

MINUTES OF THE BOARD OF SELECTMEN

May 10, 2021

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

1:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the open session portion of the meeting in real time. Persons who wish to do so are invited to watch the open session portion of the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at www.townofrowley.net or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/749785509> or also dial in using your phone by calling +1 (646) 749-3122 and using access code 749-785-0509. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the open session portion of the meeting will be made available on the Town's website as soon as possible.

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

1:00 p.m. PUBLIC HEARING – Verizon and Light Department Poles – Daniels Road to: add a stub pole and anchor to Pole 11 and relocated pole 12 and pole 13

Chairman Pierce read the legal notice into the record.

Bob Snow made a motion to open the Public Hearing, Joe Perry seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Public Hearing opened at 1:05 p.m.

Pierce read the following:

Anyone speaking during the hearing must identify himself for the record.

I call upon a representative of the Light Department to speak on the petition.

Light Department representative Sean LaBelle said hopefully the Board received the paperwork and was able to read through it. He described the pole work as follows:

Move Pole 13 about 18 feet

Move Pole 12 across the street

Add stub to Pole 11 to straighten the line on the corner

Pierce asked if any audience members would like to speak. James DeCoulas said he is the engineer working on this development project and he has been working with the Light Department on these relocations. He asked if he could share his screen for a project update. Pierce asked if he has any objection to the proposal. DeCoulas said no, it is as presented to the Light Department. Pierce said this is a pole hearing and not a subdivision meeting and we should stay focused on the light poles. Pierce asked if there were any other comments from the audience or discussion by the Board. Perry said we should go ahead on this. Pierce said he assumes the Board is all in favor of this.

Bob Snow made a motion to close the Public Hearing, Joe Perry seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Public Hearing closed at 1:08 p.m.

Bob Snow made a motion to approve the petition from the Rowley Municipal Lighting Plant to add a stub pole and anchor to Pole 11 and relocated pole 12 and pole 13 on Daniels Road, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Pierce read the following:

The chairman signs the “Order for Pole Locations” document.

The board signs the four Petitions for Pole Locations documents, which also require the signature of the Town Clerk.

Bob Snow made a motion to authorize Chairman Pierce to sign on behalf of the Board, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

1:15 p.m. APPOINTMENT – Donald Dupray, President Rowley Volunteer Fire Protection Association, Inc., to discuss proposed Rowley Firefighters/Police Officers Memorial

Donald Dupray, President Rowley Volunteer Fire Protection Association, Inc., said for a number of years they have talked about building this memorial, but it was put on hold with the new station being built, and the move from the old station. He said they are

looking to build this memorial in conjunction with the Police Department behind the building and between the Police and Fire Stations, as depicted in the rectangle area in the proposal. He said it would be placed near the large rock ledge. He said this would be an important location, and they would look to hold their Firefighter Sunday at this location. He said they are looking for the Town's permission to build this memorial, and the memorial would be donated to the Town once it is complete. Perry said this is an outstanding contribution to the Town. Pierce said he like the proposal, it is nice and simple. Pierce asked if the Association would pay for everything, and if so when they plan to do the work. Dupray said they will pay for everything and they hope to complete this in the summer. Pierce asked if they have the approval of the Police and Fire Chiefs. Dupray said yes.

Bob Snow made a motion to approve the placement of the Police and Fire Memorial as indicated in the proposal, Joe Perry seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

GENERAL BUSINESS

1. Approve donations to the Council on Aging

Chairman Pierce read the following:

COA Director Ellie Davis has provided the Board with the attached list for a donation, which consists of a monetary donation to support the COA programs. In accordance with State Law, State law, G.L. c.44 §53A, the Board needs to vote by ROLL CALL to approve these donations.

Pierce read the donor's name and donation amount.

Joe Perry made a motion to approve this donation, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

OLD BUSINESS

1. Award contract for Town Hall Handicap Ramp Replacement project to MJS Construction, Inc. of Danvers, MA

Chairman Pierce read the following:

The Board authorized us on December 14, 2020 to go out to bid for this work ahead of Town Meeting, with the bid award being contingent upon getting the additional CPA funding at Town Meeting to complete the project. Town Meeting approved the additional \$67,000 funding needed for this project. The Historic District Commission approved this project on March 25, 2021.

We received nine bids for this project. Tom Mullen recommended that the low bidder be rejected because their bid was not responsive. CBI checked the references for the

second low bidder, and submitted the attached bid recommendation letter. CBI is recommending the Selectmen award the contract to MJS Construction of Danvers, MA in the amount of \$88,420.

Please vote via roll call to award the contract to MJS Construction in the amount of \$88,420, and to authorize Chairman Pierce to sign two original contracts for this work.

Dave Petersen made a motion to award the contract to MJS Construction in the amount of \$88,420, and to authorize Chairman Pierce to sign two original contracts for this work, Joe Perry seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

2. Discuss basketball court project and town land boundary survey results

Chairman Pierce read the following:

The bid documents for the basketball court project were released on May 5, 2021. The bid opening will be on May 20, 2021 at 11:00 a.m. in the Selectmen's Office. The bid documents are posted to the Town's website here:

<https://www.townofrowley.net/procurement/pages/current-procurement>.

At the kick-off meeting for the basketball court project in March, there appeared to be encroachment onto Town property by the preschool next to the basketball court. At the March 22, 2021 meeting, the Board authorized us to reach out to engineering firm Williams Sparages, who prepared the As-built plan for the Pine Grove School project, and ask them to locate or install steel rods to mark the boundary next to the basketball court near the front entrance of the school.

Williams Sparages completed this work and provided the attached map showing areas of encroachment onto Town Property by the preschool. The encroachments include stockade fence, shed, chicken coop, and pavement.

We have reached out to Tom Mullen for guidance about how to address the encroachment. He is recommending if the Board agrees, to send a demand letter to the operator of the preschool and to the landowner.

The landscape architect has confirmed that the court as designed can still fit within the land that hasn't been encroached upon (see second attached map).

There is a light pole that needs to be relocated because its current location is within the proposed expanded court playing area. Amy is setting up a meeting with a representative from Rowley Municipal Light and the landscape architect to stake the new location for the pole. We hope to find an acceptable location within the land that hasn't been encroached upon.

Does the Board wish to authorize Tom Mullen to send a demand letter to the owner

requesting that the preschool moves their property off of Town owned land? Tom also needs to know if the Board wishes to request the preschool to remove the pavement.

How does the Board wish to proceed?

Perry said we should ask the preschool to move their property off Town owned land and to remove the pavement. Pierce said it is a small slice of pavement, he wonders if we need to have this removed, but he defers to the Board.

Joe Perry made a motion to ask the preschool to remove all of their items except for the pavement. The motion was not completed. Bob Snow asked how much pavement is on Town property. Eagan said the plan showing the encroachments is in the packet, and it looks like 2.4 feet. Pierce said it is 2.4 feet at the widest point, and gets progressively narrower. Snow said he doesn't want to nit pick, but 20 to 30 years from now, it may be believed that the land belongs to the preschool if the pavement is left in place. He said we might be setting a precedent with not knowing the delineation of the property. Pierce said he doesn't think there is a legal precedent and you can't get adverse possession against municipal government.

Joe Perry made a motion to request that the preschool remove their property from Town land, excluding the pavement, and to request Tom Mullen to send a demand letter about this, Bob Snow seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

1:25 p.m. APPOINTMENT – Town of Rowley Veterans Committee Member Bob Breaker to discuss holding a Memorial Day Service on the Town Common

Chairman Pierce read the following:

Bob's request is detailed below.

Good Morning All,

The Veterans Committee is seeking permission to hold a Flag rising event on the town common Monday May 31st Memorial Day in lieu of the annual Memorial Day Parade. On Memorial Day the flag should be flown at half-staff from sunrise until noon only, then raised briskly to the top of the staff until sunset, in honor of the nation's battle heroes. The event would consist of the town Boy Scouts, Girl Scouts, Cub Scouts and Parents. The event would start at 1130 with a few words about the meaning of Memorial Day, and at 1200 noon we would briskly raise the flag.

Doing this in lieu of our annual parade would be a good compromise. The common would allow for social distancing and as of today we can have 150 people. With the town offices closed we can have People Park in the town lot avoiding parking on the street.

V/r

Bob Breaker USCG ret.

Town of Rowley Veteran's Committee

The Fire Department, Police Department, Highway Department, and Health Department have no concerns. Health Director Frank Marchegiani says that the State current outdoor gathering limit is 150 people, so this event complies with that requirement.

The Board will need to vote by roll call to authorize the Town of Rowley Veterans Committee to hold this event.

Bob Breaker said this is a good compromise under the conditions to recognize Memorial Day. Pierce thanked Breaker.

Bob Snow made a motion to authorize the Town of Rowley Veterans Committee to hold this event, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Breaker said the Memorial Day flags will be put on the graves on May 23rd in the morning. He said they have successfully registered the Town with the Wreaths Across America program and they will be sending letters out to residents and businesses allowing people to make donations.

1:35 p.m. APPOINTMENT – Council on Aging Director Eleanor Davis to discuss COA tent installation on the Town Hall Annex grounds

Chairman Pierce read the following:

COA Director Eleanor Davis has tried to find a company to install the proposed new tent the COA previously received permission from the Board of Selectmen to purchase and install on the Annex grounds. Unfortunately, Eleanor has been unable to find a company to do the installation.

The company that she is planning to purchase the tent from has offered to provide the Town with guidance on how to set-up the tent. The plan would be for the Highway Department employees to set up the tent with the onsite guidance of the tent company official. The company official would NOT be participating in the set-up, but will instruct the employees on how to assemble the tent. Highway Surveyor Patrick Snow has offered to have staff from his Department set-up the tent. Would the Board of Selectmen be willing to authorize this new plan of action? If so, the Board needs to vote by roll call.

Perry asked what the size of the tent is. Petersen said 20' by 40'. Perry said that is a good sized tent. COA Director Ellie Davis said they have been trying to find a tent company willing to set this up, and she has dropped the size of the tent to 20' by 30'. Snow said he has a friend with a 20' by 30' tent that he sets up several times per year, and people can be trained to set it up. He said if the Highway Department learns how to do it, it should be okay. He said it isn't rocket science to set it up, but you need to be

careful. Davis said the tent companies have said the same thing and the representative from the company will lead the effort.

Bob Snow made a motion to approve the 20' by 30' tent, with the Highway Department setting it up, Joe Perry seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Deana Ziev – aye; Cliff Pierce – aye. Dave Petersen – ABSTAINED

OLD BUSINESS

3. Discuss Massachusetts Department of Transportation Virtual Public Hearing on June 10, 2021 on the intersection of Route 1 and Central Street and Glen Street

Chairman Pierce read the following:

State Representative Brad Hill contacted Debbie this week to alert the Board of Selectmen of an upcoming public hearing on Route 1 and Central and Glen Streets. Selectman Bob Snow also was also notified this week of this hearing from the MassDOT. The MassDOT is accepting comments and questions.

Attached is a MassDOT flyer on the hearing and the official public hearing. We will post these at Town Hall and the Library, and on the Town's website. We will distribute it to all Town departments, boards, and committees.

Snow said our State Representative and State Senator got this project moved into the 2023 Transportation Plan, sooner than the 2025 as originally planned. He said in his experience, it is a big deal to get something pushed ahead in the transportation plan, and he thanked Representative Hill and Senator Tarr for moving this forward.

Perry echoed Snow and thanked Brad Hill for moving the project ahead to 2023 from 2025.

MINUTES April 26, 2021

Deana Ziev made a motion to approve the minutes of April 26, 2021, Bob Snow seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

1:45 p.m. APPOINTMENT – Brenden Doyle to discuss the final permit for the grow out site at Hog Island under his Aquaculture Permit

Chairman Pierce read the following:

Brenden contacted Debbie via email is requesting the following:

Hi Debbie,

Please see attached, this letter is the certification for the main Hog Island grow out site. This certification satisfies the DMF requirements and is all you need for justification to issue the final permit for the grow out site at Hog Island. The overwintering site still needs the DMF site survey and we are looking to schedule that for the later half of May.

If possible for the final license I would like to please request a designation of AQ-01 for the 0 Hog Island location and AQ-01-W for the overwintering area. it would be greatly appreciated as i won't have to paint a long permit destination on the marker buoys.

I've CC'd Chrissy from DMF in case there are any questions please contact Her or myself directly.

Thanks,

Brenden

On September 14, 2020, the Board of Selectmen held a public hearing on Brenden's Aquaculture License Application. The application was for an "overwintering" area where the juvenile oysters will be stored in sunken cages on the bottom of Plum Island Sound, in a location designed by the Rowley Harbormaster. The Board approved the license. (Minutes of 9/14/20)

Brenden needs to provide the details on what next steps he is requesting from the Board in connection with his current Aquaculture License, which was issued on September 14, 2020. (A copy is attached.)

Pierce asked Doyle what further option is required by the Town. Doyle said there are two licenses as follows: one for the primary site at 0 Hog Island; and the second for the overwintering area. He said today's discussion is about the primary site, and he received his DMF propagation permit on May 7th. He said that permit allows him to start growing at the primary site. He said the State considers the licenses issued by the Town temporary until he receives the propagation permit. He said now that he has the propagation permit, he is ready for the permanent license. He said the State has used # AQ-19-01 on his permit and he would like the Town's Aquaculture license to match this number.

Pierce said the DMF is looking for a permanent license issued by the Town, and we don't need to have a public hearing since we already did. Doyle said the primary site is the issue today, and he will come back at a future time for the overwintering site.

Bob Snow made a motion to issue a permanent Aquaculture license for the primary site, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

ANNOUNCEMENTS

- The May 11, 2021 Town Election will be held at St. Mary's Church Hall from noon to 8:00 p.m.

ADJOURN

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

Meeting adjourned at 1:44 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 1:00 p.m. Public Hearing – Verizon and Light Department Poles – Daniels Road to: add a stub pole and anchor to Pole 11 and relocated pole 12 and pole 13
2. Legal Notice for Pole Hearing
3. Town of Rowley and Verizon Order for Pole Locations
4. Letter from Rowley Municipal Light Plant to Verizon regarding light poles, including enclosed four petitions
5. Map of Danielsville OSRD entrance with Daniels Road
6. Certified Abutters List for Parcel 009-023
7. Meeting memo regarding 1:15 p.m. Appointment– Donald Dupray, President Rowley Volunteer Fire Protection Association, Inc., to discuss proposed Rowley Firefighters/Police Officers Memorial
8. Email from Deborah Eagan to Donald Dupray regarding Agenda
9. Proposal slides for Rowley Firefighters Memorial
10. Meeting memo regarding 1:25 p.m. Appointment–Town of Rowley Veterans Committee Member Bob Breaker to discuss holding a Memorial Day Service on the Town Common
11. Email from Bob Breaker regarding Memorial Day
12. Email comments from Highway Department regarding Memorial Day
13. Email comments from Health Department regarding Memorial Day
14. Email comments from Police Department regarding Memorial Day
15. Email comments from Fire Department regarding Memorial Day
16. Meeting memo regarding 1:35 p.m. Appointment— Council on Aging Director Eleanor Davis to discuss COA tent installation on the Town Hall Annex grounds
17. Meeting memo regarding 1:45 p.m. Appointment–Brenden Doyle to discuss the final permit for the grow out site at Hog Island under his Aquaculture Permit
18. Email from Brenden Doyle regarding Aquaculture License Site Certification: Doyle/O'Connell, Rowley, including attached letter
19. Current Aquaculture license issued to Brenden Doyle
20. Minutes from September 14, 2020 regarding Public Hearing for Aquaculture License
21. Map of proposed site plan 1st year from Great Marsh Shellfish LLC
22. Map of overwintering area from Great Marsh Shellfish LLC

23. Map of aerial view 0 Hog Island Existing Conditions from Great Marsh Shellfish LLC
24. Meeting memo regarding General Business #1: Approve donations to the Council on Aging
25. List of COA donations
26. Meeting memo regarding Old Business #1: Award contract for Town Hall Handicap Ramp Replacement project to MJS Construction, Inc. of Danvers, MA
27. List of bids received for Town Hall Handicap Ramp Replacement project
28. Bid Recommendation Letter from CBI for Town Hall Handicap Ramp Replacement project
29. Draft contract between Town of Rowley and MJS Construction, Inc.
30. Meeting memo regarding Old Business #2: Discuss basketball court project and town land boundary survey results
31. Email from Richard Williams of Williams Sparages regarding As Built Plan Pine Grove School 191 Main Street Rowley, including attached map showing encroachments
32. Email from Chris Huntress regarding As Built Plan Pine Grove School 191 Main Street Rowley
33. Basketball Court Site Improvement Details prepared by Huntress Associates, Inc.
34. Meeting memo regarding Old Business #3: Discuss Massachusetts Department of Transportation Virtual Public Hearing on June 10, 2021 on the intersection of Route 1 and Central Street and Glen Street
35. Flyer for the Massachusetts Department of Transportation Virtual Public Hearing on June 10, 2021 on the intersection of Route 1 and Central Street and Glen Street
36. Notice of Public Hearing for the Massachusetts Department of Transportation Virtual Public Hearing on June 10, 2021 on the intersection of Route 1 and Central Street and Glen Street
37. Email from Bob Snow regarding Rowley – Safety Improvements at Route 1, Central and Glen Streets (Proj No. 609392_ DPH Confirmation & Notice