

MINUTES OF THE BOARD OF SELECTMEN

April 4, 2022

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

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

CALL MEETING TO ORDER

Chairman Ziev called the meeting to order at 6:00 p.m. She said the meeting is being audio and video recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6:00 p.m. APPOINTMENT Building Inspector Ken Ward to discuss fee increases

Chairman Ziev read the following:

Ken is here tonight to discuss a request to increase fees. Please see attached information.

Ziev read the letter from Ken Ward. Ward said he has provided a list of the proposed changes, an example of how the fees will change for a couple of different homes and a listing of fees in the surrounding towns. He said we want our fees to stay in the middle when compared to surrounding towns. Ward reviewed the proposed new fees per category. The Board said these proposed new fees seem reasonable. Snow said the cost of wood is astronomically high. Perry said the increases are reasonable especially considering that they haven't been increased in 11 years.

Joe Perry made a motion to approve the fee increases as presented, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

GENERAL BUSINESS

1. Letter of resignation from Water Department Distribution Utility Maintenance Laborer Christopher Germano

Chairman Ziev read the resignation letter.

Dave Petersen made a motion to accept this resignation, Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

6:05 P.M. TO 6:10 p.m. PUBLIC COMMENT

Zenas Seppala of 92 Granite Street in Rockport said that the Town of Rowley has a recall bylaw. He said in Rockport there was a Citizens Petition for term limits at their

Town Meeting on Saturday that failed. He asked the Board why Rowley started the recall petition in 1989, and if the Board thinks that this recall provision makes the Board of Selectmen better. Ziev said the Board will think about this and get back to him. She said he has used the two minutes allowed under the Public Comment policy.

GENERAL BUSINESS

2. Letter of resignation from Firefighter London Spain

Chairman Ziev read the resignation letter.

Bob Snow made a motion to accept this resignation with regrets, Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

3. Request from Acting Fire Chief Mark Emery to appoint London Spain as a Call Firefighter

Chairman Ziev read the request.

Joe Perry made a motion to appoint London Spain as a Call Firefighter, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

4. Request from Acting Fire Chief Mark Emery to appoint the following individuals as Probationary Call Firefighters:

- Alyssa Cayer
- Jack Miller
- Elder Aldonis Lynch

Acting Fire Chief Mark Emery said Aldonis is not here yet, but Alyssa and Jack are here. Alyssa said she lives on Pleasant Street and she wants to give back to the community. Jack said he lives in Ipswich and is very excited to help out.

Ziev read the request letter.

Bob Snow made a motion to appoint Alyssa Cayer, Jack Miller and Elder Aldonis Lynch as Call Firefighters, Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

5. 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 11, 2022 through October 31, 2022 and to hang a Farmer's Market banner on the back stop

Chairman Ziev read the following:

The Agricultural Commission is requesting the following:

- 1) to hold their annual farmers' market on Sundays from 8:00 a.m. to 1:00 p.m. from July 11, 2022 through October 31, 2022 on the Town Common, and*

- 2) *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 11, 2022.*

The Board will need to vote to approve both requests.

Dave Petersen made a motion to approve these requests, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

6. Request from Town Clerk Catie McClenaghan to re-appoint Gordon M. Densmore to the Board of Registrars for his final one-year term effective April 1, 2022 through March 31, 2023

Bob Snow made a motion to re-appoint Gordon M. Densmore to the Board of Registrars for his final one-year term effective April 1, 2022 through March 31, 2023, Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

NEW BUSINESS

1. Discuss Reserve Fund Transfer Request for State Department of Unemployment Assistance Claim

Chairman Ziev read the following:

The Town has received unemployment claim from a former employee. This claim is for an employee who resigned in July 2021 and took a position in another town. We protested the claim with the DUA and were initially denied and we have filed another appeal. We have no funds in the Unemployment budget line to pay this invoice. Debbie is asking the Board for authorization to obtain a Reserve Fund Transfer Request from the Finance Committee. The current invoice is \$1,328.14. Debbie is requesting \$5,000 to pay for the current bill, and to cover anticipated charges for May and June.

Petersen said this is the second claim for the Town this year. He said the first one we appealed and won, and hopefully we will get that money back at a future date. He said in this case the employee resigned, and he isn't sure how the State approved this claim. He said we have to pay this pending the appeal, and we should send a letter to the Governor, the Unemployment Board, the State Senator and State Representative that this is ridiculous. He said we aren't laying people off, so we shouldn't be responsible for these bills. Snow said he has seen this happen in the private sector and he doesn't understand why benefits are paid when an employee resigns or is terminated. He said we should send a letter to the State officials about this. Petersen said the Unemployment Board could be invited in to explain the process to the Board.

Eagan said she and Lydon have spent time on this claim. She said a former employee left to take a new position, resigned from that position, and that employer didn't protest the claim. She said since this employee didn't work for the Town within eight weeks of when the unemployment claim was filed, the Town is considered an uninterested party. She said in Massachusetts, anyone can file for unemployment and unless the employer

protests, the claim will go through. She said we need to demand that the State officials change the unemployment laws which work against the employer. She said the Town will be responsible for \$8,400 if this person doesn't find a job, and taxpayer money is being used to pay for this. Perry said the law needs to change. Eagan said they approve claims very fast and being in the reimbursable unit, the Town has to pay. She said we can't use the money that we had to pay on the other claim that we protested and won. She said they won't notify us when they recover those funds they paid erroneously back from the claimant, and we were told to check our account. She said the Town hasn't laid anyone off, yet we are paying an exorbitant amount for unemployment claims. Ziev said it isn't fair that taxpayer money is being used for this.

Joe Perry made a motion to approve the Reserve Fund Transfer request for \$5,000, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

2. Review draft Town Meeting Warrant articles

Eagan said she thinks the Board should have a quick meeting on Monday morning to sign the warrant. She said this will give us more time to get the warrant to the printer and in the mail.

Bob Snow made a motion to have a Special Meeting on Monday at 10:00 a.m., Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Eagan asked if the Board has any questions on the warrant. Perry said the Board will read through the warrant and let Debbie know by Friday if there are any questions.

OLD BUSINESS

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

Snow said he is meeting with Noah of the MVRTA either this Thursday or next Thursday, and he will provide an update on this on Monday night.

FY 23 BUDGETS

1. Debt

Karen Summit said there are two new items on the debt budget this year from this year's capital plan: the communications infrastructure project and the Highway dump truck. Snow asked what percentage debt is of the budget. Summit said it is very small, probably 4 to 5%, and most of the debt is through overrides. Snow said the Town will need a new fire engine in 2027. Summit said she doesn't recall seeing this on the five year capital plan, but the capital stabilization fund can be used to keep equipment up to date. Snow said we should keep an eye on this. Summit said Eagan does a great job keeping up with the capital plan.

Joe Perry made a motion to approve the FY23 Debt budget, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

MINUTES

- March 28, 2022

Bob Snow made a motion to approve the March 28, 2022 minutes, Joe Perry second, all in favor - aye (4-0). Cliff Pierce - ABSENT

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:
 - **Board of Health.** Interested residents should send a letter of interest to the Board of Selectmen by April 5, 2022
 - **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.

ADJOURN

Bob Snow made a motion to adjourn, Joe Perry second, all in favor – aye (4-0). Cliff Pierce - ABSENT

Meeting adjourned at 6:34 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 6:00 p.m. Appointment: Building Inspector Ken Ward to discuss fee increases
2. Memo from Building Inspector Ken Ward regarding fee increases, including attached documents
3. Meeting memo regarding General Business #1: Letter of resignation from Water Department Distribution Utility Maintenance Laborer Christopher Germano
4. Letter of resignation from Water Department Distribution Utility Maintenance Laborer Christopher Germano
5. Meeting memo regarding General Business #2: Letter of resignation from Firefighter London Spain
6. Letter of resignation from Firefighter London Spain
7. Request from Acting Fire Chief Mark Emery to appoint London Spain as a Call Firefighter
8. Meeting memo regarding General Business #4: Request from Acting Fire Chief Mark Emery to appoint the following individuals as Probationary Call Firefighters: Alyssa Cayer; Jack Miller; Elder Aldonis Lynch
9. Request from Acting Fire Chief Mark Emery to appoint the following individuals as Probationary Call Firefighters: Alyssa Cayer; Jack Miller; Elder Aldonis Lynch
10. Meeting memo regarding General Business #5: 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 11, 2022 through October 31, 2022 and to hang a Farmer's Market banner on the back stop
11. 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 11, 2022 through October 31, 2022 and to hang a Farmer's Market banner on the back stop
12. Meeting memo regarding General Business #6: Request from Town Clerk Catie McClenaghan to re-appoint Gordon M. Densmore to the Board of Registrars for his final one-year term effective April 1, 2022 through March 31, 2023
13. Request from Town Clerk Catie McClenaghan to re-appoint Gordon M. Densmore to the Board of Registrars for his final one-year term effective April 1, 2022 through March 31, 2023
14. Meeting memo regarding New Business #1: Discuss Reserve Fund Transfer Request for State Department of Unemployment Assistance Claim
15. Reserve Fund Transfer Request for State Department of Unemployment Assistance Claim
16. Bill from State Department of Unemployment Assistance dated March 15, 2022
17. Response from State Department of Unemployment Assistance regarding Town's Protest of charges dated March 28, 2022
18. Meeting memo regarding New Business #2: Review draft Town Meeting Warrant articles
19. Draft #2 Town Meeting Warrant dated 4/1/22
20. Draft Omnibus Budget dated 4/1/22

21. Meeting memo regarding Old Business #1: Discuss Merrimack Valley Regional Transit Authority Ring and Ride Program
22. Meeting memo regarding FY23 budgets
23. FY23 draft Debt budget
24. Draft minutes of March 28, 2022