

MINUTES OF THE BOARD OF SELECTMEN MEETING

January 13, 2014
Meeting held at Town Hall

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

PUBLIC ATTENDEES: Lawrence White – FINCOM; Stuart L. Dalzell Sr. - Water Commissioner; Tim Toomey - Water Commissioner; Mark Griffin - Water Department

CALL MEETING TO ORDER

Chairman Robert Snow called the meeting to order at 7:04 p.m. He said the meeting is being video and audio taped.

PLEDGE OF ALLEGIANCE

Water Commissioner Stuart L. Dalzell Sr. led the Pledge of Allegiance.

MOMENT OF SILENCE - Anita "Mickie" Atkinson-Drapeau

Chairman Snow said Mickie was a very nice lady and she was 85 years old when she passed away. He said she worked in the Selectmen's Office up until three years ago, she did a great job, was fun to be around and she will be missed.

A moment of silence was observed.

CHAIRMAN'S COMMENTS

Chairman Snow there was an article in yesterday's Boston Globe about 25 call firefighters completing their academy training (COPY ATTACHED). He said the following four Rowley probationary firefighters graduated from class #47: Donald Dupray, Jared Graham, Joseph Merry and Andrew Nardone. He congratulated the graduates and thanked them for what they do.

7:05 – 7:15 p.m. CITIZEN QUERY

Citizen's Query opened. There were no Citizen's Queries.

GENERAL BUSINESS

1. Request from the Friends of the COA to use the Annex yard for 4th Annual Yard & Bake Sale

Chairman Snow said. "Paul Duval of the Friends of the COA is requesting to use the Annex yard for the 4th Annual Yard and Bake Sale on Saturday, May 17 from 9 a.m. to 1 p.m., with a rain date of Sunday, May 18. See attached flyer."

Jack Cook made a motion to allow the Friends of the COA to use the Annex yard for 4th Annual Yard Sale and Bake Sale on Saturday May 17, 2014 from 9:00 a.m. to 1:00 p.m. with a rain date of Sunday, May 18, 2014, Joseph Perry second, all in favor – aye (5-0).

2. Letter of resignation from Karen Drahozal

Chairman Snow read the letter of resignation from Karen Drahozal (COPY ATTACHED). He said Drahozal will be missed and she was a great asset to the Finance Committee (FINCOM). FINCOM Chairman Larry White said Drahozal did an excellent job and was instrumental in coming up with the idea to have department liaisons. He said the liaisons have worked out extremely well and the FINCOM has a better understanding of the departments. He said they appreciate the work Drahozal has done. Joseph Perry said he dealt with Drahozal as the FINCOM representative to the school, and she is very knowledgeable and worked on the health care issues with the school. He said she was very helpful to him in understanding the issues.

Joseph Perry made a motion to accept Karen Drahozal's resignation with regrets, Jack Cook second, all in favor – aye (5-0).

Petersen said his wife is the Town Moderator and they are looking for a replacement. He said the FINCOM is a critical board and with budget season approaching we need a replacement, although Drahozal's shoes will be hard to fill. He asked people to send a letter of interest to the Town Administrator.

3. Email thank you letter from Morna Unczer

Chairman Snow read the email from Morna Unczer (COPY ATTACHED). He said, "According to Ron Keefe, the two snow plow drivers are Matt Tullercash and Eric Elliott, and they work for Chickadee Hill Farms, one of the Town's snow plow contractors." Snow said we should send thank-you letters to the two drivers. Perry said the Highway Department always does excellent work and said Keefe is keeping up former Highway Surveyor Leavitt's tradition.

Joseph Perry made a motion to send thank you letters to the two drivers, Bob Merry second, all in favor – aye (5-0).

OLD BUSINESS

1. Update on 112 Central Street

Chairman Snow read the following:

At last week's meeting, the Board reviewed an estimate to demolish 112 Central Street which did not include asbestos testing and or removal.

We have a quote from Smith & Wessel Associates, Inc., a company certified by the state in asbestos and lead inspections. (The proposed costs are outlined on page five of the proposal.)

The estimated inspection cost is \$1,550.00

If asbestos and or lead is present, then the company will need to prepare and submit a Work Plan to the DEP. The cost to prepare and submit the Work Plan is \$850.00 The DEP will require air testing at all perimeter locations of the demolition zone. This will be an additional cost as shown under the Unit Cost page(page #6) – Project Daily Monitoring (\$500/day) and PCM Air Samples.

The Work Plan will stipulate the manner in which the building is demolished, so we would need to go back to the contractor for a revised estimate. TW Excavating originally estimated \$12,825.00 for the demolition. Depending upon the requirements stipulated in the Work Plan, the cost may go up.

I mentioned last week that the property would need to be fenced in, this is a cost we have not estimated yet.

Petersen asked if the foundation is filled in, would a fence still be necessary. Eagan said she would have to defer to the Building Inspector and a fence is normally needed when there is a danger of falling into a foundation. Petersen said it may be worth paying extra to fill it in if the cost of a fence could be avoided. Eagan said we will need a transfer to do the asbestos and lead testing since that money is not in the Selectmen's budget. She said if asbestos is found, the work plan involves air testing, so the timing of the demolition could change. Snow said the estimate is for \$1,550 for the inspection, \$850 for the work plan and then \$500 per day for the air testing. Cook said reading through the details, it could be a lot more with items such as mileage. He said the demolition cost could be more than the property is worth, and we could be putting the Town in the middle, and absorbing a large expense. Eagan said Smith & Wessel is doing work at the Housing Authority currently and was able to get the proposal back quickly. Snow said the Town would recoup the expenses. Eagan said a lien would be put on the property and if it is sold, the Town would get the money back. Cook asked where the money to do this work is coming from. Snow said the cost will be substantially more than the original \$12,850 quote to demolish the house. Tim Toomey said if there is a steam heating system, there is probably asbestos and lead paint present. Merry said if the property went into tax title, the Town wouldn't recoup the expense.

Petersen said we are in a tough position and we need to at least inspect it, then go to the FINCOM for an emergency transfer. He said we should check if T.W. Excavating's

estimate includes filling in the foundation, and look into renting a fence if necessary. Snow said we should look into the inspection. Petersen said we should send a note to the FINCOM to see if they balk at the possibility of a transfer request for the demolition. Merry said we should at least do the inspection and then decide the next steps. Eagan said more legal work is needed on this issue and there is no liability to the Town, the owner has the liability. She said we need to send letters to the homeowner with notice of what the Town is seeking to do. She said we would have to check the Selectmen's expense budget to see if some of this expense could be paid from it. Merry said we could then ask for a reserve fund transfer. Petersen said this should be added to the FINCOM's meeting agenda for tomorrow night, and ask for a transfer for \$2,000 to get the testing done. Snow said the property is a danger to the Town. Merry said it is a danger to the neighborhood and the inspectors may not go into it. Eagan said the inspector spoke with the Building Inspector and there is a plan to go in. She said this is not municipal property and there is exposure to the Town and we also need to check with our insurance carrier. Merry said Eagan should do the research regarding liability, then start the project. Snow said we should do preliminary research with Judy Pickett. Larry White said this can be added to the agenda and Petersen said he would come to the meeting to give the Selectmen's synopsis. Eagan asked White to have the Vice Chairman handle this since White is a neighbor of the property.

Snow said this will be addressed at the next Selectmen's meeting.

7:15 p.m. JOINT MEETING - Board of Water Commissioners to discuss the following items:

- reserve fund transfer
- letter from Weston & Sampson to DEP requesting time extension in Administrative Consent Order
- water treatment plant construction deadline extension
- change orders

Chairman Snow called for a motion to open the joint meeting of the Board of Selectmen and the Board of Water Commissioners. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye. Roy Ricker – ABSENT.

Joint meeting opened at 7:34 p.m.

Chairman Snow read the following:

During last week's meeting the selectmen asked the Water Board when the water treatment plant construction would be completed.

Commissioners Dalzell and Toomey said "April" and Interim Water Superintendent Mark Griffin said May. On Wednesday of last week we received a letter from Barbara Cook of Weston & Sampson informing the DEP that the construction would be completed in August. Ms. Cook in this letter is requesting an extension of the deadline in the Consent Order. Who knew about this and who gave her this authority?

I will read a letter from Barbara Cook into the record (COPY ATTACHED).

Tim Toomey said the letter to the DEP from Barbara Cook was news to him and he wasn't aware of a letter being prepared at this time. He said he doesn't know why Weston & Sampson didn't come to the Board of Water Commissioners to discuss this. Stuart L. Dalzell Sr. said he didn't know about the extension request until last Wednesday, he is very embarrassed because he sat here last week saying the project will be completed in April or May.

Snow said this meeting happened on Mark Griffin's first day on the job. Griffin said the original date of completion was January 14, 2014, so it is obvious that an extension would be needed. He said it is important to distinguish between the anticipated completion date and the date that the DEP will start to penalize the Town if it isn't completed. Griffin said he knew Barbara Cook was writing the letter and she asked if she should continue to represent the Town to the DEP. Griffin said he assumed this was the status quo and not an irregularity and told her to keep the status quo until he is up to speed. He said she called him to ask for his email address to copy him on the letter and said the request is for an extension until August 15, 2014, not July 15, 2014. He said he didn't ask to see a draft of the letter before it was sent. He said in his previous experience, this isn't irregular for the engineer to send the letter. He said the letter would come from the Primary Water Operator if the plant was operational. He said he understands that the people who signed the Administrative Consent Order would want to be responsible for communications with the DEP. He said he checked with Primary Water Operator Glenn Smith and he remembers the July 15th date being discussed. He said we don't want to wait until the last minute to ask for an extension, Barbara Cook deals with the DEP regularly and there is a degree of confidence from the DEP with Barbara Cook handling it.

Snow said it was Griffin's first day on the job and he doesn't know the background. He said he is concerned about the lack of communications and the fact that the Water Commissioners didn't know about the extension request. Toomey said Hargreaves interfaces with Sykora and advises the Water Board. Eagan said she worked on three bridge construction projects and the engineers provided revised construction schedules through frequent memos. She asked if Weston & Sampson submitted a revised work schedule. She said the construction meeting was on December 23, 2013 and asked if

the extension request was a topic on the Board of Water Commissioners' agenda on December 30, 2013. She said the ACO was signed by the Town and not the Board of Water Commissioners. Toomey said there have been many changes in the department in the last couple of months, Hargreaves didn't know the letter was being prepared, but all knew that the deadline was coming. Griffin said at the December 23rd construction meeting, Weston & Sampson did update the construction schedule and presented the SRF spending and Weston & Sampson charges. He said at the December 30th Board of Water Commissioners meeting they did review the financials and change orders, and the schedule changes were implicit. He said the money associated with the change orders were the focus more than the schedule changes. He said the extension request was not discussed and he thought it was common knowledge.

Joseph Perry asked if any Board members were present at the construction meeting on December 23rd. Griffin said there weren't any. Petersen said the entire Water Department has been in complete turmoil for the past year and the entire department has changed. He said he would be more upset if there hadn't been the level of changes and if the plant is on-line by mid-July he thinks that is good. He said we are best served getting the extension with the DEP, and discussing the additional cost of the change orders. He said the Board of Water Commissioners and the new staff are doing the best they can under the circumstances. Perry said it has been a difficult situation for a long time and he wonders why Weston & Sampson didn't consider bringing this before the Board of Selectmen. Stuart L. Dalzell Sr. said he is disappointed by the engineering firm who went behind their backs and didn't notify the Board of Water Commissioners. Merry said this has been a rough road and because of that communication back to the Board of Selectmen is imperative, the Board of Selectmen's name is on the ACO. He said the primary issue is safe drinking water and we need to work together to meet that goal.

Jack Cook said the ball falls in the Board of Selectmen's lap and the Board of Water Commissioners should have been notified by Weston & Sampson. He said he is disturbed by the statement in Barbara's letter that the concrete contractor went bankrupt. Toomey said they were notified of that, they didn't think it would be a huge scheduling problem, but it was. Cook said why didn't they call if they went bankrupt. Toomey said Kinsman handles the problems under their own contract and they moved as fast as they could. He said for each change order, there are cost and time consequences that are calculated and the Board of Water Commissioners votes to approve them.

Snow said there has been a complete breakdown in communication and he doesn't expect to see this happen again. Petersen said this is the first time in a year that the Water Superintendent is on top of the project and he is capable and the communication

should improve. Toomey said they have agreed that one Board member will attend the construction meeting and they are trying to get more involved. He said at their meeting tomorrow night they will vote to send a letter to Weston & Sampson to review the protocol for communication to alleviate future communication problems. Perry said he doesn't expect the Board of Water Commissioners to micromanage the project, but expects Weston & Sampson to communicate to the Board of Water Commissioners. Toomey said the protocol in the past was that Weston & Sampson would bring the draft letter to the Board of Water Commissioners, these communications should go out from the Town and this one slipped through the cracks because of the changes in the department.

Griffin said Merry's point about the safety of the drinking water is important, and he is handling the paperwork and operations of the department while the Primary Water Operator is taking care of the Town's water operations and Hargreaves is focusing on the Water Treatment Plant.

Petersen said Hargreaves will cost about \$3,000 per month and asked if there are any other costs associated with Hargreaves' extension. He said he isn't covered under the bond money and he isn't part of the 5% contingency. Toomey said the 5% contingency is related to construction costs and all of it doesn't have to be spent. He said Hargreaves is an independent operator and the extension request goes through the end of April and includes a buffer. Griffin said the plant could be potentially operational by the end of May or the beginning of June. Snow said the communication breakdown is embarrassing and hopes a strong letter goes to Weston & Sampson. Stuart L. Dalzell Sr. said he cannot support a request for a transfer of funds for Hargreaves until at least tomorrow's meeting. He said we are paying for a clerk of the works twice and asked with Griffin if they still need Hargreaves. He said he needs answers, they are talking about \$15,000 and asked where does it stop. Snow said if the transfer isn't approved tonight, it will have to wait until the next meeting which is two weeks away. Toomey said the remaining \$2,100 will pay for Hargreaves' last invoice. Petersen said the Selectmen can authorize the spending and then let the Board of Water Commissioners decide whether or not to hire Hargreaves. Toomey said there are a lot of change orders coming in this part of the project and it makes sense to oversee it now. Merry asked if Griffin is comfortable overseeing this project without Hargreaves. Griffin said he can do it but needs time to ramp up, and is not comfortable at the current time.

Bob Merry made a motion to transfer \$12,000 from line 13 of the FY14 Water Enterprise Budget, Extraordinary and Unforeseen Expenses, to Line 8, Maintenance Expense to be used to pay for an extension of John Hargreaves' contract, if the Board of Water Commissioners votes to extend his contract, Dave Petersen second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye Joseph Perry – aye.

Dave Petersen made a motion to adjourn the joint meeting of the Board of Selectmen and the Board of Water Commissioners, Jack Cook second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye, Tim Toomey - aye, Stuart L. Dalzell Sr. – aye. Roy Ricker – ABSENT.

Joint meeting adjourned at 8:24 p.m.

OLD BUSINESS

2. Sign Mass. Fisheries & Wildlife documents for the sale of salt marsh land

Eagan said this is not ready due to some last minute changes that the Town's attorney needs to review.

3. Town Administrator update

Eagan read the following:

The Invitation for Bids for the Town Hall Annex Restoration Project was released last Wednesday. The deadline for filed sub-bids is February 5, 2014 at 11:00 a.m. The deadline for General Bids is February 12, 2014 at 11:00 a.m.

The Request for Proposals for Water Department Billing, Collection and Customer Service was released last Thursday. The legal notice ran in today's newspaper. The deadline for proposals is January 29, 2014 at 11:00 a.m.

I am working on the Request for Qualifications for architectural services for the drafting of specifications and floor plans for the Annex elevator.

I have been meeting with the fiscal team in preparation of the FY 15 budget. I will be recommending the Board of Selectmen issue budget guidelines on January 27. We should be able to get preliminary state aid information from the governor's proposed budget during the MMA Annual Meeting on January 24th.

NEW BUSINESS

1. Set date for Annual and Special Town Meeting

Chairman Snow read the following:

The first Monday in May is May 5, 2014. Town Meeting has traditionally been held the week before the election. The Annual Town Election will be on Tuesday, May 13, 2014.

Both Town Moderator Joan Petersen and Town Clerk Susan Hazen are available that evening.

The Board of Selectmen needs to vote to set the date for town meeting – May 5, 2014 at 7:30 p.m. at the Pine Grove School.

Joseph Perry made a motion to set the date for Town Meeting on May 5, 2014 at 7:30 p.m. at the Pine Grove School, Jack Cook second, all in favor – aye (5-0).

ANNOUNCEMENTS

- The Town has the following vacant seats: FINCOM, Conservation Commission, Zoning Board of Appeals Associate two open seats, two fence viewer positions, and wood lumber bark inspector
- Battery recycling box located at the Town Hall and Library
- Rowley Food Pantry is in need of donations. The Food Pantry is open Tuesdays from 10:00 a.m. to 12:00 p.m. and Thursdays from 5:30 p.m. to 7:00 p.m.

Chairman Snow called for a motion to go into Executive Session for the purpose of discussing strategies with respect to litigation and non-union employee contract negotiations because an open meeting may have a detrimental effect on the litigating and negotiating positions of the Town and to not return to open session. Jack Cook so moved, Joseph Perry second, all in favor – roll call vote: Robert Merry – aye, David Petersen – aye, Robert Snow – aye, Jack Cook – aye, Joseph Perry – aye.

Open meeting adjourned at 8:30 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Flyer for the Friends of the COA to use the Annex yard for 4th Annual Yard & Bake Sale
2. Letter of resignation from Karen Drahozal
3. Email thank you letter from Morna Unczer
4. Quote from Smith & Wessel Associates, Inc for testing at 112 Central Street
5. Letter from Barbara Cook dated January 8, 2014
6. Email from Barbara Cook dated January 8, 2014
7. Letter from John Hargreaves dated January 13, 2014
8. Proposal from John Hargreaves dated January 13, 2014