

MINUTES OF THE BOARD OF SELECTMEN

September 26, 2022

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

MEMBERS PRESENT: Chairman Robert Snow; Vice Chairman Joseph Perry; Clerk Deana M.P. Ziev; Cliff Pierce; Christine Kneeland (Town Administrator Deborah Eagan; Assistant Town Administrator Natalie Lovett)

ATTENDEES: Chief Mark Emery, Harbormaster Ron Kneeland, Brenden Doyle – The Great Marsh Shellfish Co., Magella Cantara – Ipswich Local News

CALL MEETING TO ORDER

Chairman Snow called the meeting to order at 6:00 p.m. He said the meeting is being audio and video recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

Chief Emery led the Pledge of Allegiance.

6:00 p.m. TO 6:05 p.m. PUBLIC COMMENT*

There were no public comments.

GENERAL BUSINESS

1. Approve Council on Aging donations

Chairman Snow read the following:

COA Director Ellie Davis has provided the Board with the attached sheet showing monetary donations to support the COA programs. In accordance with State law, G.L. c.44 §53A, the Board needs to vote to approve these donations.

Cliff Pierce made a motion to accept the Council on Aging donations, Christine Kneeland second, all in favor – aye (5-0).

2. Rowley Cultural Council Appointments

- Madeline Eiler
- Bryn Samuel
- Mary Taggart
- Stephanie Vaccaro

Chairman Snow read the following:

These four individuals have requested appointment to the Rowley Cultural Council. They have all spoken with RCC Chair Sharon Hydren about the responsibilities of being a member, and Sharon has sent letters of support for these candidates.

Deana Ziev made a motion to appoint Madeline Eiler, Bryn Samuel, Mary Taggart, and Stephanie Vaccaro to the Rowley Cultural Council for a term to run through June 30, 2025, Christine Kneeland second, all in favor – aye (5-0).

3. Request from Highway Surveyor Patrick Snow to appoint Anton Keene to the position of Heavy Equipment Operator/Truck Driver

Chairman Snow read the following:

Dear Board of Selectmen,

I am requesting you promote Anton Keene to the position of Heavy Equipment Operator / Truck Driver. Anton recently acquired his Hoisting License and meets the requirements for the position.

Thank you

*Patrick Snow
Highway Surveyor/Tree Warden
Rowley Highway Department
Office: 978-948-2441*

If the Board is in agreement with Patrick's request, please vote to appoint Anton Keene to the position of Heavy Equipment Operator/Truck Driver.

Joe Perry made a motion to appoint Anton Keene to the position of Heavy Equipment Operator/Truck Driver, Cliff Pierce second, all in favor – aye (5-0).

4. Letter of resignation from Zoning Board of Appeals member Donald Thurston

Chairman Snow read the following:

Donald Thurston has submitted a letter of resignation to the Board from the Zoning Board of Appeals effective September 30, 2022.

*Don has served on the ZBA for the past **52 years** and has served as Chair for **49 years**.*

The Board needs to vote to accept Don's resignation effective September 30. Does the Board wish to honor Don for his many dedicated years on the ZBA by issuing a proclamation at an upcoming meeting? If so, the Board should vote tonight to issue the proclamation and it will be presented at an upcoming meeting when Don is available.

Christine Kneeland made a motion to accept the letter of resignation from Donald Thurston, Joe Perry second, all in favor – aye (5-0).

Christine Kneeland made a motion to issue a proclamation to Donald Thurston at a future meeting, Cliff Pierce second, all in favor – aye (5-0).

NEW BUSINESS

1. Approve Memorandum of Agreement with AFSCME Local 2905

Chairman Snow read the following:

The Memorandum of Agreement with AFSCME Local 2905 on the dispatcher's holiday accrual is ready for the Board to vote and sign.

The Board needs to vote to approve the MOA. It will signed after the meeting.

Cliff Pierce made a motion to approve the Memorandum of Agreement with AFSCME Local 2905, Christine Kneeland second, all in favor – aye (4-0). Deana Ziev - ABSTAIN

2. Discuss Division of Standards Agreement for sealer of weights and measures services

Chairman Snow read the following:

The State Division of Standards has notified Debbie that they are requiring updated service contracts from municipalities and they are increasing their fee for services.

The Town has been paying \$2,000 for many years. The new annual fee for services for the Town is \$5,022.00. This fee is based on the cost estimate the Division of Standards incurs when performing inspections based on \$85/hour rate. The contract runs on a calendar year, so this increase will need to be included in the FY 24 budget. Town Counsel Tom Mullen has reviewed the agreement.

Debbie spoke to a staff member at the Division of Standards who said that the Town can charge businesses for the inspection costs, as a way to recoup the cost from the Division of Standards. If that is something that Board would like to do, Debbie can look into the process to implement fees for this service.

The Board needs to vote to approve the contract and to authorize Chairman Snow to sign it. (It will be signed after the meeting.) Also, the Board needs to let Debbie know if they want her to look into the process of collecting fees from the businesses for this work.

Joe Perry made a motion to approve the contract with the Division of Standards Agreement and to authorize Chairman Snow to sign the contract, Cliff Pierce second, all in favor – aye (5-0).

OLD BUSINESS

1. Update on Town Hall Veterans Memorial Restoration Project

Chairman Snow read the following:

The Town recently hired MJS Construction, Inc. to complete the Town Hall Veterans Memorial Restoration project. MJS Construction began their work today, which included pulling out the existing shrubs and plants as well as installing new walkways in front of the monuments.

With the continuing Level 3 Critical Drought status for the Northeast Region of Massachusetts, the installation of the new shrubs and trees will need to be postponed until Spring 2023. All outdoor watering is prohibited under the critical drought, and the new plantings will require daily watering. Rowley Veterans Committee Chair Bob Breaker is aware that the planting will be delayed. MJS Construction has submitted a Change Order to extend the completion date for the new plantings in the amount of \$1,204.06. Debbie and Natalie have reviewed the change order and believe it is reasonable.

If the Board is in agreement please vote to authorize Debbie to sign Change Order #1 for MJS Construction to extend the completion date for the new plantings.

Christine Kneeland made a motion to approve the Change Order #1 for plantings and to authorize Debbie Eagan to sign the change order, Cliff Pierce second, all in favor – aye (5-0).

2. Update on air compressor replacement for the Fire Station

Chairman Snow read the following:

The Town recently requested quotes to replace the air compressor at the Fire Station. The new system is necessary to replace the original compressor that failed in December 2021. Since that time, the Fire Station has remained operational by using a temporary, portable air compressor that ties up valuable floor space in the apparatus bay to maintain the air system. The temporary compressor is also undersized for the needs of the station and runs far more often than it should.

One responsive quote was received from Energy Machinery, Inc. in the amount of \$34,355. This cost can be covered by the Public Safety Building project budget, which has a current balance of \$61,461.

Assistant Town Administrator Natalie Lovett spoke with 3 references for Energy Machinery. All references had positive feedback on the company. Fire Chief Mark Emery is recommending that the Town contract with Energy Machinery to install the new air compressor.

If the Board is in agreement, please vote to authorize the contract with Energy Machinery and authorize Fire Chief Mark Emery to sign the contract.

Christine Kneeland made a motion to approve the contract with Energy Machinery and to authorize Chief Emery to sign the contract, Joe Perry second, all in favor – aye (5-0).

3. Update on AAA OSHA Training & Consultants, Inc. Agreement

Chairman Snow read the following:

On December 6, 2021 the Board authorized Debbie to contract with AAA OSHA Training & Safety Consultants, Inc. to develop a Workplace Health and Safety Program for Town buildings and departments as part of the Town's OSHA compliance requirements. This firm was the "low bid" and the references were good. The contract amount was \$5,950. This project was being funded through a Community Compact grant.

Since that time, AAA OSHA has failed to provide most of the tasks under the agreement. Numerous attempts have been made by the staff to request that the tasks be completed. Debbie sent a final request to AAA OSHA on August 11, 2022 with a deadline for completion to of August 26, 2022. AAA OSHA did not complete the work by this deadline and began sending items that were not part of the scope or properly completed. Upon discussion of the situation with Town Counsel Tom Mullen, he sent a notice of termination of the agreement to AAA OSHA. Debbie has been in regular contact with the Division of Local Services regarding the status of the work under this contract.

Debbie is asking the Board to vote to terminate the agreement with AAA OSHA Training & Safety Consultants, Inc. of Winthrop, MA.

Debbie plans to issue a new solicitation for this work.

Joe Perry made a motion to terminate the agreement with AAA OSHA Training & Consultants, Inc., Christine Kneeland second, all in favor – aye (5-0).

4. Discuss Green Crab Trapping Program

Chairman Snow read the following:

The Board discussed the Green Crab Trapping Program during the August 22, 2022 meeting. Brenden Doyle approached the Board requesting that the Town participate in the program because he is catching the invasive green crabs in the Rowley waterways and would like to be able to receive State funds for this work.

During the August 22, 2022 meeting, the Board reviewed the program requirements and Shellfish Constable Travis Kneeland's comments concerning the program. The Board decided at the meeting to request feedback from the Board of Shellfish Commissioners.

Shellfish Commissioner Ron Kneeland met with Debbie to discuss the program. He said that unfortunately they are not able to put this program in place for this fiscal year. He explained that there is a lot of time that has to be put into this program by the Town, such as the Constable needs to be at the Town landing when the harvesters come in with their green crab catch, the crabs have to be weighed, and then the crabs have to be transported to a processing facility. There is also paperwork that needs to be completed by the Town on a regular basis and filed with the Division of Marine Fisheries. He points out that the Shellfish Constable is a part-time position and the position already has a lot of work to do between patrolling the flats and monitoring the new oyster farm. He said that there are out-of-town clammers regularly attempting to access Rowley flats and the Constable's first priority is to protect Rowley's flats. He said that the Towns of Essex, Ipswich, and Newbury have full-time constables who seem to have the time to work on the Green Crab Trapping program, as well as do their other work.

The Division of Marine Fisheries (DMF) has requested that the Board make a decision tonight on whether or not to participate in the program. Debbie needs to let DMF know tomorrow what the Board's decision is. How does the Board wish to proceed?

Shellfish Commissioner Ron Kneeland said that the State provides a \$10,000 grant to use. He said the Town can use some of that money to buy traps to give to harvesters, but the Town needs to collect the traps at the end of the season. He said up to \$1,000 can be used to pay someone to weigh the crabs. Kneeland said that not all of the crabs are disposed of, and there are companies trying to find sustainable uses for the crabs, like bisques. He said sometimes the crabs are sold as bait. He said right now, harvesters are expected to dispose of the crabs they catch. Kneeland said, if the Town participates in the program, the Warden needs to maintain a log of how many crabs were trapped and then the Warden disposes of the crabs. He said none of the people he spoke with about the program knew how to dispose of them. Kneeland said the \$10,000 helps, but it is used up very quickly. He said the program requires a good amount of paperwork. He said he doesn't disagree with the program, but the Town of Rowley needs more time to set up a system that will meet the program's requirements.

Bob Snow said he doesn't understand why the State doesn't step up and put more money into the program. He said the green crabs eat marsh grass and could devastate the Great Marsh. Ron Kneeland agreed. He said the State puts the responsibility on the Town, but they could use the program money to instead hire a couple employees to weigh, log, and dispose of the crabs. Bob Snow said the crabs have been moving North, up the coast of Maine, too.

Brenden Doyle said that Ipswich disposes of the crabs by putting them in a Town compost pile. He said his company is working to find additional sources that can use the crabs to make products, like cat food. He said the crab are labor intensive to cook, which is why they aren't used more in culinary. He mentioned the website greencrab.org, has recipes. He said he understands that there is more time needed. He

said he would volunteer to be a Deputy Constable, if one is needed to run the program. He said Rowley is the only Town not participating in the program. He suggested that the Town may be able to partner with another Town.

Debbie Eagan said that the Board needs to make a decision tonight on whether it will be participating in the program this year. Deana Ziev said it is unreasonable to put this on the Shellfish Constable this year. She said the Board should be proactive for next year. Eagan said we can start working on this now for next year. She said they will need to look at a budget increase and the Shellfish Commission will need to review the job descriptions and staffing requirements.

Cliff Pierce made a motion to let the State know the Town will not be participating in the Green Crab Trapping Program this year and will examine staffing levels for next year, Deana Ziev second, all in favor – aye (5-0).

MINUTES

1. September 12, 2022

Deana Ziev made a motion to approve the minutes of September 12, 2022, Joe Perry second, all in favor – aye (5-0).

2. September 12, 2022 – Executive Session

Cliff Pierce made a motion to approve the minutes of the September 12, 2022 Executive Session, Christine Kneeland second, all in favor – aye (4-0). Deana Ziev - ABSTAIN

ANNOUNCEMENTS

1. The Town is in a Level 3 Critical Drought. Outdoor water use of any kind is prohibited, except for the production food or maintenance of livestock. Please contact the Rowley Water Department at 978-948-2640 for more information.
2. The Board of Selectmen announces that a textile recycling bin has been placed in the rear parking lot of the Town Hall Annex at 39 Central Street. Residents can drop off clothing, shoes, linens, sheets, pillows, blankets, hats, duffle bags, belts, gloves, towels, draperies, handbags, tablecloths, bathrobes, and stuffed animals. All items must be dry, bagged, and placed into the bin. Please do not leave items on the ground.
3. The Town has the following board vacancies:
 - **Council on Aging**
 - **Conservation Commission**
 - **Open Space Committee**
 - **Rowley Cultural Council**
 - **Rowley Housing Authority**
 - **Zoning Board of Appeals**

Interested residents should send a letter of interest to the Board of Selectmen.
Positions are open until filled.

ADJOURN

Christine Kneeland made a motion to adjourn, Deana Ziev second, all in favor – aye (5-0).

Meeting adjourned at 6:37 p.m.

Respectfully submitted,
Natalie Lovett
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding General Business #1: Approve Council on Aging donations
2. List of Council on Aging donations dated 9/12/2022
3. Meeting memo regarding General Business #2: Rowley Cultural Council Appointments
4. Letter of Interest from Madeline Eiler
5. Letter of Interest from Bryn Samuel
6. Letter of Interest from Mary Taggart
7. Letter of Interest from Stephanie Vaccaro
8. Email from Sharon Hydren recommending that Stephanie Vaccaro and Bryn Samuel be appointed to the Cultural Council
9. Email from Sharon Hydren recommending that Madeline Eiler and Mary Taggart be appointed to the Cultural Council
10. Meeting memo regarding General Business #3: Request from Highway Surveyor Patrick Snow to appoint Anton Keene to the position of Heavy Equipment Operator/Truck Driver
11. Email from Highway Surveyor Patrick Snow requesting that Anton Keene be promoted to the position of Heavy Equipment Operator/Truck Driver
12. Meeting memo regarding General Business #4: Letter of resignation from Zoning Board of Appeals member Donald Thurston
13. Letter of resignation from Donald Thurston
14. Meeting memo regarding New Business #1: Approve Memorandum of Agreement with AFSCME Local 2905
15. Memorandum of Agreement between the Town of Rowley and AFSCME, Council 93, Local 2905
16. Meeting memo regarding New Business #2: Discuss Division of Standards Agreement for sealer of weights and measures services
17. Letter from Division of Standards re: New Contract and Fee for Weights and Measures Services (including attachments)

18. Updated meeting memo regarding Old Business #1: Update on Town Hall Veterans Memorial Restoration Project
19. Change Estimate #1 from MJS Construction, Inc
20. Meeting memo regarding Old Business #1: Update on Town Hall Veterans Memorial Restoration Project
21. Meeting memo regarding Old Business #2: Update on air compressor replacement at the Fire Station
22. Agreement between the Town of Rowley and Energy Machinery, Inc.
23. Quote from Energy Machinery, Inc.
24. Public Notice: Request for Price Quotations Fire Department Air Compressor
25. Request for Price Quotations Fire Station Air Compressor
26. Meeting memo regarding Old Business #3: Update on AAA OSHA Training & Consultants, Inc. Agreement
27. Letter from Town Counsel Thomas Mullen to Patricia Hames, President of AAA OSHA Training & Safety Consultants re: Termination of Agreement
28. Letter from Town Administrator Debbie Eagan to Patricia Hames, President of AAA OSHA Training & Safety Consultants re: Contract with the Town of Rowley, MA for 2021 Workplace Health & Safety Plan Development (including enclosures)
29. Section of minutes from the December 6, 2021 Board of Selectmen's meeting approving the contract with AAA OSHA Training and Safety Consultants
30. Meeting memo regarding Old Business #4: Discuss Green Crab Trapping Program
31. Email from Debbie Eagan to the Board of Selectmen re: green crab program
32. Meeting memo from August 22, 2022 Board of Selectmen meeting regarding Old Business #1: Discuss Green Crab Program
33. Email from Shellfish Constable Travis Kneeland to Debbie Eagan re: green crab trapping program
34. Email from Brenden Doyle to Debbie Eagan re: green crab trapping program
35. Email from Brenden Doyle to Debbie Eagan re: Green Crab State bounty
36. Sample DMF Green Crab Agreement with the Town of Newbury
37. Draft minutes of September 12, 2022