

## **MINUTES OF THE BOARD OF SELECTMEN**

September 9, 2019

Meeting held at Town Hall, 139 Main Street, Rowley, MA  
7:00 p.m.

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

**PUBLIC ATTENDEES:** Henry Rolfe; David Zizza – FINCOM; Nicholas Lussier; Jennifer Lussier; Bernie Cullen – 283 Wethersfield St.; Police Chief Scott Dumas

### **CALL MEETING TO ORDER**

Chairman Pierce called the meeting to order at 7:00 p.m.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **MOMENT OF SILENCE IN HONOR OF THE VICTIMS OF SEPTEMBER 11, 2001 TERRORISM ATTACK**

A Moment of Silence was observed in honor the victims of the September 11, 2001 attack, and to acknowledge the passing of Rowley residents Jim Trentini, Mary Trentini, and Laure Olsen Neira, who lost their lives that day.

Chairman Pierce read the following:

*Also, Selectman Snow and the members of the Ipswich-Rowley Rotary Club cleaned and planted flowers at the Town's September 11, 2001 Memorial. Bill Freitag of Country Gardens donated the flowers. (Photos are attached.) The Board may wish to send thank you letters to the Rotary Club and to Mr. Freitag of Country Gardens.*

*Governor Baker has ordered all US Flags and Commonwealth of Massachusetts State Flags to lowered to half-staff at all State and Municipal buildings in honor of those individuals who lost their lives that day. The flags at the Town Hall, Town Common and September 11, 2001 Memorial will be lowered to half-staff on September 11, 2001.*

Dave Petersen made a motion to send letters of thanks to the Rotary Club and to Mr. Freitag of Country Gardens, Deana Ziev second, all in favor – aye (4-0). Bob Snow – ABSTAINED.

Petersen said they did a nice job at the Memorial, and they do a great job every year planting flowers. Snow said the Rotary has been doing this for the past couple of years, it started under the current Rotary President Bob Gravino, and the work is meaningful.

### **GENERAL BUSINESS**

1. Request from Rowley Community Media Director Janet Morrissey to appoint Ethan Cohen to the position of Production Technician

Dave Petersen made a motion to appoint Ethan Cohen to the position of Production Technician, Joe Perry second, all in favor – aye (5-0).

2. Letter of resignation from Pumpout Boat Operator Bradley Maravelli

Chairman Pierce read Maravelli's resignation.

Dave Petersen made a motion to accept this resignation and to send a letter of thanks, Bob Snow second, all in favor – aye (5-0).

3. Letter of resignation from Police Officer Patrick McGettrick

Chairman Pierce read McGettrick's resignation.

Dave Petersen made a motion to accept this resignation and to send a letter of thanks, Bob Snow second, all in favor – aye (4-0). Deana Ziev – RECUSED.

Petersen said McGettrick has been the School Resource Officer, the kids loved him, and the school will miss him.

4. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time Police Officer

Chairman Pierce read Chief Dumas's request.

Dave Petersen made a motion to lift the hiring freeze for the position of full-time Police Officer, Joe Perry second, all in favor – aye (4-0). Deana Ziev – RECUSED.

5. Authorize Police Chief Scott Dumas to sign the State 9-1-1 Grant forms

Dave Petersen made a motion to authorize Police Chief Scott Dumas to sign the State 9-1-1 Grant forms, Bob Snow second, all in favor – aye (4-0). Deana Ziev – RECUSED.

Eagan said Chairman Pierce's signature needs to be notarized, so this can be done later.

## **NEW BUSINESS**

1. Review Zoning Board of Appeals Special Permit Application filed by Nicholas and Jennifer Lussier to construct and an in-law apartment under Rowley Protective Zoning Bylaws Section 6.62 at 134 Daniels Road

The Board did not have any comments on this application.

2. Discuss Town Hall Annex roof repair project

Chairman Pierce read the following:

*The roof above the first floor conference room at the Annex has been leaking and causing water damage to the interior ceilings, walls and flooring. Meadows Construction has provided a quote of \$9,500 for the following repair work:*

### **Roofing - Asphalt Shingles**

- Remove existing roof down to roof deck.
- Furnish and Install ice and water shield 3' up eaves and rakes.
- Furnish and Install felt underlayment at all areas not covered by ice and water.
- Furnish and Install aluminum drip edge at perimeter.
- Furnish and Install CertainTeed Landmark asphalt shingles. Stock color by owner
- Note: Roof repairs do not have a warranty

### **Count - Remove Metal Exhaust Vent**

- Infill opening with 2x6 framing and plywood sheathing
- Demo vent

*The shingles will have a 40 year warranty for the Town. At the spring 2019 Town Meeting, \$30,000 of borrowing was authorized for this repair project. Since the quote is well below the budgeted amount, we recommend that the Board of Selectmen authorize Debbie to sign a contract with Meadows Construction for this repair work. Meadows Construction said that once a contract is signed, the work would be scheduled within a week or two. The work would be performed on a Saturday and a Sunday, between the hours of 9:00 a.m. and 4:00 p.m.*

Petersen said this is the first step for repairs to the Annex meeting room, which will include painting and repairs to the ceiling. He said these repairs can't be done until the roof is repaired, and the condition of the room currently is embarrassing.

Dave Petersen made a motion to authorize Eagan to sign a contract with Meadows Construction for this roof repair work, Bob Snow second, this vote was not completed.

Nicholas Lussier suggested that 6 feet of the ice and water shield be installed, rather than 3 feet. Eagan said the specifications would need to be updated, and new quotes would need to be solicited. Petersen said 3 feet should be enough.

Deana Ziev made a motion to authorize Eagan to sign a contract with Meadows Construction for this roof repair work, Bob Snow second, all in favor – aye (5-0).

3. Update on the September 5, 2019 Triton District Communications Committee meeting

Chairman Pierce said at the last District Communications meeting, the process for choosing a representative for the towns for the contract negotiations with the teacher's union was discussed. He said process is for the Chairs of Boards of Selectmen from Rowley, Salisbury and Newbury to meet and chose one person to serve as the municipal representative, or the Chair selected can appoint a designee for the collective bargaining. He said Salisbury Town Manager Neil Harrington has been the representative in prior years. Perry said Harrington has served in this capacity ever since he has been on the Board of Selectmen. Petersen said it will be helpful to get someone new. Pierce said it is time for a change. Petersen nominated Pierce, if he is available. Petersen said the salaries are going to be a budget issue for the next three years, and a 3% salary increase results in a \$1,000,000 increase to the school budget. Pierce said once the contract is agreed to, it is locked in for three years, he said he will try to become the representative. Perry said the consensus of the Board is to recommend that Pierce be appointed as this representative.

Bob Snow made a motion to designate Cliff Pierce as the representative, and to put this in writing, Deana Ziev second, all in favor – aye (5-0).

Perry said they are still working on the revisions to the Triton agreement, the committee was established before he was on the Board, and they are struggling to get moving along with this.

**OLD BUSINESS**

1. Update on Pine Grove School Project

Perry said there was an incident on Friday, where a worker fell from a ladder 12 feet above the ground and suffered a compound fracture in his leg and a broken vertebrae. He said the worker has been operated on, and he hasn't heard any other updates. He said he arrived a bit late to observe the buses at the school, but he was told that everything was flowing well, and the buses being in the back of the building is working well. He said the trailers will be removed next week, and the loam is ready to be spread to replant the school garden. He said the landscaping is in progress. Ziev asked if the gym has been completed. Perry said yes, the logo is down and the floor is sealed.

## 2. Discuss Veterans Field Project

Chairman Pierce read the following:

*At the August 12, 2019 meeting, the Board discussed the well options for Veterans Field. The well contractor, Viera Artesian Wells, has drilled 1,200 feet but no water was found. At that meeting, the Board discussed three options, which are the following:*

*Option #1 – Viera can provide a fracking procedure that is designed to break apart the bedrock. The cost is approximately \$2,600 per frack.*

*Option #2 – There is a local water dowser who may be able to locate water on the property.*

*Option #3 – The irrigation system can be connected to Town water. This option may be the most expensive.*

*The goal for the project is to have a soccer field constructed as soon as possible, followed by the baseball field. The irrigation system is necessary to maintain these fields.*

*During the August 12 meeting, the Board put off making a decision on this. Selectman Petersen has had multiple conversations with Viera Well and others about the fracking procedure and it appears that fracking seems to be the best option. He is suggesting the Board authorize Debbie to proceed with up to two fracks, with a not to exceed total amount of \$6,000 for the two fracks.*

Petersen said he is disappointed that they didn't find water, but he has spoken to people, including the OPM for the Police and Fire Station project, and he thinks we should try fracking given the amount of money spent already. He said there is a well in a different location that they had to frack when it was drilled, but it doesn't provide sufficient water for all of the fields. He said Town water is not an option since we would need to extend the water main, and there will be periods of time during the summer when there will be a water ban. He said during fracking, they put high pressure water into the well which forces the rock apart and hopefully water is found. He said the OPM told him that the high speed drills used today produce high heat that clogs the water veins, and fracking breaks the veins loose.

Bernie Cullen said he agrees with trying the fracking. He said Mike Sabatini who owns adjacent land to this parcel is working with the Massachusetts Department of Agriculture since he is having trouble finding water on his land as well. He said the Town should contact Sabatini and piggy back on that effort. Petersen said we should do the fracking and then if no water is found we can contact the Department of Agriculture. He said working with the State would likely require a new well to be drilled.

Joe Perry made a motion to authorize the fracking procedure two times, up to a cost of \$6,000, Bob Snow second, all in favor – aye (5-0).

3. Approve extension of Merrimack Valley Planning Commission Stormwater Management FY 20 Mobile Stormwater Application Agreement

Chairman Pierce read the following:

*The Town has been using a custom-made Stormwater Inspector mobile application as part of the Town's compliance under the National Pollution Discharge Elimination System (NPDES) Permit requirements. The mobile "app" is used by the Rowley Conservation Commission and the Rowley Highway Department to map and inspect stormwater outfalls in the Town. This is a customized app made available to the Town through the Merrimack Valley Planning Commission. The Board of Selectmen approved a contract with MVPC in February 2018 to use the app. The prior contract has expired MVPC has submitted a contract for FY 20. The cost is \$1,500 and will be funded through the Stormwater Budget. Under the contract, MVPC will continue to provide the following:*

- *to provide up to two hours of app training;*
- *integrate the datasets collected and managed within the mobile stormwater application to the Town's web-based mapping application (MIMAP).*

*If the Board is in agreement, the Board will need to vote to approve the FY 20 contract with the MVPC and to authorize Chairman Pierce to sign.*

Dave Petersen made a motion to approve the contract up to \$1,500 and to authorize Chairman Pierce to sign it, Bob Snow second, all in favor – aye (5-0).

## **MINUTES**

- August 26, 2019

Bob Snow made a motion to approve the minutes of August 26, 2019, Deana Ziev second, all in favor – aye (5-0).

## **ANNOUNCEMENTS**

- Vacancies:
  - 1) Planning Board Associate Member;
  - 2) Two vacancies on the Conservation Commission;
  - 3) One vacancy on the Zoning Board of Appeals Associate seat; and
  - 4) Several vacancies on the Rowley Cultural CouncilInterested residents should send a letter of interest to the Board of Selectmen or call the Selectmen's Office at 948-2372.

## **EXECUTIVE SESSION**

- To discuss strategy with respect to collective bargaining concerning the Massachusetts Coalition of Police Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)

Chairman Pierce called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining pertaining to contract negotiations with the Massachusetts Coalition of Police Local 360, pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the bargaining position of the Town and to not return to open session. Deana Ziev recused herself and removed herself from the meeting room. Bob Snow so moved, Joe Perry second, all in favor – roll call vote: Bob Snow – aye; Joe Perry – aye; Cliff Pierce – aye; Dave Petersen – aye. Deana Ziev – RECUSED.

Executive session opened, and Open session closed at 7:30 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Meeting memo regarding Moment of Silence in honor of the victims of the September 11, 2001 terrorism attack, including attached photos of the clean up of the Town's September 11, 2001 Memorial and notification from the State House regarding flag half-staff
2. Request from Rowley Community Media Director Janet Morrissey to appoint Ethan Cohen to the position of Production Technician
3. Letter of resignation from Pumpout Boat Operator Bradley Maravelli
4. Letter of resignation from Police Officer Patrick McGettrick
5. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time Police Officer
6. State 9-1-1 Grant forms
7. Zoning Board of Appeals Special Permit Application filed by Nicholas and Jennifer Lussier to construct and an in-law apartment under Rowley Protective Zoning Bylaws Section 6.62 at 134 Daniels Road
8. Meeting memo regarding New Business #2: Discuss Town Hall Annex roof repair project
9. Quote from Meadows Construction for Town Hall Annex roof repair project
10. Meeting memo regarding New Business #3: Update on the September 5, 2019 Triton District Communications Committee meeting
11. Meeting agenda for September 5, 2019 Triton District Communications Committee meeting
12. Meeting memo regarding Old Business #1: Update on Pine Grove School Project
13. Meeting memo regarding Old Business #2: Discuss Veterans Field Project

14. Meeting memo regarding Old Business #3: Approve extension of Merrimack Valley Planning Commission Stormwater Management FY 20 Mobile Stormwater Application Agreement
15. Signed FY20 Merrimack Valley Planning Commission Stormwater Management Mobile Stormwater Application Agreement
16. Draft minutes of August 26, 2019 Board of Selectmen meeting