

MINUTES OF THE BOARD OF SELECTMEN MEETING

September 19, 2016, 2016
Meeting held at Town Hall, 5:00 p.m.

MEMBERS PRESENT: Chairman Joseph Perry, Vice Chairman Robert Snow, Clerk Cliff Pierce, David Petersen, Robert Merry (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Henry F. Rolfe – Independent Press; Lawrence White - FINCOM; Bernard Cullen; Joan Petersen - Moderator; Susan Hazen - Town Clerk; Andraya Lombardi - Pinck & Co.; Karen Summit - Treasurer / Collector

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 5:00 p.m. He said the meeting is being audio and visually recorded digitally.

PLEDGE OF ALLEGIANCE

Dave Petersen led the Pledge of Allegiance.

EXECUTIVE SESSION – Collective bargaining strategy AFSCME Local 2905, Teamsters Local 170, Massachusetts Coalition of Police (MCOP) Local 360

Chairman Perry called for a motion to go into Executive Session for the following purpose: To discuss collective bargaining strategy - AFSCME Local 2905, Teamster Local 170 and Massachusetts Coalition of Police (MCOP) Local 360 because an open meeting may have a detrimental effect on the negotiating position of the Town; and to return to open session. Bob Snow so moved, Dave Petersen second, all in favor - roll call vote: Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, David Petersen - aye. Robert Merry - RECUSED and left the room at 5:03 p.m.

Executive session opened at 5:03 p.m.

Executive session adjourned and open session resumed at 7:06 p.m.

APPOINTMENT 7:00 P.M. Treasurer/Collector Karen Summit for discussion and signing of bonds

Summit said they have the results from the BAN sale for the Pine Grove Feasibility Study and this year's capital equipment bonding. She said the bonds will be for one year since the Town will be getting money back from the State, and within a year, we

will know if we are moving forward with the school project or not. She said Century Bank and Eastern Bank participated, and Century Bank won. She said the net interest is just under 1% and they mature on September 29, 2017.

Dave Petersen made a motion to sign the bond paperwork, Bob Snow second. This vote was not completed.

Cliff Pierce read the written motion titled Vote of the Board of Selectmen in the bond paperwork. Dave Petersen so moved, Bob Snow second, all in favor - aye (5-0).

Dave Petersen made a motion to sign the bond participation note, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the three copies of the bond participation note.

Dave Petersen made a motion to sign the Signature, No Litigation and Official Statement Certificate, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the Signature, No Litigation and Official Statement Certificate.

Dave Petersen made a motion to sign the Tax Certificate, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the Tax Certificate.

7:10 – 7:15 P.M. CITIZEN QUERY

Bernie Cullen asked if there is an update on the funding from the State for the Mehaffey Farm project. Chairman Perry said under the Citizen Query policy, the Selectmen can take the question into consideration, but cannot answer it. Eagan said the office has gotten nothing in the mail regarding this subject matter.

APPOINTMENT 7:15 P.M.* Town Clerk Susan Hazen to discuss Early Voting Mandate and Town Meeting Moderator Joan Petersen to discuss the possibility of changing the start time of future town meetings from 7:30 p.m. to 7:00 p.m.

Dave Petersen recused himself since his wife is present to discuss this agenda item and left the room at 7:25 p.m.

Chairman Perry read the following:

Town Clerk Susan Hazen must follow a number of requirements regarding the “Early Voting Mandate.” She is here tonight to discuss with the Board the new voting options available to registered voters in Rowley.

Town Meeting Moderator Joan Petersen would like to discuss starting Town Meeting next spring at 7:00 p.m., rather than 7:30 p.m.

Town Clerk Susan Hazen said she wants to keep the Board in the loop and the Early Voting Hours are not optional. She said the new Federal legislation requires the Town to offer early voting ten days preceding the election, beginning on October 24th and ending November 4th. She said it is not mandated to add a location, but they will be open additional hours at Town Hall. She said they have looked for options within Town Hall and the hallway seems to be the best location. She said they need to have a minimum of four booths with a handicap booth. She said two booths will be placed under the David Smith plaque, and two will be placed near the Xerox machine with privacy shields. She said the State estimates that 25% to 30% of voters may use early voting hours, which will be 1,000 to 1,500 people, and this will impact everyone. She said the proposed hours they will be open are: Monday 8:00 a.m. – 8:00 p.m.; Tuesday, Wednesday and Thursday from 8:00 a.m. – 4:30 p.m., Friday 8:00 a.m. – 12:00 p.m. and Saturday for four to six hours. She said it is important to meet the needs of the public and stay open. She said the early votes will be sealed and vaulted until November 8th. She said a machine will be dedicated just for processing early votes without the need to stand in line to process them, like with the absentee ballots.

She said they need to finalize the early voting hours by October 7th, and they will be publicized in the newspaper, website, and local cable channels. She said they may need one more election worker and constable, and has budgeted an additional \$500. Perry said this is an unfunded mandate. Hazen said this is required for Federal elections only, and is not required for local elections. Pierce said this sounds sensible. Perry said the use of the hallway and the hours are reasonable. Hazen said her office hours will increase from 62 to 91 over this two week period. Joan Petersen said this will help the voters who normally come in early or late for the elections.

Cliff Pierce made a motion to allow the use of the Town Hall first floor hallway for the Early Voting Hours, as well as approve the suggested voting hours, Bob Snow second, all in favor - aye (4-0). Dave Petersen – ABSENT.

Joan Petersen said she and Hazen would like the spring Town Meeting to start at 7:00 p.m. instead of 7:30 p.m. for these reasons: by 9:00 / 9:30 p.m. people are tired and want to leave; the quorum has been reached at 7:45 / 7:50 in the past. She said the Selectmen can meet at 6:30 p.m. before Town Meeting. She said this change will hopefully result in a more reasonable finish time for Town Meeting. Hazen said there is no by-law regarding the start time for Town Meeting. Petersen said these are the reasons that she proposed a reduction in the quorum – she wants the meeting to get going earlier, and does not want to limit participation in the Town Meeting. Snow said this is a good idea. Pierce said it is an excellent idea. Merry said the previous Moderator requested a 7:30 start time.

Bob Snow made a motion to approve a 7:00 p.m. start time for the Annual and Special Town Meeting in May 2017, Cliff Pierce second, all in favor - aye (4-0). Dave Petersen – ABSENT.

Dave Petersen returned to the Selectmen's table at 7:44 p.m.

CANCELLED - APPOINTMENT 7:30 P.M.*** – Assistant Director of Land Conservation Vanessa Johnson of the Essex County Greenbelt Association to discuss Fall Special Town Meeting warrant article on the funding of a conservation restriction at Mehaffey Farm

Chairman Perry read the following:

This appointment is cancelled. Vanessa does not want to discuss the warrant article, she wants to be available when the Board of Selectmen are finalizing the warrant article language in the event they have any questions about it. Debbie misunderstood her request when she scheduled her on tonight's agenda. The article, in the form that was submitted with Land Grant Application, is currently under review by Town Counsel.

OLD BUSINESS

2. Pine Grove School Building Project Update

- Discuss and vote on Construction Manager At Risk procurement method
- Discuss and vote on Designer Contract
- Pine Grove School Project information available through the Town's website

Eagan said Andraya Lombardi is here to discuss Old Business #2 if the Board wishes to take up this agenda item.

Chairman Perry agreed to take up this item now, and Lombardi is a representative of the OPM for this project. Lombardi said the Town of Rowley is applying to the Office of the Inspector General to request the utilization of a Construction Manager at Risk under 149 A. She said we are within the guidelines to do this, the construction value is greater than \$5,000,000, and there is a proposal to request approval from the OIG. She said 149 A is a delivery method to award the project to a Construction Manager (CM), who would be brought in during the design phase to estimate the design and construction budgets prior to Town Meeting. She said this arrangement would work well since this is mostly a repair project.

Perry said he was pleased to meet the designer selected by the MSBA, Dore & Whittier Architects, Inc., who will be the third member of the team. He said Pinck has been providing great leadership and support. Pierce said Pinck made a good case for this

approach at the last meeting, and the designer had a representative at that meeting as well. He said he is on board with this approach and it will allow them to choose the best quality, rather than the lowest bid.

Bob Snow made a motion to submit the proposal to the Inspector General for approval of a Construction Manager at Risk, Cliff Pierce second, all in favor - aye (5-0).

Eagan said she will work with the OPM in getting the paperwork to the Inspector General, and Attorney Mullen will be certifying these actions.

GENERAL BUSINESS

1. Review list of Road Opening Permits for the Water Department to open the following roads:
 - Central Street and Fenno Drive for emergency gate valve repair
 - 35 Fenno Drive for emergency water main leak repair

Chairman Perry read the following:

Road Open Permits were signed off by the staff for the Water Department to perform emergency repairs at these locations. Copies of the permits are in the Chairman's folder.

2. Northeast Mass. Mosquito Control notice on aerial application to control mosquito larvae on coastal salt marshes

Chairman Perry read the notice.

OLD BUSINESS

1. Update on Kid's Kingdom Playground Project

Chairman Perry read the following:

The playground construction at Kid's Kingdom is done. Recreation Committee Vice Chairman Tim Southall and Ron Jenkins need to do a few minor things at the site, such as spreading mulch.

Maryann "Mo" Levasseur of the Solace for Stephanie organization recruited the volunteers who assembled and constructed the playground. Mo has reported that there were about 50 volunteers in total. She said that this project was truly a "group effort" and was grateful for the good turnout.

The construction started last Friday after the equipment was delivered and lasted through Sunday. Steve Dibble of Dibble & Sons Park Equipment Inc. was onsite for the entire time. He oversaw the installation.

A ribbon cutting ceremony is scheduled for Sunday, September 25, 2016 at noon. Several color pictures are included with the Chairman's packet.

Eagan said a unique feature of the structure is a sign with a map of the Town of Rowley, highlighting historical features of the Town, which was designed by Assistant Town Administrator Natalie Lovett. Petersen said he stopped by yesterday, it is a gorgeous playground. He said it is closed this week, and not usable until the ribbon cutting.

Dave Petersen made a motion to send a thank-you letter to those involved in this project, Bob Snow second, all in favor - aye (5-0).

2. Pine Grove School Building Project Update

- Discuss and vote on Construction Manager At Risk procurement method
- Discuss and vote on Designer Contract
- Pine Grove School Project information available through the Town's website

Chairman Perry read the following:

The OPM has created a Pine Grove School Project webpage, which can be accessed off the Town's website. The page has MSBA documents, School Building Committee agendas and meeting minutes, etc. The page can be accessed by going to www.townofrowley.net and clicking on the headline "Pine Grove School Building Project" at the top of the page.

Eagan said this information will be kept up for the duration of the project, and the OPM is loading agendas and minutes onto the Pine Grove website. She said the Designer Contract is not ready yet.

3. Triton Stadium project update

Chairman Perry read the following:

Chairman Joe Perry will give an update on the Triton Stadium project.

Perry said this project took a lot of work by a lot of people, and he is proud of the small role he played in it. He invited everyone to go to the first game at the stadium on October 14, 2016 at 7:00 p.m. for a football game against North Reading. He said the buildings will be open that night, and commemorative tickets will be sold. Bernie Cullen

asked if the field is available for rental and if it is lined for soccer. Perry said he believes so, but he should check with Superintendent Forget.

4. Memo from Deborah Eagan on finalists for the Town Hall Annex Elevator project

Chairman Perry read the memo from Deborah Eagan. Petersen said he, along with Eagan and Natalie Lovett were on the designer selection committee and they conducted interviews, which were televised, of all three firms who submitted proposals. He said the interviews went extremely well, and CBI has forty to fifty projects involving elevators in historical buildings. He said Gienapp is less experienced with elevators, but submitted an excellent proposal. He said the Carrell Group specializes in public safety buildings. He said the cost will be significantly more than \$400,000 for this project, and all three said this project will trigger additional work required in the building for handicap access. He encouraged everyone to watch the videos, and thanked Eagan and Lovett for the work they put into this project.

Eagan said in accordance with Chapter 7 C, qualifications based ranking, CBI has the qualifications for historical renovations and elevator installations. She said the next step is for the Board to request a fee proposal, and there is just under \$30,000 available for this work.

Dave Petersen made a motion to authorize Eagan to request a fee proposal from CBI, Bob Snow second, all in favor - aye (5-0).

Bernie Cullen asked if the design fee would cover the additional work for the ADA work needed. Eagan said no, it would cover the scope of services listed in the RFQ.

5. Discuss Tri-Town Board of Selectmen Meeting

Chairman Perry said he reached out to the Chairs of the Boards in Newbury and Salisbury to discuss getting the three full Boards together. He said a District Communications Meeting has been scheduled for early October to discuss amendments to the Triton Agreement, so it is a good time to meet. He said he is meeting with the Salisbury Chair on Wednesday, and the Newbury Chair is unavailable, and he will try to schedule that for another date. He said the School Committee noted that there are upcoming union negotiations for a three year contract.

NEW BUSINESS

1. Discuss purchase of flag for the Town Common

Chairman Perry read the following:

The material from last week's meeting on this agenda item is attached. Also attached is information regarding the laws relating to the POW flag and the National Ensign provided by Bob Snow.

Perry read the memo from Amy Lydon. Snow said Congress has dealt with the display and etiquette of the flag. He said in 1998, they allowed the POW/MIA flag to be displayed. He said the single flag staff on the Town Common is different than the flag staff on a naval base. He said on a single staff, the American flag has to be the top flag, and if the POW flag is displayed, there are specific days that it can be displayed, and it needs to be flown directly under the national ensign. He said the state flag flies under the POW flag. He said he has read about controversy with different flags, and people requesting that a certain flag be flown, and it is his personal opinion that the common belongs to the people, and only the National ensign should be flown and on the allowed days, the POW flag can fly directly under the national ensign. Petersen said he supports Snow, that the American flag is the appropriate flag for the Town Common. Pierce agreed and said this is what he would have said without doing any research on this. Perry asked Merry to withdraw his request. Merry said, "so done."

Bernie Cullen asked if there are other flag poles at other Town locations where this flag could be purchased and flown. Pierce said the Town's display of a flag has to be the American flag. Snow said a homeowner can fly any flag they want. Petersen said this opens up other entities, such as the Fire Department asking for the Town to fly a flag to support them. He said he feels as a veteran, that the American flag should be flown on Town owned poles. Perry said Merry has withdrawn the request and he considers this item closed.

MINUTES

- August 22, 2016 Executive Session

Dave Petersen made a motion to approve the minutes from August 22, 2016 Executive Session, Cliff Pierce second, all in favor - aye (3-0). Bob Snow – ABSTAINED. Bob Merry – ABSTAINED.

ANNOUNCEMENTS

- Special Town Meeting is Monday, November 14, 2016 at 7:30 p.m. at the Pine Grove School
- The Town's website has tips from the Massachusetts Emergency Management Agency on how to protect your property from hurricane damage. Go to www.townofrowley.net for helpful tips for homeowners and boat owners
- The Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted.
- Water Department Customer Billing cycle will change effective November 1, 2016. Meters will be read on or about the first of every month. Details on the change are posted on the Town's website, www.townofrowley.net
- The Town has the following vacancies:
 1. **Fence Viewer** – three positions;
 2. **Wood, Lumber & Bark Inspector**;
 3. **Zoning Board of Appeals Associate** – two seats
 4. **Parks and Recreation Committee** – one seat;
 5. **Deputy Shellfish Constables** – two positionsFor more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is closed for renovations and is scheduled to be re-opened on October 4. Food assistance is available by leaving a telephone message at the Food Pantry at 978-238-6264.

ADJOURNMENT

There being no further business before the Board, Chairman Perry called for a motion to adjourn. Bob Snow so moved, Cliff Pierce second, all in favor - aye (5-0).

Open meeting adjourned at 8:26 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written motion to go into Executive Session
2. Meeting Memo regarding: APPOINTMENT 7:00 P.M.: Treasurer/Collector Karen Summit for discussion and signing of bonds
3. Bond paperwork
4. Meeting Memo regarding: APPOINTMENT 7:15 P.M.: Town Clerk Susan Hazen to discuss Early Voting Mandate and Town Meeting Moderator Joan Petersen to discuss the possibility of changing the start time of future town meetings from 7:30 p.m. to 7:00 p.m.

5. Meeting Memo regarding: CANCELLED** - APPOINTMENT 7:30 P.M.– Assistant Director of Land Conservation Vanessa Johnson of the Essex County Greenbelt Association to discuss Fall Special Town Meeting warrant article on the funding of a conservation restriction at Mehaffey Farm
6. Meeting Memo regarding Old Business #2: Pine Grove School Building Project Update
 - Discuss and vote on Construction Manager At Risk procurement method
 - Discuss and vote on Designer Contract
 - Pine Grove School Project information available through the Town's website
7. Draft letter to the Inspector General's Office regarding the Utilization of Construction Management at Risk (CMAR) Delivery for the proposed Pine Grove Elementary School Renovation
8. Presentation slides for "Understanding CM at Risk" dated 9/15/16
9. Print-out of Town of Rowley homepage
10. Print-out of PGS Building Project webpage
11. Print-out from Dore & Whittier Architects titled "Project Understanding"
12. Meeting Memo regarding Old Business #2: Review list of Road Opening Permits for the Water Department to open the following roads:
 - Central Street and Fenno Drive for emergency gate valve repair
 - 35 Fenno Drive for emergency water main leak repair
13. Road Opening Permit for Central Street and Fenno Drive for emergency gate valve repair
14. Road Opening Permit for 35 Fenno Drive for emergency water main leak repair
15. Northeast Mass. Mosquito Control notice on aerial application to control mosquito larvae on coastal salt marshes
16. Meeting Memo regarding Old Business #3: Update on Kid's Kingdom Playground Project
17. Photos of King's Kingdom Playground
18. Meeting Memo regarding Old Business #1: Triton Stadium project update
19. Memo from Deborah Eagan on finalists for the Town Hall Annex Elevator project
20. Proposal submitted by CBI Consulting, Inc.
21. Meeting Memo regarding Old Business #5: Discuss Tri-Town Board of Selectmen Meeting
22. Meeting Memo regarding New Business #1: Discuss purchase of flag for the Town Common
23. Memo from Amy Lydon to Board of Selectmen regarding Police Flag
24. Print-out from Amazon.com for a flag honoring law enforcement officers
25. Information regarding the laws relating to the POW flag and the National Ensign provided by Bob Snow