

MINUTES OF THE BOARD OF SELECTMEN

February 28, 2022

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:01 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

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

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

Joe Perry so moved, Dave Petersen second, all in favor –Joe Perry – Aye; Cliff Pierce – aye; Deana M. P. Ziev – aye; David Petersen – aye. Bob Snow – ABSENT

Executive Session opened at 6:03 p.m., and open session resumed at 7:10 p.m.

7:00 p.m. APPOINTMENT Conservation Agent Brent Baeslack to discuss pictometry program sponsored by the Merrimack Valley Planning Commission

Conservation Agent Brent Baeslack pictometry is a method of taking aerial images that can be used to measure areas, including linear distances and sizes of structures. He said the Conservation Department prefers when the images are taken before the trees leaf out so that they can see more details about the plants that would normally not be viewable once the trees have leaves. He said the Merrimack Valley Planning Commission (MVPC) has used Eagleview as the vendor for this, and the flights are done on a regional basis on a roughly three year cycle. He said MVPC was approached by a different vendor, NearMap, and MVPC evaluated the two vendors and

recommends staying with Eagleview, which is his recommendation as well. He asked the Board to consider using Town funds to pay for this, and said the cost can be spread out over two fiscal years. Petersen asked how many flights they do and if the cost to do this has increased from the last time. Baeslack said they may do two flights every two years, or they may use different sets of equipment during one flight every two years. Eagan said the appropriation in FY21 and FY22 for this services was \$3,474, and we will work with Baeslack on the FY23 budget for this.

Dave Petersen made a motion to support the program using Eagleview as the vendor with services as specified under option #1 per the email from MVPC, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

7:05 P.M. TO 7:10 p.m. PUBLIC COMMENT

There were no public comments.

7:15 p.m. APPOINTMENT Request from Kevin Moriarty of Anonymous Brewing of 60 Main Street to serve alcohol brewed on-site during a private event on March 9, 2022

Chairman Pierce read the following:

Anonymous Brewing, located at 60 Main Street, has requested to serve the products that they brew on-site for a private event being held on Wednesday March 9th from 4:00 – 7:00 p.m. They expect 12 people.

Their current liquor license does not cover this day of the week – it only covers Thursday – Sunday, please see a copy of the license attached.

The Fire Department, Highway Department, Building Inspector, Police Department, Health Department and ZBA had no issues or concerns with this request. The Town Planner said, “There is no issue with this from the perspective of the Planning board SPR approval.”

Does the Board wish to approve this request?

Ellen Moriarty said she is here tonight on Kevin’s behalf. Pierce asked if the event will be indoor only. Moriarty said yes. Petersen said he has no problem with this request and said we need to find out if the used car business is using the lot. Moriarty said she can’t speak for the property owner.

Joe Perry made a motion to approve this request, Deana Ziev second, all in favor – aye (4-0) Bob Snow - ABSENT

GENERAL BUSINESS

1. Request from Patricia Leavitt to be appointed to the Council on Aging Board and letter from Council on Aging Chair Ginny Merry to appoint Patricia Leavitt to the open seat on the COA Board

Dave Petersen made a motion to appoint Patricia Leavitt to the unexpired COA Board seat through June 30, 2022, Deana Ziev second, all in favor – aye (4-0) Bob Snow - ABSENT

NEW BUSINESS

1. Request from Rowley Veterans Association, Inc. of 19 Bradford Street for One-Day Entertainment Licenses to have a vocalist and guitar player on the following dates:

- March 18, 2022 from 7:00 p.m. to 10:00 p.m.
- April 22, 2022 from 7:00 p.m. to 10:00 p.m.
- May 20, 2022 from 7:00 p.m. to 10:00 p.m.

Chairman Pierce read the following:

The three attached 1-day Entertainment Licenses submitted by the RVA have been circulated to relevant Town Departments for review. The Fire Chief, Building Inspector and Health Director did not have any comments. The comments from the Police Chief and Town Planner are attached.

Deana Ziev made a motion to approve the Entertainment Licenses for the RVA for the three dates, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

2. Request from Bradford Tavern of 87 Haverhill Street for One-Day Entertainment License for a comedy dinner show on March 6, 2022 from 5:30 p.m. to 9:30 p.m.

Chairman Pierce read the following:

This 1-day Entertainment License application was submitted late on Thursday and was sent to relevant department heads for review. The Police Chief did not have any concerns. The Building Inspector said, "I have no issues as long as they do not exceed the occupant loads." The questions / comments/ concerns from the Acting Fire Chief, Health Director and Town Planner were sent to the applicant, who sent a response which satisfied these department heads.

Deana Ziev made a motion to approve the Entertainment License for the Bradford Tavern, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

3. Discuss 2021 Town Report

Chairman Pierce read the following:

We are finalizing the copy of the 2021 Town Report in anticipation of sending it the printer within the next week.

Attached is a draft Report of the Board of Selectmen for the Board to review. Please let the staff if there any changes to the text.

Also attached are proposed photos – one for the cover and photos for the inside of the book. Suggested cover photos are: the new basketball court or the 9/11 Memorial for 20th Anniversary. We also have photos for the inside of the Board. Does the Board have any preferences or suggestions?

Petersen said the cover photo should be of the 9/11 Memorial for 20th Anniversary. Perry and Ziev agreed. Ziev said the basketball court photos should be included inside the Town Report.

Dave Petersen made a motion to use the photo of the 9/11 Memorial for 20th Anniversary as the cover photo for the Town Report, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

4. FY 23 Employee Health Insurance Renewal

Chairman Pierce read the following:

The FY 23 Health Insurance premiums are increasing by 3.86%. In FY 22, the rates decreased by .02% and MIIA gave a full-month premium holiday. There is an adjustment this upcoming fiscal year.

Debbie is asking the Board of Selectmen to vote to authorize her to submit the FY 23 renewal.

Dave Petersen made a motion to authorize Eagan to submit the FY23 Health Insurance renewal, Deana Ziev second, all in favor – aye (4-0) Bob Snow - ABSENT

5. Request from Rowley Board of Light Commissioners to designate the Light Commissioners as Special Municipal Employees pursuant to State Ethics Law Chapter 268A

Chairman Pierce read the following:

RMLP General Manager Matt Brown has submitted a request on behalf of the Board of Light Commissioners to designate the Light Commissioners as “Special Municipal Employees” under the State Ethics Law, Chapter 268A. See request below. This request requires a vote of approval by the Board of Selectmen.

Good morning, last night at the Light Commissioners Meeting the Light Board voted unanimously to respectfully ask that the Rowley Board of Selectman approve them to be “Special Municipal Employees”. If anyone needs to see it on the recording, it’s at about 33 minutes into the meeting: Mark Cousins made the motion, Bryan DiPersia seconded. Roll call vote: Mark Cousins, Bryan DiPersia, Danby Whitmore. Please let me know if you need anything further, and when this request may be on the Selectman’s Meeting? Thank you, Matt Brown

Dave Petersen made a motion to designate the Light Commissioners as “Special Municipal Employees” under the State Ethics Law, Chapter 268A, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

6. Review draft Fire Chief job description and discuss posting the position

Chairman Pierce read the following:

Fire Chief James Broderick recently informed the Board that he is retiring on June 30, 2022. Chief Broderick has worked here for about 25 years. His current job description needed to be updated because the Fire Department has evolved over the past several years from an emphasis on a “call firefighter department” to a more “career full-time firefighter department.” Additionally, the Town has purchased its apparatus and occupies a new town-owned modern fire station.

The Board recently asked the Personnel Advisory Committee to update the job description. The Committee has submitted the attached job description for the Board to review. Does the Board have any suggested changes? If not, does the Board wish to vote to approve the job description?

If the Board approves the job description, does the Board wish to discuss posting the job? The Town requires job vacancy notices to be posted for not less than 10 business days. Does the Board wish to have the posting exceed that timeframe? How does the Board wish to proceed?

Dave Petersen said he is the Chairman of the Personnel Advisory Committee.

Dave Petersen made a motion to approve the job description, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

Dave Petersen made a motion to post the position for 20 business days, Deana Ziev second, all in favor – aye (4-0) Bob Snow - ABSENT

OLD BUSINESS

1. Memo from Health Director Frank Marchegiani regarding COVID cases and mask/face covering policy for Town offices

Chairman Pierce read the following:

The Board has been discussing the Town mask/face covering policy for Town offices over the past several meetings. The Board has asked Health Director Frank Marchegiani to provide the Board with a memo for tonight’s meeting.

Hi Debbie,

Please see below the most recent COVID Testing Data and Vaccination Totals for the Town of Rowley. Rowley currently has three active cases and a positivity rate of 2.61 percent. Things are still continuing to move in the right direction as you can see the rate has dropped from

7.14% at your last meeting to 2.61% this week. We are hoping this trend continues. The Board of Health is currently recommending people who are moderately to severely immunocompromised or are uncomfortable with the virus to continue wearing a mask in indoor settings but not be a mandatory requirement at this time. I hope this information helps, please let me know if I can be of any further assistance.

Thank you,

Frank

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

Joe Perry made a motion to follow the Health Department's recommendation of wearing the masks, but not mandating it, Dave Petersen second, all in favor – aye (4-0) Bob Snow - ABSENT

2. Award Town Hall Annex Restoration of Slate Roof contract

Chairman Pierce read the following:

Four bids were received in response to the Invitation for Bids for the Restoration of Slate Roof on Rowley Town Hall Annex project as follows.

Restoration of Slate Roof on Town Hall Annex bid opening February 9, 2022 11:00 a.m.	
Company Name	Base Bid Price
Weather Guard Industries	\$ 82,000.00
Stanley Roofing Company, Inc.	\$ 134,000.00
Rockwell Roofing, Inc.	\$ 64,000.00
Damazio Builders, Inc.	\$ 89,000.00

Rockwell Roofing, Inc. of Leominster, MA submitted the lowest base bid of \$64,000. The project budget is \$65,000, \$331.25 has been expended for the legal ad, which leaves only \$668.75 for contingency costs.

Town Hall Annex will remain open to the public during this project. We plan to schedule this work as soon as possible.

The reference feedback that we received from projects for the Town of Phillipston, the City of Leominster, the City of Fitchburg and Tewksbury Hospital was positive and they all indicated that they would hire Rockwell Roofing Inc. again.

We are recommending the Board of Selectmen award the contract to Rockwell Roofing Inc. because they are the responsible responder (demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent workmanship and financial

soundness) pursuant to Massachusetts General Laws C.149 offering to perform the work at the lowest base bid price.

Deana Ziev made a motion to authorize Amy to issue an award letter and two copies of the contract for a total amount of \$64,000 to Rockwell Roofing, Inc.; authorize Chairman Pierce to sign two copies of the contract; authorize Dave Petersen to work with the staff to approve change orders up to \$1,000 for additional repair work that may be discovered; and to authorize Amy to issue a Notice to proceed for a total amount of \$64,000 for this project, once the contract has been fully executed, and the required insurance certificates have been provided to the Town, Joe Perry second, all in favor – aye (4-0) Bob Snow - ABSENT

3. Review Town Hall Annex Window Replacement Project documents

Pierce said this agenda item is not ready for tonight.

FY 23 BUDGETS

- Town Moderator
- Personnel Advisory Committee
- Town Counsel
- Information Services
- Agricultural Commission
- Animal Control
- Animal Inspector
- Shellfish Commission
- Cemetery Department
- Street lights
- Hydrants
- Historical Commission and Historic District Commission

Pierce confirmed with the Board that nobody wanted to discuss any of these budgets individually. Petersen said he will recuse himself from the Cemetery Budget as he is a Cemetery Commissioner who receives a stipend.

Deana Ziev made a motion to approve the following FY23 budgets: Town Moderator, Personnel Advisory Committee; Town Counsel; Information Services; Agricultural Commission; Animal Control; Animal Inspector; Shellfish Commission; Streetlights; Hydrants and Historical Commission and Historic District Commission, Dave Petersen second, all in favor – aye (4-0) Bob Snow – ABSENT

Deana Ziev made a motion to approve the FY23 Cemetery Department budget, Joe Perry second, all in favor – aye (3-0) Bob Snow – ABSENT Dave Petersen - RECUSED

MINUTES: February 7, 2022 and February 14, 2022

Joe Perry made a motion to approve the minutes of February 7, 2022, Dave Petersen second, all in favor – aye (3-0) Bob Snow – ABSENT Deana Ziev – ABSTAINED

The minutes for February 14, 2022 were held for the next meeting.

ANNOUNCEMENTS

There are vacancies on the following Town Boards:

- Council on Aging. Interested residents should send a letter of interest to to the Board of Selectmen by March 4, 2022.
- Board of Registrars. Interested residents should send a letter of interest to the Board of Selectmen by March 18, 2022
- Conservation Commission. Interested residents should send a letter of interest to the Board of Selectmen by March 31, 2022
- Open Space Committee. Interested residents should send a letter of interest to the Board of Selectmen by March 31, 2022

For more information, please contact the Selectmen's Office.

ADJOURN

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

Meeting adjourned at 7:47 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written Executive Session Motion
2. Meeting Memo regarding 7:00 p.m. Appointment: Conservation Agent Brent Baeslack to discuss pictometry program sponsored by the Merrimack Valley Planning Commission
3. Email from Brent Baeslack regarding Aerial Imagery – Pictometry arranged by MVPS, including attachments
4. Meeting Memo regarding 7:15 p.m. Appointment: Request from Kevin Moriarty of Anonymous Brewing of 60 Main Street to serve alcohol brewed on-site during a private event on March 9, 2022
5. Email from Kevin Moriarty regarding Private Event
6. Farmer Brewer Pouring Permit issued to Anonymous Brewing
7. Meeting Memo regarding General Business #1: Request from Patricia Leavitt to be appointed to the Council on Aging Board and letter from Council on Aging Chair Ginny Merry to appoint Patricia Leavitt to the open seat on the COA Board

8. Letter from Council on Aging Chair Ginny Merry to appoint Patricia Leavitt to the open seat on the COA Board
9. Email requests from Patricia Leavitt to be appointed to the Council on Aging Board
10. Meeting Memo regarding New Business #1: Request from Rowley Veterans Association, Inc. of 19 Bradford Street for One-Day Entertainment Licenses to have a vocalist and guitar player on the following dates:
 11. March 18, 2022 from 7:00 p.m. to 10:00 p.m.
 12. April 22, 2022 from 7:00 p.m. to 10:00 p.m.
 13. May 20, 2022 from 7:00 p.m. to 10:00 p.m.
14. Police Chief comments on RVA One-Day Entertainment License applications
15. Town Planner comments on RVA One-Day Entertainment License applications
16. Copy of check from RVA for Entertainment License application fees
17. Entertainment License application from RVA for March 18, 2022
18. Entertainment License application from RVA for April 22, 2022
19. Entertainment License application from RVA for May 20, 2022
20. Meeting Memo regarding New Business #2: Request from Bradford Tavern of 87 Haverhill Street for One-Day Entertainment License for a comedy dinner show on March 6, 2022 from 5:30 p.m. to 9:30 p.m.
21. Copy of check from Bradford Tavern for Entertainment License application fee
22. Entertainment License application from Bradford Tavern for March 6, 2022
23. Meeting Memo regarding New Business #3: Discuss 2021 Town Report
24. Draft Report of the Board of Selectmen for 2021 Town Report
25. Suggested photos for Town Report
26. Meeting Memo regarding New Business #4: FY 23 Employee Health Insurance Renewal
27. MIIA Renewal Proposal 7/1/22-6/30/23
28. Meeting Memo regarding New Business #5: Request from Rowley Board of Light Commissioners to designate the Light Commissioners as Special Municipal Employees pursuant to State Ethics Law Chapter 268A
29. Email from Matt Brown regarding Special Municipal Employee/Light Board Members
30. Meeting Memo regarding New Business #6: Review draft Fire Chief job description and discuss posting the position
31. Proposed new Fire Chief Job Description
32. Current Fire Chief Job Description from 1997
33. Meeting Memo regarding Old Business #1: Memo from Health Director Frank Marchegiani regarding COVID cases and mask/face covering policy for Town offices
34. COVID data provided by Frank Marchegiani
35. Meeting Memo regarding Old Business #2: Award Town Hall Annex Restoration of Slate Roof contract
36. Draft Town Hall Annex Restoration of Slate Roof contract
37. Invitation for Bids for Town Hall Annex Restoration of Slate Roof project
38. Addendum #1 for Town Hall Annex Restoration of Slate Roof project

39. Meeting Memo regarding Old Business #3: Review Town Hall Annex Window Replacement Project documents

40. Meeting memo regarding FY23 Budgets

41. Draft FY23 Budget for Town Moderator

42. Draft FY23 Budget for Personnel

43. Draft FY23 Budget for Town Counsel

44. Draft FY23 Budget for Information Systems

45. Draft FY23 Budget for Agricultural Commission

46. Draft FY23 Budget for Animal Control Officer

47. Draft FY23 Budget for Animal Inspector

48. Draft FY23 Budget for Shellfish Commissioners

49. Draft FY23 Budget for Cemetery

50. Draft FY23 Budget for Streetlights

51. Draft FY23 Budget for Hydrants

52. Draft FY23 Budget for Historical Commission and Historic District Commission

53. Draft minutes of February 7, 2022

54. Draft minutes of February 14, 2022