

MINUTES OF THE BOARD OF SELECTMEN

August 10, 2020

Recorded from Town Hall, 139 Main Street, Rowley, MA

1:00 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)

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 1:05 p.m. He read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the open session portion of the meeting in real time. Persons who wish to do so are invited to watch the open session portion of the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at www.townofrowley.net or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/798524549> can also dial in using your phone by calling +1 (312) 757-3121 and using access code 798-524-549. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the open session portion of the meeting will be made available on the Town's website as soon as possible.

1:00 p.m. APPOINTMENT Town Clerk Susan Hazen to discuss the following on the upcoming elections:

- 1) Sign the September 1, 2020 State Primary Warrant
- 2) The logistics of holding the August 22 to August 28 Early Voting at Town Hall
 - a. Location
 - b. Hours
 - c. Social distancing plans and strategies
- 3) The purchase and installation of a Ballot Drop Box on the Town Hall grounds

Sign the September 1, 2020 State Primary Warrant

Joe Perry made a motion to sign the September 1, 2020 State Primary Warrant, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

The logistics of holding the August 22 to August 28 Early Voting at Town Hall

Chairman Pierce read the following:

The Town is required to hold “Early Voting” sessions at the Town Hall prior to the September 1, 2020 State Primary Election. Town Clerk Susan Hazen has met with Health Director Frank Marchegiani and REMA Director Jim Broderick to discuss a COVID-19 operational plan. Please see attached Early Voting Plan. Susan is seeking the Board’s approval on the layout.

Town Clerk Susan Hazen said it is difficult to put together a plan to invite people into the building and keep everyone safe. She said there will be three booths available, separate in and out doors. She said this is the best she can come up with, and it has been approved by Frank Marchegiani and Fire Chief Broderick. She said it will be cumbersome for Town Hall employees.

Joe Perry made a motion to approve the logistics of the early voting at Town Hall from August 22 – August 28, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

The purchase and installation of a Ballot Drop Box on the Town Hall grounds

Pierce read the following:

Town Clerk Susan Hazen would like to have a Ballot Box located on the Town Hall grounds so that voters who obtained ballots by mail can drop their sealed ballot off. She has provided some sample ballot boxes with prices. Please see attached. The box would need to be permanently affixed to the ground. She would also need to get a reserve fund transfer to pay for this expense. There has not been an FY 21 COVID funding disbursement yet from the State, so there are no other available funding sources for this purchase. The Board will need to vote to authorize the placement of the Ballot Box on the Town Hall grounds.

Hazen said there is a concern about the efficiency of the post office in handling ballots sent through the mail. She said they won’t be able to get the box before the primary, but it would be here before the November election. She said it may never be needed again after COVID. Pierce said mail-in balloting may become permanent. Hazen said the box costs \$1,968, and that COVID funding may possibly reimburse the cost for this. Perry asked if the cost is for the model #500. Hazen said yes, and the box is larger than the Treasurer’s drop box, but smaller than a mailbox at the Post Office.

Joe Perry made a motion to buy the model #500 ballot box, and install it next to the Treasurer’s drop box on the side of Town Hall. The vote was not completed.

Petersen asked if the box can be removed when it isn’t needed. Hazen said it will be set in concrete, so it is possible but not easy to remove it when it is not needed. Petersen said it will be bolted to concrete. He said he agrees with Perry that we should install a well-made and secured box next to the Treasurer’s drop box, but we should look at removing it when it is not needed. Hazen said she agrees and said she is getting a lot of calls from the public about this. Pierce said maybe we can put a cover over the box when it is not needed. Snow said it will also need to be shut down the

night of voting after the polls close. Hazen said it will be available until 8:00 p.m. and the Constable and a registrar will probably have to check the box. Pierce asked if the box indicates that it is for ballots. Hazen said yes. Ziev said there may be a locking feature on the slot, which she has seen on other units.

Joe Perry made a motion to buy the model #500 ballot box, and install it next to the Treasurer's drop box on the side of Town Hall, Dave Petersen second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

Bob Snow made a motion to authorize Susan Hazen to sign the leases with St. Mary's hall for the elections, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

1:15 p.m. APPOINTMENT Pine Grove School Construction Project Owner's Project Manager Larry Berger of Pinck/Anser Advisory to provide an update on the punch list

Larry Berger said the punch list is ongoing, this morning he received the second notice of competed items from the contractor, and he will be on site tomorrow to review. He said 190 of the 265 items have been addressed, and he will discuss clarifications on a couple items with the contractor. He said he has seen Frank Janvrin's email, and he asked to be given a list of the items that have been missed. Pierce said Janvrin identified several items in his email, and said some have been labeled as Pine Grove School maintenance items. He said Janvrin strongly disagrees that they are Pine Grove School maintenance items. He said an example is the crooked stop sign. Berger said the sign was installed in concrete, it was straight, but now it isn't. He said something happened to it, but there is no evidence that it was hit by a car or truck. He said if there is a disagreement about a classification, that can be discussed, but he needs a list of what Janvrin is taking exception to. Pierce said the issues with the epoxy floors are beyond maintenance items, and there are multiple cracks in the concrete. Berger said everything on the list will be addressed. He said the garage door is a third party vendor. He said just because WT Rich gave the keys back, it doesn't mean the punch list is complete.

Frank Janvrin said there is nobody there working on anything, and he is concerned with school re-opening. He asked for a completion date. Berger said this is part of what he will be reviewing with the contractor tomorrow and he expects everything to be completed prior to the start of school, with the exception of the landscaping items, which will be addressed once the weather is appropriate.

Ziev said after tomorrow, Berger will have a better idea on the completion date. She asked what happened with the camera that was installed in the wrong location. Berger said it is #151 on the punch list. He said the camera was installed in the location that the plan called for. Ziev asked about the painted brick outside. Janvrin said they painted over the old surface and didn't sand off the paint. He said the new paint peels right off. Berger said he will review how this was done when he is there, and if what

they did doesn't hold they are obligated to make the corrections. Ziev asked Berger to send Eagan an update after his meeting tomorrow. Berger said he will do that, and will send the update no later than Wednesday morning. Janvrin said if the outside walls need to be sanded and repainted, it could be October or November before this is done. Berger said there is failure in some areas, and the entire walls don't need to be stripped. He said he is aware of problems in the North and South wings, and not aware of any issue in the gym. Ziev asked why the walls in the principal's office re-cracked after they were repaired. Berger said he doesn't know, this item is not flagged as complete. He said the contractor says this should go to maintenance, but he hasn't agreed to that and he will look at this tomorrow. Eagan said Janvrin also identified issues with the shed. Janvrin said the garden shed is on 4 by 4s and then bricks, but the other shed is just on wood that is sitting on the ground. He said it doesn't seem like there is enough support to hold the weight of the items stored in the shed. Berger said the shed is on 4 by 4 pressure treated sleepers that run the length of the structure, and there is a stone base. He said the garden shed was elevated, but he doesn't remember why. He said the architect did not flag this as an issue, but he will check with him if there is an issue with stability. He said none of the exterior items have been looked at yet. Ziev said someone from outside the school also needs to replace the bottoms of the chairs. Berger said the architect committed to do this outside of the contract, and he is waiting to hear when this will be done.

1:30 p.m. APPOINTMENT Fire Chief James Broderick to discuss portable radio regional grant award

Chief Broderick said we applied for a regional grant with Boxford and Hamilton for portable radios. He said Rowley was replacing radios in one truck per year, and FY21 would have been the second year, but all three towns were able to secure a grant for \$713,291.43. He said Rowley has funds available for the 5% match, but the other two towns are in the process of getting their share. He said this a regional grant that Rowley wrote, so Rowley is the fiduciary agent for the grant. He said each community gives their share to Rowley, and Rowley processes the order, makes payment and distributes the equipment equally among the three towns. He said the next step is getting the grant paperwork, and he is asking the Board to vote to be the fiduciary agent for the grant. He said Rowley will have saved \$100,000 over the course of the radio replacement plan. Petersen commended and congratulated Broderick and said this is great news. Broderick said this was a team effort.

Broderick said the SAFER grant hasn't been awarded yet and hopefully there will be positive news on that grant soon. Petersen asked if there is a new fire engine coming soon. Broderick said yes, it was ordered in October and should be delivered by the first of the year.

GENERAL BUSINESS

1. Review Road Opening Permit Applications from National Grid to open the following streets:
 - 51 Leslie Road to install two-wire test station

- 24 Farnham Road to install two-wire test station
- 808 Haverhill Street to install anodes at gatebox
- 57 Summer Street to disconnect gas service

Chairman Pierce read the following:

The Road Opening Permits detailed above were signed off on by the staff.

2. Letter from Conservation Commission Chairman Daniel Shinnick regarding acknowledgement of service of Judith Kehs

Chairman Pierce read the letter from Daniel Shinnick. Pierce said we can send a letter of commendation to Judith Kehs. Petersen asked if a citation could be sent.

Dave Petersen made a motion to send a citation to Judith Kehs, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

NEW BUSINESS

1. Discuss Senior Tax Credit positions

Chairman Pierce read the following:

Due to the COVID-19 Emergency we were not able to start the Senior Tax Credit Work program this year as we normally do in past years. Under the Governor's Re-Opening Plan, office occupancy is capped at 50%. Most Town offices are limited due the size of the office space.

However, Council on Aging Director Brienne Walsh has identified a few positions that can be filled under this program and meet all the COVID requirements, such as social distancing, wearing masks, and adhering to office space occupancy limits:

- *Fire Department Filing Clerk*
- *Planning Department Clerk*
- *Painter/light maintenance Worker*

Brienne has informed Debbie that the individuals who held these positions in the past, have expressed interest in working in this program.

Debbie is asking for the Board of Selectmen to approve a modified Senior Tax Credit Program this year, and if the Governor's Re-Opening Plans change, the program will adapt to the changes.

Joe Perry made a motion to approve the limited Senior Tax Credit program, Dave Petersen second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

2. Review Zoning Board of Appeals Special Permit/Variance Application filed by Donna McGuire to allow construction of an addition to the existing nonconforming house within front setback at 48 Pleasant Street

The Board did not have any comments on this application.

3. Award contract for Town Hall carpentry and masonry repair work

Chairman Pierce read the following:

With some of the COVID restrictions lifted, we are working on capital projects that have been funded in past Town Meetings. These projects are a priority at this point in time.

We have solicited quotes under the State Contract for Tradesperson Installation, Repair, Maintenance Services (TRD02) available on COMMBUYS for the repair projects detailed below at Town Hall.

1. Remove old leaking window above the door in the upstairs auditorium to the LULA (Limited Use/Limited Application lift) and replace with a clear glass panel, weather seal area.
2. Replace two exterior doors on the back side of Town Hall as follows: back door leading to Selectmen's Office and back door leading to the basement. Install a small overhang over the new door to Selectmen's Office to divert rain.
3. Remove and replace concrete walkway leading to front door of Town Hall.
4. Front Entry way stairs: clean stairs, landings and columns. Repair mortar and replace bricks as necessary.

The solicitation was sent to all of the vendors listed on the State contract offering carpentry and masonry services. These vendors have been prequalified by the State, and the State contract allows us to make direct outright purchases with the State's prequalified vendors.

We received the following two quotes:

	Second Floor Window above LULA:	Exterior doors on back of Town Hall:	Walkway to Town Hall front door:	Front entry way stairs at Town Hall:	TOTAL COST
NEL Corporation	\$ 12,980.00	\$ 13,540.00	\$ 31,410.00	\$ 13,960.00	\$ 71,890.00
WAC quote	\$ 2,434.00	\$ 7,244.00	\$ 12,444.00	\$ 8,944.00	\$ 31,066.00
Less 10% discount:			\$ (1,244.40)	\$ (894.40)	\$ (2,138.80)
WAC Total Amount less discount	\$ 2,434.00	\$ 7,244.00	\$ 11,199.60	\$ 8,049.60	\$ 28,927.20

The low bidder for all four of these projects is WAC Contracting of Stoneham, MA. We spoke with the City of Haverhill Public Schools and the Massachusetts Department of Mental Health Facilities as references for WAC Contracting, and they are both satisfied with the quality of work performed by WAC Contracting.

Please authorize Amy to issue a Purchase Order to WAC Contracting for a total amount of \$28,927.20 for these four projects.

Dave Petersen made a motion to authorize the issuance of a purchase order for this work, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

OLD BUSINESS

1. Discuss the Friends of the Council on Aging request to place donated bench on the Annex grounds

Chairman Pierce read the following:

On July 27th, the Board voted to approve the request from the Friends of the Council on Aging to replace the bench on Central Street near the Town Hall Annex and to dedicate the new bench in memory of Gerry Roberts. The Friends of the Council on Aging are requesting that the new bench instead be placed on the Annex grounds between two trees near the parking lot, rather than on Central Street.

Does the Board wish to approve the new location for the bench? If so, does the Board wish to dispose of the existing bench on Central Street near the Town Hall Annex? Highway Surveyor Patrick Snow has reported that the “concrete back support is broken on one side.”

Perry said he is concerned about the bench being properly anchored in the new location so that it will not move. Pierce said this bench will not be anchored. Eagan said we can ask the Highway Surveyor if the bench can be installed in this grassy area.

Joe Perry made a motion to approve the new location with the requirement that Patrick Snow anchor the bench to the extent that he can anchor it, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

Bob Snow made a motion to remove the old bench from the Central Street location, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

2. Update on Request for Proposals for the Lease of Land for Wireless Communications Facility

Chairman Pierce read the following:

At the February 24, 2020 meeting, the Board of Selectmen voted to reject the sole proposal we received in response to the Request for Proposals for the Lease of Land for a Wireless Communications Facility at the Smith Lane site. SBA, the current owner of the tower, submitted a proposal price of \$30,000, which was \$5,000 less than the minimum bid price of \$35,000. During this meeting, Debbie offered the Board four RFP re-issuance options that she had reviewed with Town Counsel Tom Mullen. The Board chose to re-issue the RFP again with a \$35,000 minimum price. Shortly after this meeting, the COVID Emergency went into effect and this project was put on hold at the time.

Debbie is now ready to re-issue the RFP and is asking the Board to re-consider the minimum price. She is recommending that the Board set the price at \$30,000, rather than \$35,000. The reasons are the following:

- We received only one proposal from SBA in response to the RFP*
- T-Mobile's and Sprint's merger was finally completed in April (the delay was due to an anti-trust challenged filed in Federal Court by a group of state attorneys.*
- The SBA Tower services Sprint customers*
- T-Mobile has decommissioned the Sprint brand and Sprint stores are closing*
- T-Mobile is currently merging its network with Sprint's network.*
- T-Mobile has an antenna on the Crown Castle Tower*
- SBA has reported to Debbie that they are not in a position to increase price of the lease and are not sure what the future need for the cell tower at this site will be under the merger.*
- During these uncertain economic times, this lease at \$30,000, provides revenues to the Town, that we would not have if we don't have this lease*

Based on these factors, Debbie recommends level-funding the minimum price at \$30,000, with annual increases to not exceed 3%. If the Board agrees to make these change the Board needs to vote by ROLL CALL. If the Board decides not to make the changes, no vote is required and Debbie will proceed with issuing the RFP based on the Board's prior decision to set the minimum price at \$35,000.

Bob Snow made a motion to level fund the bid with a minimum price of \$30,000, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

MINUTES

- July 27, 2020

Dave Petersen made a motion to approve the minutes of July 27, 2020, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

ANNOUNCEMENTS

1. There are vacancies on the Conservation Commission and Open Space Committee. If you are interested in serving on one of these boards, please contact the Selectmen's Office at 948-2372.
2. The Health Department is reminding the public to wear face coverings in indoor public places and outdoors when you are not able to social distance.

EXECUTIVE SESSION

- To discuss a strategy with respect to threatened or potential litigation with Pinck & Company/Anser Advisory 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 litigating position of the Town.

Chairman Pierce called for a motion to go into Executive Session for the following purpose:

- 1) To discuss a strategy with respect to threatened or potential litigation with Pinck & Company/Anser Advisory 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 litigation position of the Town.
- 2) And to not return to open session.

Bob Snow made a motion to go into Executive Session for the following purpose:

- 1) To discuss a strategy with respect to threatened or potential litigation with Pinck & Company/Anser Advisory 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 litigation position of the Town.
- 2) And to not return to open session.

Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

ADJOURN

Open session adjourned at 2:01 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting Memo regarding 1:00 p.m. Appointment: Town Clerk Susan Hazen to discuss the following on the upcoming elections: sign the September 1, 2020 State Primary Warrant; the logistics of holding the August 22 to August 28 Early Voting at Town Hall; the purchase and installation of a Ballot Drop Box on the Town Hall grounds
2. Sketch showing layout of early voting at Town Hall
3. Information on ballot drop boxes
4. September 1, 2020 State Primary Warrant
5. Meeting Memo regarding 1:15 p.m. Appointment: Pine Grove School Construction Project Owner's Project Manager Larry Berger of Pinck/Anser Advisory to provide an update on the punch list
6. Email from Frank Janvrin regarding PGS Back Punch
7. Punch list for Pine Grove School project
8. Meeting Memo regarding 1:30 p.m. Appointment: Fire Chief James Broderick to discuss portable radio regional grant award
9. Letter from Fire Chief James Broderick regarding 2019 Assistance to Firefighters Grant (AFG)
10. Email from Kelly Bovio regarding AFG Award – Congratulations!
11. Email from Olivia Paulo regarding Regional Grant Award: AFG
12. Memorandum of Understanding for Assistance to Firefighters Grant Program
13. Meeting Memo regarding General Business #1: Review Road Opening Permit Applications from National Grid to open the following streets: 51 Leslie Road to install two-wire test station; 24 Farnham Road to install two-wire test station; 808 Haverhill Street to install anodes at gatebox; 57 Summer Street to disconnect gas service
14. Road Opening Permit for 51 Leslie Road
15. Road Opening Permit for 24 Farnham Road
16. Road Opening Permit for 808 Haverhill Street
17. Road Opening Permit for 57 Summer Street
18. Letter from Conservation Commission Chairman Daniel Shinnick regarding acknowledgement of service of Judith Kehs
19. Meeting Memo regarding New Business #1: Discuss Senior Tax Credit positions
20. Meeting Memo regarding New Business #2: Review Zoning Board of Appeals Special Permit/Variance Application filed by Donna McGuire to allow construction of an addition to the existing nonconforming house within front setback at 48 Pleasant Street
21. Zoning Board of Appeals Special Permit/Variance Application filed by Donna McGuire to allow construction of an addition to the existing nonconforming house within front setback at 48 Pleasant Street

22. Meeting Memo regarding New Business #3: Award contract for Town Hall carpentry and masonry repair work
23. Meeting Memo regarding Old Business #1: Discuss the Friends of the Council on Aging request to place donated bench on the Annex grounds
24. Email from Margaret Keyes regarding Bench
25. Email from Patrick Snow regarding Friends of Rowley COA – bench request
26. Meeting Memo regarding Old Business #2: Update on Request for Proposals for the Lease of Land for Wireless Communications Facility
27. Letter to SBA Communications Corporation regarding Request for Proposal – Rejection
28. Excerpt from February 24, 2020 meeting minutes regarding Request for Proposals for the Lease of Land for Wireless Communications Facility
29. Meeting Memo regarding Minutes
30. Draft minutes of July 27, 2020