

MINUTES OF THE BOARD OF SELECTMEN MEETING

April 2, 2018

Meeting held at Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

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

PUBLIC ATTENDEES: Lawrence White – Fincom; Christine Kneeland – resident; Larry Berger – OPM PGS project; Tom Hood – W.T. Rich; Brad Dore – PGS project; Bernard Cullen – 283 Wethersfield Street; Joan Petersen – Moderator; John Brady – Nature’s Remedy; Bob Carr – Nature’s Remedy; David Miller – Nature’s Remedy

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:01 p.m. Perry announced that the meeting is being video and audio recorded and televised live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Request from Police Chief Scott Dumas to appointment Melissa Stasiak as a Reserve (Per-Diem) Dispatcher

Chairman Perry read the request.

Dave Petersen made a motion to appoint Melissa Stasiak as a Reserve Dispatcher, Bob Snow second, all in favor - aye (5-0).

OLD BUSINESS

1. Update on Fire Station and Police Station Addition Project

Chairman Perry read the following:

The construction is moving forward. The contractor will be pouring concrete for the foundations for the Fire Station and Police Station Addition during the week of April 9.

The construction of the road is moving along. The road should be finished by the end of this week and certainly in time for Little League games.

Petersen said the weather has been horrible and the project is three weeks behind schedule. He said the road should be ready this Friday, and not on April 1st like they had hoped. Southall said that is fine since the fields need a week or two to dry out.

7:15 p.m. APPOINTMENT* Larry Berger of Pinck & Company to discuss the following:

- Letter of Recommendation #9 – Non-Trade Specialties: Projection Screen, Blinds & Window Shades; and Gym Equipment
- Letter of Recommendation #10 – Carpet tile, wood flooring, entrance mats and fluid applied flooring
- Letter of Recommendation #11 foam in place insulation, coiling and sectional doors, wall covering and digitalized printed protective wall covering
- Approve technology purchase from SHI International Corporation
- Discuss Change Order Approval Procedure
- Builder's Risk Insurance Policy
- Construction road
- FF&E (furniture fixtures and equipment) and Technology Procurement

FF&E (furniture fixtures and equipment) and Technology Procurement

Larry Berger said there was a proposal for additional services for FF&E to coordinate and purchase all loose technology and furniture. He said this didn't make it into the original budget, and the proposal is to add these services with the architect and pay it from the contingency budget. Brad Dore said the proposal has already been presented and rejected, and he is asking the Board to reconsider this. He said there is a genuine disagreement about what constitutes basic services, and FF&E was never priced as basic services. He said in June 2017, \$100,000 in contingency funds was flagged to cover this. He said they broke the budget between loose and fixed components, there was no FF&E or loose technology included. He said the contract is silent about FF&E. He said they have provided this service through their technology consultant and in-house, and it is more than just procurement and includes meetings, furniture fairs and all the work leading up to procurement. He said the technology consultant cost \$50,000, and the in-house work cost \$90,000, and he is willing to put this at risk and be paid at the end of the project out of contingency funds, if there are still contingency funds. He said that is his risk and he is asking the Board to consider this. He said he is willing to sit with Pinck & Co. to review the budget. He said there are three options: they can do the work under protest, then try to get the funds at the end of the project; they can not perform this work and the Town can find someone else, and the Town can seek reimbursement from Dore & Whittier; or they can renegotiate now.

Pierce said this was discussed at several meetings. He said the contract says FF&E and technology is included, and there is no distinction between loose and fixed in the

contract, and Brad Dore is making that distinction today. He said it was the strong opinion of Town Counsel that this work is included in basic services and he agrees with this. He said he knows how contracts are interpreted and he cannot agree to Dore's proposal. Dore said loose technology was not on the table when they bid the project because the school leases many items. He said he suggested including these items because they are eligible for reimbursement. Berger said they recognize the omission in pricing and think this compromise is fair. Petersen said he is afraid to use someone else in case there are issues with the products, and there are more than one party involved. He said the project is generally within the budget boundaries and from a practical, not legal, view and to keep the project going we need to settle this and get beyond it. Dore said the cost is \$138,000, with \$90,000 at risk out of their pocket until the end of the project. Snow said that isn't chump change. Petersen said this is a \$39,000,000 project, and if Dore doesn't do the work, Pinck would do it at an additional cost, and it would be more work for the office staff. Pierce said if we do it on our own, there would be a lawsuit at the end which is expensive and time consuming. Snow said it bothers him to go against Town Counsel advice, but he understands both sides and doesn't want a bad relationship with Dore & Whittier. Perry said the Board took a vote on March 26th. He asked if the Board wants to reconsider that vote or move on. Pierce said the Board voted to reject Dore's proposal, and Tom Mullen communicated that decision to Brad Dore. Perry read Mullen's email.

Dave Petersen made a motion to reconsider last week's vote, accept Dore's proposal of \$50,000 payment up front, and the remaining amount at the end out of the contingency funds, subject to there being any contingency funds remaining, Bob Merry second, all in favor - aye (3-0). Cliff Pierce – Opposed Bob Snow - Opposed

Letter of Recommendation #9 – Non-Trade Specialties: Projection Screen, Blinds & Window Shades; and Gym Equipment

Berger said this includes Projection Screen, Blinds & Window Shades; and Gym Equipment, and all are well below budgets. Petersen read the budgeted versus awarded amounts.

Dave Petersen made a motion to approve LOR #9, Cliff Pierce second, all in favor - aye (5-0).

Letter of Recommendation #10 – Carpet tile, wood flooring, entrance mats and fluid applied flooring

Berger said one item is above budget, the other is below budget, and together they are below budget.

Dave Petersen made a motion to approve LOR #10, Cliff Pierce second, all in favor - aye (5-0).

Letter of Recommendation #11 foam in place insulation, coiling and sectional doors, wall covering and digitalized printed protective wall covering

Dave Petersen made a motion to approve LOR #11, Bob Snow second, all in favor - aye (5-0).

Approve technology purchase from SHI International Corporation

Chairman Perry read the following:

The Building Committee is recommending approval of technology Equipment as shown on the attached Quote from SHI in the amount of \$36,001.85. This purchase has been review by Triton IT Director Matt Liacos.

Petersen asked if this is different than what was discussed earlier. Berger said this is part of that, and the process has been moving forward despite the disagreement. He said they went to bid this from the State Contract, and for some items there is a sunset date where the purchase needs to be completed by a certain date or the price increases. He said this group price would increase by \$8,000 after the sunset date.

Dave Petersen made a motion to approve the technology purchase from SHI International Corporation, Bob Snow second, all in favor - aye (5-0).

Discuss Change Order Approval Procedure

Chairman Perry read the following:

The Building Committee recommends the Board of Selectmen approve the following change order procedure:

\$0 - \$24,999 – The OPM and the Architect

\$25,000 - \$99,999 – Selectmen Joe Perry and Cliff Pierce, with recommendation from OPM and Architect

\$100,000 and up – Board of Selectmen

Berger said this is a five phase project with two sub-phases. He said the longest construction phase is 9 weeks, and we need a mechanism in place to make fast decisions. He said change orders will be discussed in the weekly construction meetings and then the paperwork will be done.

Dave Petersen made a motion to approve the change order procedure as presented, Bob Snow second, all in favor - aye (5-0).

Builder's Risk Insurance Policy

Eagan read the following:

Debbie has been working with the Town's insurance company, MIIA, and Larry Berger on obtaining a quote for the Builder's Risk Insurance Policy.

The contractor's insurance agent had some questions on the original proposal. We went back and got clarification and have the updated proposal attached.

Debbie is recommending the Board of Selectmen approve the proposal from CNA in the amount of \$32,258. WT Rich was concerned over the \$250,000 mold coverage limit. If the Board wants to increase that limit to \$500,000 there is an additional premium of \$2,500.

Debbie needs to bind the policy April 13, 2018, which is the actual construction start date for WT Rich.

Eagan said she recommends going forward with the CAN proposal, and she is concerned about mold, so the coverage can be extended for an additional \$2,500 in premium. Berger said with the extended coverage, the premium is within the budget. Petersen said raising the coverage by \$500,000 for a \$2,500 premium is well worth it.

Dave Petersen made a motion to approve the Builder's Risk policy, with the extended coverage, Cliff Pierce second, all in favor - aye (5-0).

Construction road

Perry said W.T. Rich is putting in an unpaved road from the end of the building to the gym, which they will put in before Town Meeting to assist with getting disabled people into the gym.

7:30 p.m. APPOINTMENT David Miller, Bob Carr, and John Brady of Nature's Remedy to discuss Host Agreement and update business plans

Chairman Perry read the following:

Representatives from Nature's Remedy are here to discuss the Host Agreement and their business plans.

Tom Mullen has reviewed the draft Host Agreement and has made some changes. Attached is a redlined version and a clean copy.

Tom had a couple questions that the Board needs to ask Nature's Remedy about:

- 1. Is the proposed location within the Retail District? The draft zoning bylaw would require that it be there if recreational marijuana is sold.*

2. *In the first and second recitals on page 1, the company appears to be agnostic as to just what activities will be going on. Do we know it it's to be cultivation, manufacturing, sale or some combination?*

Miller said the location is within the Retail District, and there will just be sales of medical and recreational marijuana. He said he hasn't seen the redline copy yet. Pierce said the agreement is for 3% for a five year term. He asked what happens after the five years. Miller said that wording is from the DPH, and the contract would be renegotiated after five years. Pierce read the contract excerpt regarding when the Town will receive the money. Miller said there is a 3% flat fee plus the 3% sales tax on recreational. Snow asked if all sales will take place on the premises. Miller said yes, but home deliveries are a possibility depending on how the Board feels about that. Petersen said he is concerned about the home delivery. Miller said that is at least a year away. He said July 1st is the soonest they can get their license, but they won't be ready by that date, and they still need to do a community outreach public hearing. Pierce said a public hearing is also required for the Special Permit from the Planning Board. Miller said they are applying for both permits simultaneously. He said they hope to sell the product by October and estimate sales from Rowley in November / December. He said for the most part he sees no problem with the redline changes, but will read it and send it back.

Dave Petersen made a motion to approve the Host Agreement with Nature's Remedy, subject to its approval by Nature's Remedy, Cliff Pierce second, all in favor - aye (5-0).

OLD BUSINESS

2. Review Special Town Meeting and Annual Town Meeting Warrant and approve final wording of ballot question

Eagan reviewed the Special Town Meeting warrant articles. The following changes were made:

- Article 25, strike last sentence of explanatory note after, "existing fund source."
- Article 32 – change to Shall be 3%

Eagan reviewed the Annual Town Meeting warrant articles. She said line #99 is for Triton's assessment, and the amount recommended is different than the amount requested. She said Article 5 appropriates the override funds in advance, provided that the override passes at the ballot. She said the override is a general operational override that is permanent, and not a debt exclusion override that goes away. She said the last general operational override passed in 2007 for \$590,000.

Dave Petersen made a motion to approve the ballot question as written, Bob Snow second, all in favor - aye (5-0).

ANNOUNCEMENTS

- White Goods/Light Metal Household Recycling Event for Rowley residents on Saturday, April 28, 2018 from 8:30 a.m. to 11:30 a.m. at the Highway Department, 40 Independent Street. For more information check out the Town's website at www.townofrowley.net or call the Health Department at 948-2231
- The Friends of the Council on Aging is sponsoring a Shoe Drive during the month of April at the Town Hall Annex, 39 Central Street. Paired footwear, such as the following may be deposited in the container at the Annex Parking lot: shoes, boots, work boots, sandals, slippers, flip flops, heels, sneakers, pocket books, purses, backpacks and belts.
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- Town Meeting is scheduled for Monday, April 30, 2018 at 7:00 p.m. in the Pine Grove School Gymnasium.
- Town Election is scheduled for Tuesday, May 8, 2018 from noon to 8:00 p.m. at St. Mary's Church Hall
- The Town has the following vacancies:
 - a. **Fence Viewer** – three positions;
 - b. **Wood, Lumber & Bark Inspector**;
 - c. **Zoning Board of Appeals Associate** – three seats;
 - d. **Parks and Recreation Committee** – one seat; and
 - e. **Deputy Shellfish Constables** – two positions.For more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

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 - (5-0).

Open meeting adjourned at 9:15 p.m.

Respectfully submitted,

Amy Lydon

Assistant Town Administrator

ATTACHMENTS

1. Request from Police Chief Scott Dumas to appointment Melissa Stasiak as a Reserve (Per-Diem) Dispatcher
2. Meeting Memo regarding Old Business #1: Update on Fire Station and Police Station Addition Project
3. Meeting memo regarding 7:15 p.m. appointment: Larry Berger of Pinck & Company to discuss the following:
 - Letter of Recommendation #9 – Non-Trade Specialties: Projection Screen, Blinds & Window Shades; and Gym Equipment
 - Letter of Recommendation #10 – Carpet tile, wood flooring, entrance mats and fluid applied flooring
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4. Letter of Recommendation #9 – Non-Trade Specialties: Projection Screen, Blinds & Window Shades; and Gym Equipment
5. Letter of Recommendation #10 – Carpet tile, wood flooring, entrance mats and fluid applied flooring
6. Letter of Recommendation #11 foam in place insulation, coiling and sectional doors, wall covering and digitalized printed protective wall covering
7. Meeting memo regarding 7:15 p.m. appointment: Approve technology purchase from SHI International Corporation
8. Quote from SHI International Corporation
9. Email from Deborah Eagan regarding Following up! Re: SHI Quote
10. Meeting memo regarding 7:15 p.m. appointment: Discuss Change Order Approval Procedure
11. Meeting memo regarding 7:15 p.m. appointment: Builder's Risk Insurance Policy
12. Email from Patricia Sullivan regarding Pine Grove, including attachment
13. Meeting memo regarding 7:15 p.m. appointment: Construction road
14. Meeting memo regarding 7:15 p.m. appointment: FF&E (furniture fixtures and equipment) and Technology Procurement
15. Email from Tom Mullen to Brad Dore regarding Rowley FF&E and Technology Issue
16. Meeting memo regarding 7:30 p.m. appointment: David Miller, Bob Carr, and John Brady of Nature's Remedy to discuss Host Agreement and update business plans

17. Email from Tom Mullen regarding Nature's Remedy, including attached red line and clean copy Host Agreements
18. Meeting memo regarding Old Business #1: Update on Fire Station and Police Station Addition Project
19. Special Town Meeting Draft #8
20. Annual Town Meeting Draft #6
21. Working Draft FY 19 Omnibus Budget
22. FY 19 Budget Plan