

MINUTES OF THE BOARD OF SELECTMEN

October 4, 2021

Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

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

PUBLIC ATTENDEES: Bernard Cullen – 283 Wethersfield Street; Dave Calhoun-Saxon Partners; Jack Leffell – Saxon Partners; Karen Summit – Treasurer/Collector; Sara Bourque; David Jaquith – Planning Board

CALL MEETING TO ORDER

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

The Pledge of Allegiance was recited.

7:00 p.m. APPOINTMENT Treasurer/Collector Karen Summit to discuss tax title property auction and land of low value auction

Chairman Pierce read the following:

Karen Summit is here tonight to talk about two auctions that she is working on:

- *Tax Title Property Auction*
- *Land of Low Value Auction*

Please see attached memo and property listings for each auction.

Summit said she is here to talk about two different auctions and presented the following:

1. Before the pandemic began she discussed foreclosed properties to be auctioned. She is looking for a member of the Board of Selectmen to review the list of properties with her to see if there are any parcels that the Town wants to keep, and then she will come back to the Board with recommendations. Perry said he will work on this with Summit. Pierce said the land off of Daniels Road should be held onto as it will only increase in value. Summit said that parcel is in the middle of where the proposed racetrack was to be located. Pierce said he thinks it is about a four acre parcel. Eagan said the Conservation Agent is also reviewing the list of properties to see if any should be transferred to the Conservation Commission. Summit said some properties might not sell and the Board may wish to consider putting those under the care and custody of the

Conservation Commission so they aren't a liability on free cash. Petersen asked which parcel is for the proposed recycling center. Summit said she isn't 100% sure based on the street numbers on the provided list, but she can check into this.

2. Summit said she has never done a Land of Low Value Auction before. She said each year the DLS sets criteria and if money is owed on a property and its assessed value is below a certain amount, instead of going to land court we can apply for a Land of Low Value affidavit. She said we have five properties eligible for this and this is equal to taking the land without the Town owning the property. She said the minimum bid will be equal to the amount of money owed to the Town, the bidder has 10 days to pay, and if properties don't sell the auction is reconvened in one week, and if they still don't sell, they become tax possessions of the town that we can use or auction. She said this a statutory process that has to be followed. She said we were granted the affidavit on two properties in 2019, which is good for two years. She said the auction will be held in the upstairs auditorium at Town Hall on October 26th.

7:10 P.M. TO 7:15 P.M. PUBLIC COMMENT

There were no public comments.

GENERAL BUSINESS

1. Letter of resignation from Reserve Police Officer Oceanna Golliday

Bob Snow made a motion to accept this resignation with regrets, Dave Petersen seconded, all in favor – aye (4-0). Deana Ziev - ABSTAINED

2. Set Halloween Trick or Treat hours

Chairman Pierce read the following:

The Board needs to vote to set the Halloween Trick or Treating hours.

Vice Chairwoman Deana Ziev has suggested that trick-or-treating hours be set for the date of Halloween, Sunday, October 31 from 5:30 p.m. to 7:30 p.m. Chief Dumas supports this.

The Board needs to vote to set the Halloween Trick or Treating hours for:

Halloween, Sunday, October 31, 2021 from 5:30 p.m. to 7:30 p.m.

Bob Snow made a motion to set Halloween Trick or Treating hours for Sunday October 31, 2021 from 5:30 p.m. to 7:30 p.m., Joe Perry seconded, all in favor – aye (5-0).

OLD BUSINESS

1. Discuss Saxton Partner's proposed 40B affordable housing project at 395 Main Street

Chairman Pierce read the following:

At last week's meeting, Dave Calhoun of Saxton Partners presented the Board with a proposed 40B affordable housing project for 395 Main Street. Mr. Calhoun is presenting his proposal as a "Friendly 40B." His firm is asking the Board if they would like to proceed with a "Friendly for 320 rental apartments at the existing Didax property on 17.5 acres of land abutting the train station.

Pierce said he understands that Saxton has made some modifications to the proposal. Calhoun introduced Jack Leffell. Calhoun said he pulled the area median income and provided a document that summarizes Weston's housing needs. He said a tremendous number of people would be eligible, and that the Board's concerns were about the size, density, traffic, and the impact to the scenic byway and the Great Salt Marsh. He said the DEP and the Conservation Commission will require them to protect the marsh. He said the first building will be 600 feet off of the main road, and will be accessed by a parkway entrance with landscaping. He said he spoke with the Town Planner who raised concerns about the size, and who emphasized that they should put a number forward. He said to build a high quality building, they will need to have 240 to 260 units in order to do the project. He said they will shrink the footprint and keep the four stories in order to create more open /green space. He said the parking spaces will decrease from 670 to 540, which they think is still too many and would like to ask the ZBA to allow 1.3 spaces per apartment which would total 312 to 338 parking spaces. He said they will create banked parking. He said their traffic engineer doesn't think there will be a traffic problem, and now the numbers will decrease. He said the Route 1 intersection can be improved with a timing change. He said he hopes the Board of Selectmen looks favorably on the project with 240 to 260 units. He said the nursing home property may be coming onto the market. He said someone will develop this site or the nursing home property. He said with 240 to 260 units, we will get to the safe harbor amount, which will allow the Town to control the zoning.

Pierce asked the Board if the Board supports the project with the units reduced to 240 / 260. He said his opinion is that it is still too large. Calhoun said the parking spaces will be concentrated next to the train and spaces will be removed from next to the buildings for more green space. He said they may change to three or four buildings. Petersen said he would like to see input from the Planning Board and other boards before deciding about this. He asked what the next steps are. Calhoun said they are on a tight timeline with the seller and if they can get on the Planning Board agenda soon, they are happy to meet with them and then come back. He said if they don't go to the Planning Board, without the support of the Board of Selectmen, they will make a business decision about whether or not to move forward with the project. He said the intent of having the support of the Board of Selectmen is so that the project doesn't start off in a confrontational way, and ideally a mini subcommittee would be formed for the project

that includes 1 Selectman, 1 Planning Board member plus a member of another Town board. He said in a hostile project, the plans are developed, filed with the State, the Board of Selectmen receives them for comments, a project eligibility letter is issued that is posted with the Town Clerk and the ZBA, a hearing is held within 21 days and the proposal is reviewed within 6 months, the hearing is closed and a written decision is issued and filed with the Town Clerk. He said if the proposal isn't approved or if it is approved with conditions, they can appeal to the Housing Appeals Committee. He said as the project shrinks, it becomes a condo deal, and the number of units that can be counted towards the affordable housing minimum is reduced.

Petersen said this proposal came up one month ago, he agrees this property will be developed in the near future, but he still thinks this is too big. He said he likes the idea of the amenities but he would like to have input from the Planning Board. He said the Town boards need to look at this parcel, and he is also hearing rumors that Seaview is being sold. He said as these large parcels become available for development he would like to see the bigger picture from the Planning Board. He said we deserve the time for the Planning Board to review this, he doesn't want to shut the door, but it will benefit the Town and the residents if this is reviewed. Calhoun said until a comprehensive permit is issued, recorded and beyond the appeal period, we won't have safe harbor, and the safe harbor expires if building permits are not taken out within certain time frames.

Snow asked Calhoun to explain what the safe harbor is. Calhoun said there are different ways to get to the safe harbor. He said a 40B developer can still go to the ZBA if the Town has over 10% in affordable housing, but the ZBA would have the right to say no to the development, and the Housing Appeals Committee would have to support this. He said safe harbor can also be achieved if you have an approved Housing Production Plan and you are making progress on it. He said another way is through a land calculation if more than 1.5% of the land area in the Town is already dedicated to affordable housing. Pierce said the State's interpretation of this is so strict that the Town has determined that this isn't a possibility. Snow asked how many affordable units the Town has already. Calhoun said approximately 64. Sara Bourque said it is 4.2%. Calhoun said the 240 to 260 units should put the Town over the limit. Perry said 320 units was too big and 240 to 260 makes it look a little better. Pierce said if the Board doesn't support this tonight, we can support this later. He said the Board of Selectmen and the Planning Board could do a study to see what we want for the parcel and what the Town is facing. Snow said we should work with the developer and the Planning Board, and he is afraid that a 40B will go in at a different location by an entity that doesn't want to work with the Town. Calhoun said they will spend time giving the same pitch to the Planning Board. Snow said there was a traffic study on the Route 1 / 133 intersection and they were proposing to widen the intersection possibly in 2024. Calhoun said they will get a positive recommendation from the Planning Board and come back to the Selectmen. Pierce said it won't change his mind if the Planning Board endorses a plan for 260 units because he thinks it is too many. Petersen said it is unrealistic to expect the Selectmen to approve this number of units. He said he likes the idea that this is a high end project, but we need more input. He said he doesn't want to vote this down, but he isn't ready to support this. He said we should get

feedback from the Planning Board first and the developer can sharpen his pencil. Snow said he and Pierce have served on the Planning Board in the past. Calhoun said the 240 / 260 number is a walk-away number for them because they have to cover their costs. He said they will go to the Planning Board, the Board can have the Planning Board come talk to them in the meantime, and they will get an extension for a couple of weeks from the property owner.

Petersen said the developer has made a good faith effort to reduce the number of units, and he is willing to hold off on making a decision about this. He said if the developer needs to walk away from this then so be it, and it is unrealistic to expect the Board to make a decision in two weeks about this. Snow said he agrees with Petersen. Perry said the next Selectmen's meeting is in two weeks and they should meet with the Planning Board and then come back.

Bernie Cullen said the need for the apartments is driven by people who want to downsize to one or two bedrooms. He asked what the proposed rents are to determine if the demand will be there. Jack Leffell said they don't have a specific amount yet, but it would be driven by market value. He said they aren't interested in outpricing people, and there are also young people who can't afford to buy a house, and the apartments would help shift people out of their homes so the homes are available for others to buy.

Pierce said the Board will not take a vote tonight and allow the developer to consult with the Planning Board and then come back to the Selectmen.

2. Award Town Hall trim project contract

Chairman Pierce read the following:

Three bids were received in response to the Request for Price Quotations for the Rowley Town Hall Exterior Trim Replacement and Painting project as follows:

Rowley Town Hall Exterior Trim Painting Replacement and Painting RFQ Opening September 28, 2021					
Vendor	Base Bid: Paint Trim Only - cupola, back and left sides viewing from Main Street	Alt # 1 : Replace known rotted trim	Alt # 1 : unit pricing unknown rotted trim	Alt # 2: Paint exterior LULA	Total Base Bid plus Alternates (excluding Alt #1 unit pricing)
JB Painting Services Inc.	\$ 12,499.00	\$ 1,950.00	\$17 /ft (greater 6 inch width); \$15 /ft (less than/equal 6 inch width)	\$ 1,100.00	\$ 15,549.00
New Generation Painting, Inc.	\$ 54,131.00	\$19,704.00	\$70 /ft (greater 6 inch width); \$70 /ft (less than/equal 6 inch width)	\$ 10,800.00	\$ 84,635.00
Unicon, Inc.	\$ 24,500.00	\$ 4,000.00	\$150 /ft (greater 6 inch width); \$145 /ft (less than/equal 6 inch width)	\$ 2,500.00	\$ 31,000.00

JB Painting Services Inc. of Marlboro, MA submitted the lowest base bid. The total base bid, plus the two alternates from JB Painting Services Inc. is \$15,549. The project budget is approximately \$30,000, therefore all of the areas can be repaired and painted as planned within the project budget. The areas include: painting the cupola, all trim and doors on back and left sides of Town Hall when viewing from Main Street, known trim replacement work as detailed in the RFQ, painting the exterior LULA shaft. Please note this cost does not include the cost to repair additional trim that may be discovered during the painting project.

Town Hall will remain open to the public during this project. We plan to schedule this work as soon as possible.

The reference feedback that we received from the Town of Plymouth, the Town of Andover and UMASS Dartmouth was positive and they all indicated that they would hire JB Painting Services Inc. again.

We are recommending the Board of Selectmen award the contract to JB Painting Services Inc. because they are the responsible responder (demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent workmanship and financial soundness) pursuant to Massachusetts General Laws C.149 offering to perform the work at the lowest base bid price.

Please authorize the following:

- 1. Authorize Amy to issue an award letter and two copies of the contract for a total amount of \$15,549 to JB Painting Services Inc. This includes the base bid and the two alternate bids.*
- 2. Authorize Chairman Pierce to sign two copies of the contract.*
- 3. Authorize Dave Petersen to work with the staff in selecting the paint colors and to approve change orders up to \$5,000 for additional repair work that may be discovered.*
- 4. Authorize Amy to issue a Notice to proceed for a total amount of \$15,549 for this project, once the contract has been fully executed, and the required insurance certificates have been provided to the Town.*

Joe Perry made a motion to authorize the four items detailed above, Bob Snow seconded, all in favor – aye (5-0).

3. Discuss new basketball court on Main Street

Chairman Pierce read the following:

Parks & Recreation Committee member David Zizza observed young children using chalk and small bikes on the new plexipave surface on the basketball court on Thursday. The cost of this surface material was \$9,000.

The vendor who installed the plexipave surface suggested that the Town keep the court to be used mostly for basketball. He said hockey sticks and bikes, and anything where the surface is taking direct blows with hard objects is bad for the surface. He said bike tires will scuff the court as well.

Does the Board wish to install signage at the new court that says, "Court for basketball play use only"? Does the Board have a suggested number of signs that should be installed? We recommend two or three signs. A ball-park estimate for three signs is

\$500 - \$600. There are remaining funds in the project budget that could be used for signage.

Petersen said he recommends that we install three signs, and that the Board of Selectmen take action if they see people using the court for non-basketball purposes. Ziev said a friendly notice should be sent to the preschool letting them know the court is just for basketball use.

Bob Snow made a motion to install three signs and to send the notice to the preschool, Deana Ziev seconded, all in favor – aye (5-0).

4. Triton District Communications Committee Meeting Update

Chairman Pierce read the following:

The Triton District Communications Committee met on September 30. The DCC was presented with an updated Comprehensive Facilities Assessment that reflects increased costs up to \$61 million.

Attached is a copy of the assessment. Joe Perry will provide an update.

Perry distributed several handouts and said the new number is \$61,583,270. He said five or six years ago they put in a proposal to the MSBA to renovate the school. He said they are looking for \$1,500,000 to assess the school and see what the needs are. He said Triton is looking for a vote by November 18th. He said he made a point at the meeting that when the Town submitted the Pine Grove School project to the MSBA that we were one of ninety-five projects, and only fifteen projects were accepted. Snow asked what the criteria is. Perry said that is in the materials and the Board needs to vote by November 18th. He said they want to know if the Town will support an application to the MSBA for \$61,000,000. Eagan asked if they want a Town meeting vote for this. Perry said no, just the Selectmen. He said he doesn't think that Salisbury and Newbury will support this. He said the scope is like putting a bandaid on the building. He said the roof and windows are in tough shape and it will take a lot more than \$61,000,000. Ziev said this is an astronomical number. Perry said the Pine Grove School project was \$40,000,000.

Petersen said the original building was built in 1970 and there was an addition added later. He said he agrees with Perry that we need to look at making some repairs and building costs increase by 5% to 7% each year. He said he doesn't support the \$61,000,000 but would like to support the project to the extent to see if the State will consider the project. Perry said Scope 1 alone is \$18,000,000 which includes just the roof and some other envelope and mechanical repairs. He said Scope 2 is \$14,000,000 and Scope 3 is \$29,000,000. Snow said every year we delay the project cost will go up by 4% and COVID has impacted building costs. Pierce asked for a clarification on the date. Perry said we have to reply to DCM for their meeting on November 18th.

Perry said he has been on the Board for ten years. He said Triton will be looking to set up sub-committees with Town representatives for the alternative assessment, landlord tenant agreement and school building committee.

Bernie Cullen said his concern is if we put forward a statement of interest for the whole process, then we need to come up with money for a feasibility study which will likely increase the total cost of the project. He said an interim step should be made as soon as possible which folds this into an accelerated repair program. He said he doesn't know if applying for the accelerated repair program knocks us out from applying for other MSBA programs for a complete renovation. He said we need to repair the building envelope which includes the windows, doors, roof and HVAC air handling system, which looks like it will cost \$17,000,000 rather than the \$63,000,000. He said it appears these items could be handled under the accelerated repair option, and he respectfully requests that the Board ask Triton to find out what is or isn't covered. He said the report has many cosmetic items. He said \$4,000,000 is estimated for the fire system, but this is for a digital voice recording rather than for fire prevention. He said we need to scrub the list between essential items and nice to have items.

Snow said all three towns have added a lot of debt, such as new safety buildings in each town. He said we need to go back to the school and look at some of these projects, but not all of them at once. Perry said he doesn't think \$61,000,000 will cover this and problems will be uncovered as work starts on this older building. Petersen said we should look at the accelerated repair option because it will get very expensive if the towns foot the entire bill. He said we need more information such as how many years are left on the roof, and we can send a letter to the Superintendent and School Committee. Perry said an option is to invite Nerissa to the next meeting, who is now the Vice Chair.

Perry said he needs more involvement from the Board on these committees because he can't do it all. Bernie Cullen said with the significant decreasing enrollment trends, a kick-off discussion should be what the needs for the building are, and the current roof is 200,000 square feet. Petersen said the population won't affect the assessment of the building repairs needed and the safety issues need to be looked at. He said we need someone to explain this to us. Perry said during the discussion for the Pine Grove School project, there was discussion to demolish the school and build a new school, but the new school would have been much smaller. He said the kids in the classrooms today have more special needs because of what its going on in the world than when he taught. Pierce said he will go to the next DCM meeting. He asked if they are looking for the Board to commit to support a petition to the MSBA to see if they will sign on. Perry said exactly, to go in for a feasibility study, and be willing to support the \$1,500,000 for the study. Pierce asked where the money will come for the study, and if an override would be needed. Cullen said if the feasibility study is done, the State will reimburse part of the cost. Perry said yes, if the project is chosen by the MSBA. Petersen said we need more information from the school and definitive answers from the Superintendent or the consultant. Perry said the commitment needs to be made in November so that

we can get on the project list. It was agreed to request the Superintendent and Nerissa to attend the Selectmen's meeting on October 25th.

MINUTES

- September 20, 2021 – Executive Session

Bob Snow made a motion to approve the minutes of the September 20, 2021 Executive Session, Deana Ziev seconded, all in favor – aye (5-0).

- September 27, 2021

Bob Snow made a motion to approve the minutes of September 27, 2021, Deana Ziev seconded, all in favor – aye (5-0).

ANNOUNCEMENT

- There are openings on the Conservation Commission, Open Space Committee, and Board of Shellfish Commissioners. Please check the Town website under Board/Committee Vacancies for more information or call the Selectmen's Office at 948-2372.

ADJOURN

Deana Ziev made a motion to adjourn, Bob Snow seconded, all in favor – aye (5-0).

Meeting adjourned at 8:18 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 7:00 p.m. Appointment: Treasurer/Collector Karen Summit to discuss tax title property auction and Land of Low value auction
2. Memo from Karen Summit regarding Tax Title Possession Auction including attached list of 15 parcels owned by the Town
3. Memo from Karen Summit regarding Land of Low Value Auction
4. Land of Low Value Auction/General Information
5. Letter of resignation from Reserve Police Officer Oceanna Golliday
6. Meeting memo regarding General Business #2: Set Halloween Trick or Treat hours
7. Meeting memo regarding Old Business #1: Discuss Saxton Partner's proposed 40B affordable housing project at 395 Main Street

8. Email from Kirk Baker regarding FYI - Proposed 168 unit 40B apartment complex at 1042 Main Street Woburn
9. Letter from GPI – Trip Generation and Site Access Ltr 9/27/21
10. Conceptual Master Plan for 395 Main Street
11. Conceptual Master Plan – aerial for 395 Main Street
12. Assessors Map for 395 Main Street
13. Assessors Property Card – 395 Main Street
14. Email from Dave Calhoun regarding meeting
15. Handout provided by David Calhoun titled Summary of Housing Needs
16. Handout provided by David Calhoun titled Original Conceptual Master Plan
17. Meeting memo regarding Old Business #2: Award Town Hall trim project contract
18. Draft Town Hall trim project contract
19. Request for Price Quotation for Town Hall trim project, including prevailing wage rates
20. Bid Submittal from JB Painting for Town Hall trim project
21. Meeting memo regarding Old Business #3: Discuss new basketball court on Main Street
22. Email from Chris Huntress regarding Basketball Court Signage
23. Meeting memo regarding Old Business #4: Triton District Communications Committee Meeting Update
24. Updated Comprehensive Facilities Assessment for Triton Middle and High School Campus
25. Handout provided by Joe Perry titled Executive Summary
26. Handout provided by Joe Perry titled Module 1 – Eligibility Period
27. Handout provided by Joe Perry titled MSBA Modules Overview
28. Draft minutes of September 27, 2021