.

7:00 p.m. APPOINTMENT – Curtis L. Turner for proclamation for 30 years of Town service

Chairman Pierce read the letter from the Conservation Commission and the Proclamation. Pierce presented the Proclamation to Turner. Turner thanked his associates and he encouraged others to serve, which has been an honor and gratifying for him. Pierce said we hate to see Turner go, and Turner has been involved longer than he has. Turner said many people don't get recognition, like the people working behind the scenes and it takes a community to keep the Town together.

Brent Baeslack said the Conservation Department and the Conservation Commission have a small token of their appreciation for Turner that documents the beauty of the Great Marsh on the North Shore. Turner opened the book and read the inscription. Photos of Turner were taken with the Board of Selectmen.

7:10 – 7:15 p.m. PUBLIC COMMENT

Larry White of Central Street said that the final budget form for the Triton 2018/2019 says that Triton knows this budget can't be afforded by the communities. He read a blurb on page 6 of this document. He said in the 2019/2020 budget they said we are at a crisis point of the towns being able to afford the budget. He read a blurb from this budget. He said Triton knows we are at a crisis point, yet their budget keeps increasing

each year. He said the proposed FY21 Triton budget is increasing again and he can't support the school budget as it presently stands. He said there is no effort to curtail wages or other costs in the Triton budget. He said they realize this is unsupportable, but they aren't doing anything about it.

7:15 p.m. APPOINTMENT* Harbormaster Bill DiMento to discuss the following:

- 2020 Harbor Fee Increase
- FY 21 Harbormaster Department Budget

2020 Harbor Fee Increase

Harbormaster Bill DiMento said that the bylaw left the fees out so that they could be changed as needed. He said mooring/slip fees are being increased from \$4 per foot to \$5 foot, and there is no launch fee increase at this time. He said this will increase the Department's budget by \$6,000, and these fee collections and boat excise taxes cover his budget. He read the fees charged in other towns.

Joe Perry made a motion to approve the increase in mooring/slip fees to \$5.00 per foot effective March 2, 2020, Deana Ziev second, all in favor – aye (4-0). Bob Snow - ABSENT

FY 21 Harbormaster Department Budget

DiMento said his salary is increasing due to the number of hours that he works which creeps up every year. He said he enjoys doing his job. Pierce asked how many hours per week he works. DiMento said six or seven hours per week, and more in the summer. Eagan said the salary was previously based on five hours per week for 52 weeks per year. DiMento said the expense budget has increased by almost \$1,000 for items such as fuel, and said his budget will be self-sufficient.

Dave Petersen made a motion to approve FY21 Harbormaster Department budget, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

Bernie Cullen asked how much the Harbormaster stipend has increased. Pierce said just under \$2,000 from \$7,816 to \$9,756. Ziev said she thinks that is reasonable given the number of hours. Eagan said this is a salaried position.

GENERAL BUSINESS

1. Letter of resignation from Library Technician Patricia Dwyer

Chairman Pierce read the resignation letter.

Joe Perry made a motion to accept this resignation with regret, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

2. Request from Library Director to lift the hiring freeze to post the position of Library Technician

Dave Petersen made a motion to lift the hiring freeze for this position, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

NEW BUSINESS

1. Planning Board Notice of Public Hearing on March 4, 2020 at 8:10 p.m. on proposed amendment of the Zoning District Map to change the zoning at 275 Main Street (Map 26 Lot 25-3) from Outlying District to Central District.

Chairman Pierce read the following:

The Board of Selectmen received the attached notice from the Planning Board regarding a public hearing scheduled for March 4, 2020 at 8:10 p.m. regarding a proposed change of the Town's zoning district map for a lot located at 275 Main Street because the Board of Selectmen is the owner of two lots that are near 275 Main Street. The 275 Main Street parcel is partly in the Outlying District and partly in the Central District. The owner, Todd River View Farm, is requesting through the zoning amendment process to put the entire parcel in the Central District.

The two parcels under the Board of Selectmen's ownership are part of the "Bradstreet Land", and are the Housing and Recreation parcels. Please see attached Assessor's Map.

Does the Board of Selectmen wish to send any comments or attend the hearing?

Pierce said he will attend this hearing. He said there is talk that they are looking to put in a restaurant as part of the Flea Market. He said with the zoning change, it will allow commercial uses and multi-family housing on the parcel. He said the owner could sell the land to a developer for commercial use or multi-family houses. The Board did not have any comments on this.

2. Discuss using Old Nancy Cannon at the Memorial Day Parade

Deana Ziev said there was discussion last year about using Old Nancy in the Memorial Day Parade, and people want to see Old Nancy in the parade. Petersen said it has been two or three years since Old Nancy has been in the parade. He said the Town of Rowley Veterans Committee is putting the parade agenda together and he agrees that Old Nancy should be part of the parade. He said we need to check on signage and said Ziev can check with Bob Snow on this. Ziev asked what the protocol is for towing Old Nancy. Petersen said the last time, it was on the Highway Department trailer. He said it should be towed by a town owned vehicle for insurance coverage. Ziev said we can revisit this when Snow is back. Petersen suggested that Ziev talk to Snow when he gets back and he can bring this to the Town of Rowley Veterans Committee.

Dave Petersen made a motion to authorize the use of the Old Nancy Canon in the Memorial Day Parade on a Town owned vehicle or trailer and to coordinate this with the Town of Rowley Veterans Committee, Joe Perry second, all in favor – aye (4-0). Bob Snow – ABSENT

3. Sign employment contract with Susan Bailey

Chairman Pierce read the following:

The contract with Town Accountant Susan Bailey is ready for the Board of Selectmen to vote and sign.

Pierce asked if the FY21 salary of \$69,468 includes a step. Eagan said no, it includes a COLA and an additional four hours per week. Pierce said in FY22 and FY23, will Bailey only get a COLA. Eagan said Bailey will receive a COLA if one is given to non-union employees. Pierce asked what longevity Bailey will receive. Eagan said the same longevity given to non-union employees.

Joe Perry made a motion to sign the contract with Sue Bailey, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

The Selectmen signed the contract.

7:30 p.m. APPOINTMENT Library Director Pam Jacobson to discuss FY 21 Library Budget

Library Director Pam Jacobson said there are three proposals in the packet as follows:

- A. This baseline budget has three increases:
 - 1. COLA increases for two new positions and job descriptions after the review of the Personnel Advisory Committee
 - 2. 16% on materials
 - 3. Increase in maintenance expense line

Jacobsen said there is no increase in the network membership which is a contractual obligation. She said this meets the municipal appropriation requirement.

- B. This is the preferred budget which also includes an increase in the senior staff hours, and was recommended by the Personnel Advisory Committee. She said this would make these two positions full-time professional positions at 35 hours per week each. She said the Library would be open or a half day on Fridays. She said this increase is \$18,000 and with the 16% materials increase the total increase is \$21,000, which is a 12% increase. She said they have been seeing turnover in these positions and these two employees have side jobs.

- C. This is a compromise budget where funds from the grants or donations would be used to cover the 16% materials increase.

Jacobson said neither option B or option C include increases in utility costs from the Library being open on Fridays. Petersen said he is the Chair of the Personnel Advisory Committee and Jacobsen made a lengthy presentation on this proposal. He said the Rowley Public Library is a training center where employees start and then leave for other opportunities. He said the Library is an important asset in the Town and it has many patrons. He said Jacobsen needs the support staff to run the Library and to provide services. He said this looks like a big increase but the Town is growing so services need to grow. He said this has been neglected for a long time. Perry said he agrees with Petersen, he was a Library Trustee 15 years ago and he continues to support the Library. Ziev asked what the Friday hours will be. Jacobsen said 10:00 a.m. until 2:00 p.m. and they will have a program for kids after half days of school. Ziev said she loves the Library, they use it all the time, and the programs offered are great. She said the Library is a great resource for the Town. Petersen said he would rather see grants and donations be used towards programs rather than proposed in option C.

Joe Perry made a motion to accept budget proposal B, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

OLD BUSINESS

1. Update on Pine Grove School Project

Joe Perry said there is nothing new to report on this project. Ziev said she was there this morning and there was an issue with the heat. She said there was an announcement for everyone to bundle up until the issue was resolved. She said it was resolved a short time later. She asked if we can get an update on the electrical bills.

2. Discuss closeout paperwork submitted by Dore & Whittier for the Pine Grove School project

Chairman Pierce read the following:

During the February 10, 2020 meeting, Vice Chairman Perry distributed Dore & Whittier closeout paperwork to the members of the Board of Selectmen that he received from Project Manager Larry Berger.

Debbie asked Town Counsel Tom Mullen to review the paperwork. There are still remaining items to be done at the site, including two items from the Conservation Commission permit and the completion of the ballfield. Dore & Whittier's engineering firm, Nitsch Engineering, is responsible for making sure the ConCom permit is complete.

Attorney Mullen's response is below:

Debbie:

I am writing with respect to the package of "closeout" documents that you sent me under cover of your 2/19/20 email.

I have some questions about the package. Do you know if we are being asked to amend the architect's contract? I see an unsigned draft of Amendment No. 10.

There is a request by the architect that Brian Forget sign a letter authorizing an audit at Dore & Whittier's expense that may lead to tax credits for them. I have no opposition to such authorization, but the letter is dated 12/30/19. Has it already been signed, or are we being asked to tell Mr. Forget that the Town has no opposition to his signing it?

I also see multiple copies of a letter from D&W dated 9/30/19 asking us to countersign indicating that they have completed the construction administration phase of the work and should move on to the closeout phase. There is a reference to "Module 8" which I don't understand.

I recommend that the Board not sign or authorize anyone to sign anything until it is clear exactly what is being asked of them. I understand that site work remains to be done, including the ballfield and certain work required by the Conservation Commission. We need to ensure that nothing the Selectmen agree to constitutes an inadvertent waiver of the outstanding items.

Please feel free to forward this email to Dore & Whittier and Larry Berger. I would be happy to speak to or correspond with them any time. Thanks.

Tom

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Perry said he requests that the Board authorize the architect to do an audit. He said there is no expense to the Town and they are looking for tax credits. He said the Board spoke with Dore & Whittier in the fall and told them to re-submit the cost for the design work not part of the original package and include this if there was money left. Eagan said Mullen can reach out directly to Larry Berger and Dore & Whittier about this paperwork. Petersen said he would like written answers to Mullen's questions. Ziev said there is a lot of work still to be done. Eagan said there is site work to be done, but she is unsure if there is building work still to be done. Perry said there is nothing to be done in the building. Petersen said he would like Berger to state this in writing. He said we should also have a letter from the Principal and / or Brian Forget that they are

satisfied with the quality of the work and the punchlist is all set from their perspective. Eagan said the project manager should have itemized the documents and come in to explain them. She said she will have Mullen communicate with Berger and Dore & Whittier, and she will ask for a statement from Brian Forget and the Principal that they are satisfied with the work. She said there were plumbing issues, issues with tiles and leaks in the roof. Pierce said he doesn't think that Forget and the Principal need to come in to a meeting for this. Ziev asked if this paperwork should be signed before the ballfield is done. Eagan said we are being advised not to until information is provided. She said there is retainage.

3. Discuss construction cost estimate of a new Recycling Center

Chairman Pierce read the following:

We closed the Recycling Center at the end of December 2018 because of sky-rocketing recycling costs and dumping and security issues associated with the site.

We found a possible location for a new site on Town-owned land at 516 Newburyport Turnpike. The May 6, 2019 Special Town Meeting authorized a \$7,000 appropriation for a construction cost estimate to build a Recycling Center at this site. The report is attached. Hancock Associates is estimating that the cost to construct the center based on "public construction costs" (prevailing wage rates) is \$180,000. This cost does not include the following:

- *Final design plans*
- *Permitting*
- *Civil engineering work for construction phase*

Also this cost does not include the cost to purchase or rent recycling bins or operational costs. How does the Board wish to proceed?

Pierce said he thinks it is too much money to proceed with this. He said the recycling market is in a state of flux and we don't know what it is coming to. He said this should be put off for another year. Ziev and Perry agreed. Petersen said \$180,000 is a lot of money, and it will probably be \$200,000 by the time we are done with this. He said he is also fearful of the cost to run the recycling center, and other communities are having similar problems. He said this will need two people to run, and the recyclables will need to be cleaned. He said he agrees that this should be postponed. Ziev said this is a shame, and she thinks this is important to have in a good place, but she doesn't support spending \$200,000 now to do this. Petersen said we need a fenced in and locked area for the center otherwise people treat it like a dump. He said it is not worth the money with the recycling market still unstable. Eagan said the federal government needs to set up end markets for recycleables in the U.S. She said then the value of the recyclables would go up, and she thinks now recyclables are going into the trash. She said the cost of \$180,000 will probably go up by \$20,000, then we have to bid out the services, and it will probably be hard to get a good rate on services.

Larry White said it would be different if the recyclables could pay for the cost of the building and wages, but he doesn't see that there is a market for this. Bernie Cullen said some people feel strongly about having a recycling center and asked if the Town opened it could a group in Town own the responsibility for running it. He said people could raise money and run the site, and the Town could fund a portion of this. Pierce said this could be discussed with such a group, but he is doubtful that there is such a group. Eagan said the Town would need to issue a RFP to lease the land to an entity to run the recycling center. She said the laws are strict about public construction. Petersen said this is the plan that the Selectmen promised they would come up with and residents can provide feedback on this.

FY 21 BUDGETS

- Personnel

Pierce said there is a 0% increase in this budget.

Joe Perry made a motion to approve the Personnel FY21 budget, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

- Annex

Pierce said there is a \$3,800 increase in this budget. Petersen said he does quite a bit with this building, including assessing leaks. He said there is an excessive use of this building and each year the budget line runs short.

Dave Petersen made a motion to approve the Annex FY21 budget, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

- Agricultural Commission

Perry said this budget shows a decrease.

Joe Perry made a motion to approve the Agricultural Commission FY21 budget, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

- ADA Compliancy

Pierce said there is a 0% increase in this budget.

Dave Peteren made a motion to approve the ADA Compliancy FY21 budget, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

ANNOUNCEMENTS

- Town Meeting will be held on Monday, May 4, 2020 at 7:00 p.m. at the Pine Grove School

- Eastern Essex Veterans Board of Directors Meetings are now being video-recorded and shown on Rowley Community Media
- Vacancies:
 - 1) One vacancy on the Zoning Board of Appeals Associate seat; and
 - 2) 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. Joe Perry so moved, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSENT

Meeting adjourned at 8:08 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Letter from Conservation Commission regarding Acknowledgement of Service – Curtis L. Turner
2. Proclamation issued to Curtis L. Turner for 30 years of Town service
3. Letter from Harbormaster Bill DiMento regarding Request for approval to increase Harbor Fees for 2020 season
4. FY 21 Harbormaster Department Budget package
5. Letter of resignation from Library Technician Patricia Dwyer
6. Request from Library Director to lift the hiring freeze to post the position of Library Technician
7. Meeting memo regarding New Business #1: Planning Board Notice of Public Hearing on March 4, 2020 at 8:10 p.m. on proposed amendment of the Zoning District Map to change the zoning at 275 Main Street (Map 26 Lot 25-3) from Outlying District to Central District.
8. Planning Board Notice of Public Hearing on March 4, 2020 at 8:10 p.m. on proposed amendment of the Zoning District Map to change the zoning at 275 Main Street (Map 26 Lot 25-3) from Outlying District to Central District.
9. Assessor's map of parcels around 275 Main Street
10. Assessor's card for 275 Main Street
11. Meeting memo regarding New Business #2: Discuss using Old Nancy Cannon at the Memorial Day Parade
12. Meeting memo regarding New Business #3: Sign employment contract with Susan Bailey
13. Signed employment contract with Susan Bailey
14. FY 21 Library Budget proposal packet
15. Meeting memo regarding Old Business #1: Update on Pine Grove School Project

16. Meeting memo regarding Old Business #2: Discuss closeout paperwork submitted by Dore & Whittier for the Pine Grove School project
17. Email from Thomas Mullen regarding PGS Closeout
18. Memo from Amy Lydon to Board of Selectmen regarding Handouts from Selectman Perry at February 10, 2020 Selectmen's meeting under Pine Grove School Update, including attached handouts
19. Meeting memo regarding Old Business #3: Discuss construction cost estimate of a new Recycling Center
20. Article 12 of the Special Town Meeting Warrant – May 6, 2019
21. Letter from Hancock Associates regarding proposed recycling center, including enclosures
22. Personnel FY 21 budget
23. Annex FY 21 budget
24. Agricultural Commission FY 21 budget
25. ADA Compliancy FY 21 budget