

MINUTES OF THE BOARD OF SELECTMEN

April 11, 2022

Town Hall, 139 Main Street, Rowley, MA

5:30 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Vice Chairman Deana M.P. Ziev (ABSENT until 6:37 p.m.; Clerk Robert Snow; Joseph Perry; David Petersen (Town Administrator Deborah Eagan; Assistant Town Administrator Amy Lydon)

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 5:35 p.m. He said the meeting is being audio and video recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

EXECUTIVE SESSION

To discuss strategy with respect to collective bargaining concerning Massachusetts Coalition of Police Local 360 and Teamsters Local 170 Fire pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) as having the discussion in open meeting may have a detrimental effect on the bargaining position of the Town

Chairman Pierce called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining concerning Massachusetts Coalition of Police Local 360 and Teamsters Local 170 Fire pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) as having the discussion in open meeting may have a detrimental effect on the bargaining position of the Town and to return to Open Session. Bob Snow so moved, Joe Perry second, all in favor – roll call vote: Bob Snow – aye, Joe Perry – aye, Dave Petersen – aye, Cliff Pierce – aye. Deana Ziev – ABSENT.

Executive Session opened at 5:36 p.m. and adjourned at 6:36 p.m.

Deana Ziev joined Selectmen's table at 6:37 p.m.

6:30 p.m. APPOINTMENT – Town Moderator Tom Amoroso to discuss May 2, 2022 Town Meeting Quorum

Chairman Pierce read the following:

The Board is meeting today with Town Moderator Tom Amoroso to discuss lowering the quorum of the May 2, 2022 Annual Town Meeting pursuant to Chapter 92 of the Acts of 2020 due to the COVID-19 Emergency. THIS ACTION, IF TAKEN, ONLY APPLIES TO THE MAY 2, 2022 ANNUAL TOWN MEETING.

The following notice was published in the April 1, 2022 edition of The Newburyport Daily News, was posted at Town Hall and was on the Town website. Chairman Pierce will read the notice into the record:

NOTICE – May 2, 2022 Rowley Town Meeting Quorum

The Rowley Board of Selectmen and the Rowley Town Moderator hereby give notice that they will meet on Monday, April 11, 2022 at 6:30 p.m. at Rowley Town Hall, 139 Main Street, Rowley, MA to consider whether to prescribe the number of voters necessary to constitute a quorum at the May 2, 2022 Annual Town Meeting to be held at the Pine Grove School, 191 Main Street, Rowley, MA. This meeting is being held in accordance with the provisions of Chapter 92 of the Acts of 2020 and the Governor's COVID-19 public health emergency order. The Board of Selectmen and the Town Moderator will consider a quorum that is less than the Town of Rowley Town Meeting Bylaw quorum. The quorum prescribed by the Town Meeting Bylaw is 100 registered voters; the Selectmen could vote to reduce that number to as few as 10.

The Health Department has been reminding Town officials that while COVID cases may be low in the Town COVID variants are spreading in other areas of the State. We reached out to Health Director Frank Marchegiani on recommendations for COVID-19 concerns. Frank recommends the following:

I would recommend we have masks at the entrance available for people who may want to wear one and hand sanitizer/wipes at various locations like we do now at regular meetings. I would also have wipes available by the microphone where people speak to clean when done. I would also recommend the audience social distance the best they can with the space we have. I am happy to help set up and review the status of things as we get closer. We could also post reminder signs on basic recommendations, (we can help with that).

Thank you,

Frank

Frank Marchegiani, R.S. | Health Director | Rowley Board of Health

Last year, the Board voted to lower the quorum to 40. The Board and Town Moderator need to discuss the matter and make a determination. Chairman Pierce can ask attendees for input.

Perry said last year with the quorum of 40 it worked well. Amoroso and Pierce agreed. Pierce said this doesn't preclude more than 40 people from coming to the meeting. Amoroso asked if the Board feels comfortable that 40 people will come. Ziev and Pierce said yes.

Deana Ziev made a motion to lower the quorum for this year's Town Meeting to 40, Bob Snow second, all in favor - aye (5-0).

Pierce continued:

If the Board and the Moderator decide to lower the quorum, they will need to vote to set the quorum amount. Debbie will have to file the decision with the Town Clerk, who must notify the Attorney General of the adjusted town meeting quorum not less than 10 days after the Board votes.

Eagan said there will be an informational hearing on the Town Meeting Warrant on April 25th at 7:00 p.m., which will be a joint meeting with the Finance Committee and possibly also with the Board of Water Commissioners. She said the Moderator may want to attend this meeting.

6:45 p.m. APPOINTMENT Harbormaster Bill DiMento to discuss Town Landing Parking Lot Expansion Project

Chairman Pierce read the following:

Harbormaster Bill DiMento is here tonight to give an update to the Selectmen on the Town Landing Parking Lot Expansion project.

Bill and Bob Snow have been meeting with Conservation Agent Brent Baeslack to go over the Conservation Commission requirements. Bill has received a proposal from Rimmer Enviromental Consulting for wetlands delineation, plan preparation, and environmental permitting assistance. The proposal is for \$12,850, which is less than the \$15,000 appropriation we have earmarked for this work.

If the Board is in agreement to contract with Rimmer Environmental Consulting, the Board needs to vote to approve the proposal and authorize Chairman Pierce to sign it.

Bill DiMento said this project started in August of 2020 and he is trying to get it moving forward. He said the Conservation Commission is amenable to this as long as they go through the process and the wetlands are delineated. He said there is Chapter 97 work, which Brent has agreed to help with, which requires a land swap. He said a parking study was done by MVPC last summer and they were able to observe one or two peak weekends. He said the survey will show the parking needs. He said they would like enough spaces to be sufficient for the next 10 to 20 years. He said there is five acres devoted to parking now and they are looking to add one or two more acres. He said Rimmer is the firm doing the wetlands delineation and parking layout, which will be presented to the Conservation Commission and the Board of Selectmen, likely in June. Snow said boating has increased since the pandemic. DiMento agreed but didn't have the exact numbers with him.

Bob Snow made a motion to approve the proposal with Rimmer Environmental Consulting, and to authorize Chairman Pierce to sign the contract, Deana Ziev second, all in favor - aye (5-0).

GENERAL BUSINESS

1. Road Opening Permit Application Geological Earth Exploration, Inc. to open Dodge Road for test borings for Water Department water main project

Chairman Pierce read the following:

This has been reviewed and signed off by staff. Does the Board have any questions or concerns?

A copy of the permit is included in the Chairman's meeting packet.

The Board did not have any questions or concerns.

2. Request from Mary Behringer to be appointed to the Board of Health and request from Board of Health Chairman Charles Costello to appoint Mary Behringer to the Board of Health

Chairman Pierce read the following:

Mary Behringer has submitted a request to be considered for the vacant seat on the Board of Health. (Please see attached letter).

Board of Health Chairman Charles Costello is recommending that the Board of Selectmen appoint Ms. Behringer to the vacant seat. Chairman Costello sent an email message to the Board stating the following:

I have met with Mary Behringer and discussed with her the requirements and commitment expected Board of Health members.

She expressed an interest in joining the Board and felt her background in engineering would be helpful.

I support Mary Behringer's request to be appointed to the unfilled position created by the recent resignation of John Melcher.

Thank you for the opportunity to make this recommendation.

Charlie Costello

Does the Board wish to appoint Mary Behringer to the vacant seat on the Board of Health? She will be filling John Melcher's unexpired term which will run through June 30, 2023.

Joe Perry made a motion to appoint Mary Behringer to the vacant seat on the Board of Health which will run through June 30, 2023, Bob Snow second, all in favor - aye (5-0).

3. Approve Council on Aging donations

Chairman Pierce read the following:

COA Director Ellie Davis has provided the Board with the attached two lists of donations, which consists of 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.

Bob Snow made a motion to approve these donations, Joe Perry second, all in favor - aye (5-0).

4. Request from Police Chief Scott Dumas to apply for and sign grant contractual paperwork for a Firehouse Sub Foundation Grant for an automated external defibrillator control trainer

Chairman Pierce read the following:

Chief Dumas is asking the Board for authorization to apply for a grant to fund a Physio Control Trainer for LIFEPAK 1000, which is a trainer version of AEDs carried by the Rowley Police Department from the Firehouse Sub Grant Foundation. (See attached information)

If the Board is in agreement that he should pursue this grant, the Board needs to:

- 1) Vote to authorize Chief Dumas to apply for this grant; and*
- 2) Vote to authorize Chief Dumas to sign the grant contractual paperwork, should the Town receive the grant award.*

Bob Snow made a motion to authorize Chief Dumas to apply for this grant; and to authorize Chief Dumas to sign the grant contractual paperwork, should the Town receive the grant award, Joe Perry second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

5. Vacation carry-over request from Town Administrator Deb Eagan

Chairman Pierce read the following:

Debbie has submitted a vacation carry-over request. See attached.

If the Board is in agreement, could the Board vote to approve the request and to sign the carry-over request memo?

Dave Petersen made a motion to approve the request and to sign the carry-over request memo, Deana Ziev second, all in favor - aye (5-0).

6:40 p.m. – 6:45 p.m. PUBLIC COMMENT

There were no public comments.

GENERAL BUSINESS

6. Request from Patti Cummings of the First Congregational Church to use the Town Common on April 30, 2022 for a Community Blessing of the Pets from 12:00 – 1:00 p.m.

Chairman Pierce read the following:

Please see the attached request from Patti Cummings of the First Congregational Church to use the Town Common on April 30, 2022 for a Community “Blessing of the Pets from 12:00 – 1:00 p.m.

The Police Chief, Fire Chief, Health Director and Highway Surveyor reviewed this request and do not have any comments or concerns.

Does the Board wish to approve this request?

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

7. Request from Agricultural Commission Chair Libby Tucker and Farmer’s Market Manager George Pacenka to use the Town Common for Farmer’s Markets on Sundays from 8:00 a.m. to 1:00 p.m. from July 10, 2022 through October 30, 2022 – re-submitted request

Chairman Pierce read the following:

The Board voted at the April 4 meeting to grant a request to the Agricultural Commission to hold Farmer’s Markets on July 11, 2022 through October 31, 2022.

The Agricultural Commission is re-submitting this request because they had mistakenly submitted incorrect dates for the Farmer’s Markets. The correct dates are: Sundays from 8:00 a.m. to 1:00 p.m. from July 10, 2022 through October 30, 2022.

The Board needs to vote on the following:

- 1) *Rescind the vote to approve Agricultural Commission using the Town Common for the Farmer’s Markets from July 11, 2022 through October 31, 2022*
- 2) *Authorize the Agricultural Commission to use the Town Common for the Farmer’s Markets from July 10, 2022 through October 30, 2022*
- 3) *Authorize the Agricultural Commission to hang their Farmer’s Market banner on the back stop on the Town Common at least one week prior to the first farmer’s market event on July 10, 2022. (This needs to be re-voted because the prior vote on April 4 included this request.)*

Joe Perry made a motion to:

- 1) Rescind the vote to approve Agricultural Commission using the Town Common for the Farmer's Markets from July 11, 2022 through October 31, 2022
- 2) Authorize the Agricultural Commission to use the Town Common for the Farmer's Markets from July 10, 2022 through October 30, 2022
- 3) Authorize the Agricultural Commission to hang their Farmer's Market banner on the back stop on the Town Common at least one week prior to the first farmer's market event on July 10, 2022

Bob Snow second, all in favor - aye (5-0).

8. Sign May 10, 2022 Annual Town Election Warrant

Chairman Pierce read the following:

The Town Clerk has prepared the Annual Town Election Warrant, which needs to be signed by the Board of Selectmen.

The Board needs to vote to sign the warrant. There are five copies that need to be signed after the meeting.

Bob Snow made a motion to sign the Annual Town Election Warrant, Deana Ziev second, all in favor - aye (5-0).

NEW BUSINESS

1. Request from Parks and Recreation Committee to extend contract with Elm Services, Inc. for lawn maintenance

Chairman Pierce read the following:

This contact is not ready for tonight's meeting.

2. Request from Parks and Recreation Committee to extend contract with Trugreen for turf maintenance

Chairman Pierce read the following:

This contact is not ready for tonight's meeting.

3. Approve Pennichuck Water Services Corporation contract for Water Department Billing, Collection, and Customer Service

Chairman Pierce read the following:

Debbie recently issued a Request for Proposal for Water Billing, Collection, and Customer Services. One proposal was received from Pennichuck Water Services

Corporation. Debbie is recommending that the Board of Selectmen and Water Board vote to award the contract to Pennichuck Water Services. (See attached memos).

If the Board is in agreement, the Board needs to vote to award the contract and to sign it.

Water Commissioner Bernie Cullen said they are happy with Pennichuck's error rate, and they are responsive to inquiries.

Dave Petersen made a motion to award the contract to Pennichuck and to sign it, Bob Snow second, all in favor - aye (5-0).

4. Authorize employment contract renewal – Principal Assessor Sean McFadden

Chairman Pierce read the following:

Sean is asking to renew his contract, which was approved in 2019. The dates have been updated as shown on the attached.

Attached are the following:

- *Copy of new contract showing changes*
- *Marked up copy of prior contract showing changes*
- *Copy of current 2019 contract*

The contract has been voted and approved by the Board of Assessors. If the Selectmen are in agreement, they need to vote to sign the 2022 contract. (The original will be available for signing after the meeting.)

Joe Perry made a motion to sign the 2022 contract with Principal Assessor Sean McFadden, Bob Snow second, all in favor - aye (5-0).

5. Authorize employment contract renewal – Town Administrator/Personnel Officer Deborah Eagan

Chairman Pierce read the following:

Debbie is asking to renew her contract, which was approved in March 2019. The only change is the year "2022" from "2019."

Attached are the following:

- *Copy of clean contract for signing*
- *Redlined copy showing one change to the text on the top of the first page 2019 to 2022*
- *Copy of current 2019 contract*

If the Board is in agreement, could the Board vote to sign the contract? (The original will be available for signing after the meeting.)

Joe Perry made a motion to sign the 2022 contract with Town Administrator/Personnel Officer Deborah Eagan, Bob Snow second, all in favor - aye (5-0).

OLD BUSINESS

1. Discuss Merrimack Valley Regional Transit Authority Ring and Ride Program

Chairman Pierce read the following:

Bob Snow will lead the discussion on this agenda item. He said that the Merrimack Valley Regional Transit Authority is planning to start a pilot program in Rowley.

Snow said he spoke with COA Director Ellie Davis last week and there are many people who need to get to Newburyport and Newbury for appointments. He said he and Noah Berger of the MVRTA are trying to kick this off as soon as possible, and he will have more information next week. He said the program kicks off for the whole area on July 1st.

ANTIQUJE/JUNK DEALER LICENSE RENEWALS

- Salt Marsh Antiques/Robert Cianfrocca – 224 Main Street
- Bargain Hut Realty Trust / Judith Comley – 280 Main Street
- Manzo Salvage/Vincent Manzo – 586 Main Street
- Todd's Riverview Farm LLC/Frank Todd – 275 Main Street

Chairman Pierce read the following:

The current Antique Licenses are in force until May 1, 2022. Please vote on the following renewals until May 1, 2023. All light, water and tax bills are current for all renewals.

- *Salt Marsh Antiques/Robert Cianfrocca – 224 Main Street*
- *Bargain Hut Realty Trust / Judith Comley – 280 Main Street*
- *Manzo Salvage/Vincent Manzo – 586 Main Street*
- *Todd's Riverview Farm LLC/Frank Todd – 275 Main Street*

Dave Petersen made a motion to renew these four Antique/Junk Dealer licenses, Joe Perry second, all in favor - aye (5-0).

MINUTES

- April 4, 2022

Bob Snow made a motion to renew these four Antique/Junk Dealer licenses, Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSTAINED

ANNOUNCEMENTS

1. The Board of Health is holding a White Goods/Light Metal Household Recycling Event on April 23, 2022 from 8:30 a.m. to 11:30 a.m. at the Rowley Highway Department Facility at 40 Independent Street. Please see announcement on the Town's website for more information.
2. The Town has the following board vacancies:
 - **Conservation Commission.** Interested residents should send a letter of interest to the Board of Selectmen. Position is open until filled.
 - **Open Space Committee.** Interested residents should send a letter of interest to the Board of Selectmen. Position is open until filled.
3. The Rowley Board of Health would like to remind residents and employees that although COVID-19 cases are minimal right now, some towns have seen outbreaks in populations where close contact is inevitable. We recommend that residents continue to be cautious in resuming their day-to-day activities.
4. Town Meeting will be held on Monday, May 2, 2022 at 6:30 p.m. at the Pine Grove School
5. The Northeast Massachusetts Mosquito Control and Wetlands Management District will conduct helicopter applications of the biological larvicide, VectoBac12AS (EPA reg. 73049-38) to control mosquito larvae over salt marshes in Salisbury, Newburyport, Newbury, Rowley, and Ipswich, and any other new subscribing community if requested. Applications will be conducted as necessary during daylight hours from April 1, 2022 through October 31, 2022.

Chairman Pierce read an additional announcement about an upcoming vaccine clinic from the Board of Health.

ADJOURN

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

Meeting adjourned at 7:06 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written Executive Session Motion

2. Meeting memo regarding 6:30 p.m. Appointment: Town Moderator Tom Amoroso to discuss May 2, 2022 Town Meeting Quorum
3. Notice posted to Town's website regarding Town Meeting Quorum discussion
4. Notice printed in Newburyport Daily News regarding Town Meeting Quorum discussion
5. Article from MMA titled, "Gov. Baker signs COVID bill with public meeting provisions"
6. Chapter 92 – An Act Relative to Municipal Governance During the COVID-19 Emergency
7. Meeting memo regarding 6:30 p.m. Appointment: Harbormaster Bill DiMento to discuss Town Landing Parking Lot Expansion Project
8. Proposal from REC for Wetland Delineation and Permitting for Town Landing Parking Area
9. Proposal from DC MacRitchie, LLC for Town Landing parking project
10. Meeting memo regarding General Business #1: Road Opening Permit Application Geological Earth Exploration, Inc. to open Dodge Road for test borings for Water Department water main project
11. Road Opening Permit Application Geological Earth Exploration, Inc. to open Dodge Road for test borings for Water Department water main project
12. Meeting memo regarding General Business #2: Request from Mary Behringer to be appointed to the Board of Health and request from Board of Health Chairman Charles Costello to appoint Mary Behringer to the Board of Health
13. Request from Mary Behringer to be appointed to the Board of Health
14. Request from Board of Health Chairman Charles Costello to appoint Mary Behringer to the Board of Health
15. Meeting memo regarding General Business #3: Approve Council on Aging donations
16. Two lists of Council on Aging donations
17. Meeting memo regarding General Business #4: Request from Police Chief Scott Dumas to apply for and sign grant contractual paperwork for a Firehouse Sub Foundation Grant for an automated external defibrillator control trainer
18. Request from Police Chief Scott Dumas to apply for and sign grant contractual paperwork for a Firehouse Sub Foundation Grant for an automated external defibrillator control trainer
19. Meeting memo regarding General Business #5: Vacation carry-over request from Town Administrator Deb Eagan
20. Vacation carry-over request from Town Administrator Deb Eagan
21. Meeting memo regarding General Business #6: Request from Patti Cummings of the First Congregational Church to use the Town Common on April 30, 2022 for a Community Blessing of the Pets from 12:00 – 1:00 p.m.
22. Request from Patti Cummings of the First Congregational Church to use the Town Common on April 30, 2022 for a Community Blessing of the Pets from 12:00 – 1:00 p.m.
23. Meeting memo regarding General Business #7: Request from Agricultural Commission Chair Libby Tucker and Farmer's Market Manager George Pacenka

- to use the Town Common for Farmer's Markets on Sundays from 8:00 a.m. to 1:00 p.m. from July 10, 2022 through October 30, 2022 – re-submitted request
24. Revises request from Agricultural Commission Chair Libby Tucker for Town Common use for Farmer's Markets
 25. Meeting memo regarding General Business #8: Sign May 10, 2022 Annual Town Election Warrant
 26. May 10, 2022 Annual Town Election Warrant
 27. Meeting memo regarding New Business #1: Request from Parks and Recreation Committee to extend contract with Elm Services, Inc. for lawn maintenance
 28. Meeting memo regarding New Business #2: Request from Parks and Recreation Committee to extend contract with Trugreen for turf maintenance
 29. Meeting memo regarding New Business #3: Approve Pennichuck Water Services Corporation contract for Water Department Billing, Collection, and Customer Service
 30. Memo from Deborah Eagan regarding Contract Award – Water Billing, Collection and Customer Services, including enclosure
 31. Letter from Board of Water Commissioners regarding Pennichuck proposal
 32. Meeting memo regarding New Business #4: Authorize employment contract renewal – Principal Assessor Sean McFadden, including listed attachments
 33. Meeting memo regarding New Business #5: Authorize employment contract renewal – Town Administrator/Personnel Officer Deborah Eagan, including listed attachments
 34. Meeting memo regarding Old Business #1: Discuss Merrimack Valley Regional Transit Authority Ring and Ride Program
 35. Meeting memo regarding Antique/Junk Dealer License Renewals
 36. Draft minutes of April 4, 2022