

MINUTES OF THE BOARD OF SELECTMEN

September 21, 2020

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 called the meeting to order at 1:03 p.m. He read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, 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/279806205> can also dial in using your phone by calling [+1 \(571\) 317-3122](tel:+15713173122) and using access code 279-806-205. 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.

1:00 p.m. APPOINTMENT – Pine Grove School Construction Project Owner's Project Manager Larry Berger of Pinck/Anser Advisory to provide an update on the punch list

Chairman Pierce said he understands that Larry is unable to make the meeting, and that Andraya is attending in his place.

Andraya Lombardi from Pinck/Anser Advisory said that she sent the punchlist spreadsheet to Eagan. She said there were 262 items identified during the walk through and 212 items have been completed as of last week. She said 36 items remain open, 14 are punchlist, 21 are warranty items and there are several being contested by WT Rich and a determination needs to be made. She said the exterior work will be scheduled for the month of October. She said she sent the spreadsheet late last week showing items that Pinck considers being closed and Dore & Whittier needs to do the same.

Brad Dore said he went through the list and there are not many items that remain, and many are exterior items that are scheduled for October. He said regarding items under dispute, he thinks only 2 of the 10 on the list are without a solution. He said an example

are the doors where you can see daylight coming into the building because there is a dime or nickle sized opening. He said there is not a rock solid answer for this issue and the best solution is to install weather stripping on the door. He said a lot of the doors with this issue are not opened or closed frequently. Dore said another issue is with the sweeps at the bottoms of the doors, which can be solved by installing sweeps that are 1/8" longer, or by installing full rubber sweeps. He said if these proposed solutions are accepted, the remaining item under dispute is the bowed whiteboard in Room 202. He said there are no huge items in dispute. He said the items on the punchlist are either complete, or if they try to fix them they believe the problem will get worse, not better. Lombardi said some items that need to be replaced are on order. Dore said other items are privacy slats on the dumpster which Frank put on the list, WT Rich reviewed and disputed and the answer was to remove the slats. He said another issue is the hinged 8x8 drain covers in the playground, which some kids are opening. He said these can be screwed down, but it becomes a maintenance issue, and this is not a WT Rich issue.

Pierce asked what the mechanism is to close out these remaining questions. Dore said we need to find out where WT Rich is on some of the outstanding items, and if they don't do the items, they go onto the dispute list. He said the Board of Selectmen as the owner decided if they want to take it to the next level or to have someone else fix the items with the money.

Pine Grove Principal Nicole LaPerrier agreed that there are not many items left and said she walked through the building with custodian Frank Janvrin. LaPerrier brought up the following items:

1. Camera is installed in a storage room that is the old art room that nobody enters, and it should be monitoring a different area. Dore said they looked, didn't understand the issue, and they need to look at this again. Ziev said this is item #189, the plan showed that it should be installed there, but there is a door leading outside that is not being monitored. Frank said it would make sense if it was installed up one level, but the drawing called for it to be downstairs. Dore said it could be that Dore located it in the wrong spot, but he needs to look into this, and check the discussions when the decisions were made.
2. There is a door with many holes in it from the locks being moved so many times that is an eyesore. Lombardi said this is item #68. Dore said if they looked at the correct door there were no holes in it, just glue. He said they installed a new faceplate and relocated the lock. He said the door was locked so they couldn't see the inside of it. LaPerrier said the holes are on the inside and it is pretty beaten up. Dore said the door should be replaced. Harvey said it's no problem to get the door. Ziev said in the upstairs gallery STEM area the locks were moved on a door a few times. She said this was on a previous punchlist, but she doesn't see it now, and she hopes the holes have been patched. Lombardi said she can find this item on the list off line.
3. The garage door opener needs to be held in for it to work. Dore said they are looking at this, and it is typically a beam issue. Frank said Tom Hood said it needs new controllers. Harvey said the sensor was fixed, but the hold is

required for safety precautions. Dore said if that is the case, there should be a programming solution.

4. Frank said there are painting issues where paint is peeling off the walls, and you can see the old green paint on the existing block in the lower and upper south wing. Lombardi said this is item #194. Dore said this is shown as completed and closed, so he didn't look at it. Lombardi said the customer is not accepting this, so she will move this to a disputed item. LaPerrier said it is peeling and kids have been there only for one week. Harvey said this was brought up during phase 3, they fixed it and tested it with a razor blade and tape. He said a key dragged across it will scar it and there has to be reasonability on the sustainability of the product. Dore said this was an issue, there was an effort to resolve this and they can go back and look at it. He said this should be put back on the list as an open item and asked Frank to mark the areas with blue tape.
5. LaPerrier said there are many bare spots in the grass where it was hydroseeded. Dore said this work was done during different phases and growing seasons, some areas were fixed in each phase and taken off the punchlist. Harvey said in the next couple of weeks they will slice seed to reestablish the bare areas. Dore said they need to discuss with the landscaper to pull the crab grass before the slice seeding. Harvey said if this isn't done right away they will come back to do this.
6. There are many chairs that are ruining the floors – the custodian has vacuumed and put new felt on the chairs, and the plan is to look at this again when the students return. Frank said in the front entrance near the electric room and the old nurse's office the flooring was beaten up during construction since it wasn't covered. He said during the last days of construction, lifts were used which gouged and pitted the floors. Harvey said he needs to talk to the team about this, and he believes this was Phase 1 work. Brian Forget said the flooring installation was Phase 1, but the damage was done during a later phase.
7. Frank asked about the cove base work. Dore said that is an issue where they believe it will look worse if they try to fix it, and he thinks it is better to leave it alone. Harvey agreed with Dore, and said this was not meant to be shaved down.

Chairman Pierce said there is a 90 minute limit on the meeting, and the Board has other business to do. Lombardi said she will set up a meeting with LaPerrier and Frank once Larry Berger returns. Karen Summit asked what the timeline is for all of this to be complete and closed with the MSBA. She said the Town has a borrowing maturing in December and will have to roll the ban. Lombardi said the work should be completed by the end of October, and they have a kick off meeting with the MSBA tomorrow. She said they hope to have the final requisition before the end of the year, but it depends on what work they can get done in October. She said in November / beginning of December they will have a better handle on where things stand and will give a milestone schedule.

1:20 p.m. APPOINTMENT – Attorney Jill Mann to discuss re-alignment plans for intersection of Wethersfield Street and Taylor Lane

Chairman Pierce said he has a conflict of interest because he is an abutter to this subdivision, and he asked Vice Chairman Joe Perry to take over for this agenda item.

Perry read the following:

We have been contacted by ASB Design Group, the engineering firm working on the Falcon Ridge development, informing us that they need to re-align the intersection of Wethersfield Street and Taylor Lane. The contractor is requesting to make this change because there is a utility pole in the location where the road is going to be paved. Apparently, the utility pole cannot be moved.

Falcon Ridge's attorney, Jill Mann, has provided the Board of Selectmen with a copy of the plan showing the proposed changes. She has also provided photos showing the location.

Wayne Amico from Vanasse Hangen Brustlin, Inc. (VHB) reviewed the changes. (See attached). Attorney Mann provided responses to Mr. Amico's questions.

**This morning Wayne sent Attorney Mann a comment via email (see attached; his comments are in blue and plan is also attached) on the intersection, which reads as follows:*

The realignment of the roadway in this location leaves little room between the proposed edge of roadway and the new/recorded roadway Layout line. I recommend that consideration be given to amending the previously filed Subdivision Layout Plan to adjust the proposed roadway layout in this area to allow for future Town Sidewalks, WCR's, or other amenities within the existing Town Layout, without the need for a property acquisition in the future. (See attached plan highlighting the area in question). This would not need to be done now, but could be done at a future date, as a condition of the Board's approval of the new roadway re-alignment.

Highway Surveyor Patrick Snow has reviewed the changes and has no concerns with the alignment. Patrick is working on a pavement project today and is not sure if he can call in to the meeting.

Conservation Agent Brent Baeslack has reviewed the changes and reports the following via email:

All:

Actually they do effect work within the 100' Buffer Zone to Bordering Vegetated Wetlands that are located on 413 Wethersfield St across from Falcon Ridge. But it appears that there isn't any cumulative change since the shifting just disturbs the same amount of previously disturbed Buffer Zone within the Right of Way. I have no concerns about the proposed realignment. I will send an email to the Selectmen regarding this proposed adjustment or realignment.

Brent Baeslack | Conservation Agent | 978.948.2330 | conservation@townofrowley.org

How does the Board wish to proceed? If the Board votes to approve this, it must be a roll call vote.

Petersen said this is confusing looking at the drawing provided, and the review agent provided a comment that the intersection doesn't need to be changed. He said we need an explanation of the changes proposed. Eagan said Wayne from VHB is on the call and can explain. Wayne Amico said the contractor encountered a utility pole that can't be moved and the engineer suggested a realignment, which appears reasonable. He said the only real concern is that the subdivision layout realignment moves closer to the edge. Attorney Jill Mann said the utility pole is 4 feet into the pavement of the proposed new road, so they need to shift the pavement away, which results in a complete shift of the roadway. She said the new location is not outside of the right of way, but extends to the top of it. She said there is enough space for stormwater management and a sidewalk on one side only. She said there are no substantial or negative impacts from moving the roadway as proposed, and this is being driven by the utility pole location.

Bob Snow said he went to this area this morning to take a look, and he sent pictures to Eagan who sent them to the Selectmen. He pointed out the pole locations being discussed. Mann said the offending pole is all the way to the right on the map, and is the photo she provided with a gentleman standing next to it. Snow said the pole that Mann is identifying is coming out. Mann said they were told it wouldn't be coming out. Snow said he spoke with Light Manager Matt Brown this morning and he was told that the pole Mann is referring to, with the riser and conduit, would be coming out. Mann said she is perplexed by this because she went on the site walk and was told it was not coming out.

Petersen suggested that this discussion be continued until next week, and have the appropriate representatives do another site walk. Snow agreed. Mann apologized for the confusion. Eagan said Matt Brown was planning to go to the site today, and she provided him with the call-in information for the meeting, but he is not on the call. Mann said she will come back on Monday with a clarification.

GENERAL BUSINESS

1. Road Opening Permit Application from National Grid to open 295 Haverhill Street for new gas service

Chairman Pierce said, "This permit has been reviewed and signed off by all relevant Town departments."

2. Letter from Ann Witzig requesting to be appointed to the Conservation Commission and letter from the Conservation Commission recommending the Board of Selectmen appoint Ann Witzig to the Conservation Commission

Bob Snow made a motion to appoint Ann Witzig to the Conservation Commission, Dave Petersen second, all in favor – aye- roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

3. Letter from Police Chief Scott Dumas regarding Body Worn/In-Car Camera Systems

Chairman Pierce read the letter from Chief Dumas.

Dave Petersen made a motion to authorized Police Chief Dumas to apply for a grant for Body Worn/In-car camera systems, Bob Snow second, all in favor – aye- roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – ABSTAINED

NEW BUSINESS

1. Division of Marine Fisheries memo regarding recreational shellfish fees charged to Massachusetts veterans

Chairman Pierce read the following:

The Division of Marine Fisheries has sent the Board of Selectmen a letter reminding them that the Town is required to charge the resident recreational shellfish fee rate to Massachusetts veterans. The DMF is asking that cities and towns put this information on their Town websites.

Shellfish Constable Travis Kneeland reported to Debbie that the Town has been charging the Town resident rate to Massachusetts residents.

In response to this letter, Amy worked with Travis to add a section on the Shellfish Department webpage on the Massachusetts Veterans Shellfish Permit Fee.

2. Letter from Department of Agricultural Resources Division of Animal Health regarding Annual Barn Inspections for 2020

Chairman Pierce read the following:

Due to the COVID-19 Emergency, the Division of Animal Health has sent the Board of Selectmen the attached letter concerning 2020 barn inspections.

In an effort to mitigate the risk of transmitting the virus, the State is postponing barn inspections this year. However, if the Animal Inspector has a concern with a particular barn that may have had issues in the past, the State is requesting the Animal Inspector to inspect it.

Debbie spoke to Animal Inspector Reed Wilson about the letter from the State. She asked him if he has any concerns with the barns in Town, and he said that he does not have any concerns with the barns.

OLD BUSINESS

1. Update on intersection of Route 1 and Central Street and Glen Street

Chairman Pierce read the following:

At a prior meeting, the Board reviewed the MassDOT report on the intersection of Route 1 and Central Street and Glen Street. Bob Snow told the Board that Mike Trepanier from the MDOT offered to attend a Selectmen's meeting to discuss the report. Bob was wondering if the Board would like to invite Mr. Trepanier in to an "in-person" Board meeting or have him attend a remote Board meeting. Bob also wants to alert the Board that there was a serious motor vehicle accident at this intersection on Friday, September 11, 2020. (see attached.)

Petersen asked if we have an idea on the timetable for this, and said we know it is coming, but the sooner the better. Snow said he is waiting for a call back from Mike Trepanier, he has a MPO meeting on Wednesday and he will have a better idea of the timing after the meeting, but we know that this is in the design process. He said this is a long process, and he will emphasize the accident last week that involved a medflight. He said he will update the Board next week about this and will try to see if Mike is available for the meeting on Monday.

2. Update on the Request for Proposals for Wireless Communications Facility

Chairman Pierce read the following:

We received one response to the Request for Proposals from SBA Communications Corporation, the company that currently holds the lease for the tower at this location. The price proposal meets the minimum requirements of the RFP, which starts at \$30,000 per year and increases by 3% each year. However, SBA included three addenda to the lease.

Debbie asked Tom Mullen to review SBA's proposal. The RFP document has provisions to allow the Town, at its discretion, to make changes or additions to the lease. (See first attachment - letters "P" and "S" of the RFP document. Tom told Debbie that he didn't have an issue with Addendum #1, which changes the renewal terms from 2 10-year increments to 4 5-year increments, but that he felt that #2 and #3 were too far off the scope of the RFP terms, and that he would not legally advise the Board to sign the lease with these two addenda incorporated therein.

Addendum #2 involves the sublease payments. Currently, the only carrier on the tower is Sprint and there is no charge because SBA bought the lease from American Tower,

who bought the lease from Sprint. If the Selectmen signed the lease with Addendum #2, there would be no change to the existing practice.

Addendum #3 gives SBA the right to terminate the lease within 60-days' notice. There is no termination provision in the current lease and SBA is asking for this new section. SBA told Debbie with the merger of Sprint and T-Mobil it is unclear if this tower would be needed on a long-term basis.

Notwithstanding Tom's concerns, Debbie points out the following:

- 1) The lease generates approximately \$30,000 in revenue for the Town*
- 2) The Town uses this tower for antennae*
- 3) No other companies submitted a proposal, so there is no interest from other cell tower companies to pursue this site.*

Should the Board wish to go forward and vote to execute a lease with SBA with the three addenda as submitted by SBA, Debbie will work on the lease document with Tom.

Pierce said he thinks we should go forward with this, there is very little competition and we probably won't get another bid.

Joe Perry made a motion to execute the lease with SBA with the three Addenda, Bob Snow second, all in favor – aye- roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye; Deana Ziev – aye.

3. Update Municipal Vulnerability Preparedness Plan

Chairman Pierce read the following:

We have completed the draft Municipal Vulnerability Preparedness Report. The next step is to hold a public "listening session." The session is scheduled for Monday, September 28, 2020 at 12:00 p.m. and will be held virtually. Debbie discussed this with Chairman Pierce and he will be attending the listening session.

In additional to our consultant Jennifer Hughes, there will be other staff members from the Merrimack Valley Planning Commission at the listening session. If the Board is in agreement, after today's Selectmen's meeting, we will upload the draft MVP Report to the Town website and post a notice with the listening session call-in/log-in information.

Dave Petersen made a motion to upload the draft MVP report to the website and post a notice of the listening session, Bob Snow second, all in favor – aye- roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye; Deana Ziev – aye.

ADJOURN

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

Meeting adjourned at 2:32 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 1:00 p.m. Appointment – Pine Grove School Construction Project Owner's Project Manager Larry Berger of Pinck/Anser Advisory to provide an update on the punch list
2. Email from Larry Berger regarding Pine Grove School Punch List, including attached file
3. Spreadsheet from Pinck & Co titled Pine Gorge – Selectman and District Walkthrough
4. Updated Meeting memo regarding 1:20 p.m. Appointment – Attorney Jill Mann to discuss re-alignment plans for intersection of Wethersfield Street and Taylor Lane
5. Email from Wayne Amico regarding Falcon Ridge – Intersection Realignment, including attachment
6. Original Meeting memo regarding 1:20 p.m. Appointment – Attorney Jill Mann to discuss re-alignment plans for intersection of Wethersfield Street and Taylor Lane
7. Letter from ASB Design Group regarding intersection realignment, including attached FCN #1
8. Email from Jill Mann regarding Falcon Ridge – Intersection Realignment, including attached photos
9. Three photos from Bob Snow for Wethersfield Street intersection
10. Meeting memo regarding General Business #1: Road Opening Permit Application from National Grid to open 295 Haverhill Street for new gas service
11. Road Opening Permit Application from National Grid to open 295 Haverhill Street for new gas service
12. Meeting memo regarding General Business #2: Letter from Ann Witzig requesting to be appointed to the Conservation Commission and letter from the Conservation Commission recommending the Board of Selectmen appoint Ann Witzig to the Conservation Commission
13. Letter from Ann Witzig requesting to be appointed to the Conservation Commission
14. Resume for Ann Witzig

15. Letter from the Conservation Commission recommending the Board of Selectmen appoint Ann Witzig to the Conservation Commission
16. Letter from Police Chief Scott Dumas regarding Body Worn/In-Car Camera Systems
17. Grant documents for Body Worn/In-Car Camera Systems
18. Meeting memo regarding New Business #1: Division of Marine Fisheries memo regarding recreational shellfish fees charged to Massachusetts veterans
19. Division of Marine Fisheries memo regarding recreational shellfish fees charged to Massachusetts veterans
20. Excerpt from Shellfish Constable webpage, including linked pages regarding Mass. Veterans Fees
21. Meeting memo regarding New Business #2: Letter from Department of Agricultural Resources Division of Animal Health regarding Annual Barn Inspections for 2020
22. Letter from Department of Agricultural Resources Division of Animal Health regarding Annual Barn Inspections for 2020
23. Meeting memo regarding Old Business #1: Update on intersection of Route 1 and Central Street and Glen Street
24. Cover sheet for MassDOT report: Safety Improvements at Route 1, Central and Glenn Streets
25. Article from thelocalne titled "Update: Injuries described as serious, citation likely after Rowley crash"
26. Meeting memo regarding Old Business #2: Update on the Request for Proposals for Wireless Communications Facility
27. Page 9 of Town of Rowley RFP Lease of Land for Wireless Communications Facility
28. Addendum #1 to Town of Rowley RFP Lease of Land for Wireless Communications Facility
29. Addendum #2 to Town of Rowley RFP Lease of Land for Wireless Communications Facility
30. Addendum #3 to Town of Rowley RFP Lease of Land for Wireless Communications Facility
31. Appendix B: Lease Agreement - Town of Rowley RFP Lease of Land for Wireless Communications Facility
32. SBA's proposal for Town of Rowley RFP Lease of Land for Wireless Communications Facility
33. Meeting memo regarding Old Business #3: Update Municipal Vulnerability Preparedness Plan
34. Draft Municipal Vulnerability Preparedness Plan