

## MINUTES OF THE BOARD OF SELECTMEN

February 7, 2022

Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

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

### **CALL MEETING TO ORDER**

Chairman Pierce called the meeting to order at 7:01 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.

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

There were no public comments.

**7:00 p.m. APPOINTMENT** Treasurer/Collector Karen Summit to discuss borrowing for Highway Department loader truck

Chairman Pierce read the following:

*At the May 10, 2021 Town Meeting, Article 10 of the STM approved the purchase of a Highway Department loader and authorized the Treasurer to borrow to fund the purchase. Due to the delay in receipt of the loader by the Highway Department, the bill for this was just received. Because it is late in the year and the amount of the borrowing is small, Karen is recommending to pay for this now with an internal borrowing and then see if there are other capital purchases that will require borrowing or see if there are other funding sources the Town would like to use, such as the capital stabilization account. This would be closed out prior to the fiscal year end.*

*To proceed with the internal borrowing for the Highway Department loader truck, the Board needs to vote to approve an internal borrowing of \$181,750 and to sign the State Division of Local Services internal borrowing report.*

Summit said this gives us flexibility between now and the end of the fiscal year to decide if we should pay for this with a borrowing or with a different funding source. She said we can borrow from ourselves before June 30<sup>th</sup>, finalize this, and then payoff the internal borrowing. Petersen asked if there is no interest using the internal funds. Summit said there is no interest.

Dave Petersen made a motion to approve an internal borrowing of \$181,750 and to sign the State Division of Local Services internal borrowing report, Bob Snow second, all in favor – aye (4-0). Deana Ziev - ABSENT

**7:15 p.m. APPOINTMENT** Mark Tocci of Crossfield Engineering to discuss Town Hall mini-split heat and air conditioning design as part of the Green Communities Designation Grant project

Chairman Pierce read the following:

*Mark has been working on updating the draft plans for the Mitsubishi “or equivalent” system. Mark and Debbie have been working with the Light Department on confirming that the Town can upgrade to a 3-phase electrical power system, through the transformer that is located next to the handicap ramp on the Town lawn. Mitsubishi systems need a 3-phase power source.*

*Mark will present nearly complete plans during the meeting. If the Board is satisfied with the overall design, we are asking if the Board will authorize us to go out to bid once the plans are finalized. It is important for us to get a good price point for the new system. We are not sure we will have enough funds to pay for the system, because we are also using the funds for the building insulation phase as well.*

Eagan said Mr. Tocci is scheduled for 7:15 p.m. and he isn't here yet. She said we have received supplemental information for the cost estimates to connect to the phase 3 electricity via the transformer on the lawn between Town Hall and the Library. She said this is needed to run a Mitsubishi or equivalent system, and this cost estimate is \$10,000. She said we were provided with updated plans late today.

### **GENERAL BUSINESS**

1. Letter of resignation from Council on Aging Board member Jena Haag

Chairman Pierce read the resignation letter.

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

2. Letter of resignation from Housing Authority Board Member Jack Cook

Chairman Pierce read the resignation letter.

Dave Petersen made a motion to accept the resignation with regrets, Bob Snow second, all in favor – aye (4-0). Deana Ziev - ABSENT

3. Appoint Fire Captain Mark Emery as Acting Fire Chief

Chairman Pierce read the following:

*Fire Chief James Broderick is currently out on a medical leave. With the implementation of a new staffing schedule and the addition of new career full-time firefighters, the need to have a leader in the department on a daily basis is crucial. Captain Mark Emery has the institutional knowledge and experience to run the department during this time. He has indicated that he would step in and serve the Town in this capacity. Does the Board wish to vote to appoint him to serve as acting firefighter until Chief Broderick has been cleared by his doctors to return to work?*

Bob Snow made a motion to appoint Fire Captain Mark Emery as Acting Fire Chief until Chief Broderick has been cleared by his doctors to return to work, Joe Perry second, all in favor – aye (4-0). Deana Ziev - ABSENT

### **NEW BUSINESS**

1. Discuss Budget Guidelines and letter to Triton Regional School Committee regarding proposed FY 23 assessment

Chairman Pierce read the following:

*At last week's meeting, the Board discussed sending a letter to the Triton Regional School District School Committee offering to set aside half of the Town's 2.5% levy and New Growth.*

*The Town's preliminary property tax revenue estimated increases for FY 23 are as follows:*

- 2.5% levy = \$414,821
- New Growth = \$389,500
- TOTAL = \$804,321

*Half of that amount is \$402,000 (approximate and rounded). Does the Board wish to send a letter to Triton asking the School Committee and Administration to work on setting their FY 23 budget based on the Town's ability to provide \$402,000? We need to keep in mind that these funds are for Triton and that the Town expects assessment increases in FY 23 from both Whittier Regional School District and Essex Technical Regional High School. We will still need funds to cover increases to these schools.*

Bob Snow made a motion to send a letter to Triton offering to provide \$402,000, Dave Petersen second, all in favor – aye (4-0). Deana Ziev - ABSENT

Pierce continued:

*The Personnel Advisory Committee (PAC) has approved a 2% cost of living increase for non-union employees, a \$25 increase to the non-union longevity schedule, and a \$25 increase to the quarterly EMT and EMD non-union stipends. The non-union longevity schedule has not increased for several years and there has been no increase to the non-union EMT and EMD stipends. The PAC is requesting the Board of Selectmen to approve the FY 23 Non-union Compensation Schedule and the longevity and stipend*

*increases. (See attached.) If budget cuts are required as the budget process evolves, then the non-union cost of living increase will be re-visited.*

*For union wages, we are in the final year of all three unions contracts. Negotiations are just starting on successor agreements.*

Dave Petersen made a motion to approve a 2% cost of living increase for non-union employees, a \$25 increase to the non-union longevity schedule, and a \$25 increase to the quarterly EMT and EMD non-union stipends, Bob Snow second, all in favor – aye (4-0). Deana Ziev - ABSENT

Pierce continued:

*We are recommending that department expenses be level funded and that any requested increases be clearly outlined in the "Issues and Options Form." We anticipate expense budgets to increase due to high inflation. We have seen the cost of gasoline and fuel skyrocket over the past year. Additionally, we need to recognize that some costs are "fixed" such as insurance and pension assessments and therefore, necessitate a budget increase. Requests for additional expenses will be prioritized based on the Department's needs.*

Joe Perry made a motion to approve these FY23 budget guidelines, Dave Petersen second, all in favor – aye (4-0). Deana Ziev - ABSENT

Dave Petersen made a motion to authorize Chairman Pierce to sign the letter to Triton, Joe Perry second, all in favor – aye (4-0). Deana Ziev - ABSENT

## 2. Discuss Merrimack Valley Transit Authority Board membership and Ring and Ride Program

Chairman Pierce read the following:

*The Town has an opportunity now to become active in the Merrimack Valley Regional Transit Authority. For the past 20 years, Town officials had been asking to get services from the MVRTA, such as the Ring and Ride Program. Following a recent inquiry by COA Director Ellie Davis to the new Executive Director of the MVRTA, Noah Berger, the Town now has a pathway to participate in this program. Mr. Berger invited Selectman Bob Snow to a Board meeting last week and informed him that Rowley will be able to participate in the program. While it is still unclear as to why the Town was not able to participate, it is interesting to see that the Ring and Ride program provides transportation for residents from other Towns to the Market Basket in Rowley and the Rowley Train Station. The cost appears to be about \$2.00 and the service operates Monday – Saturday. Attached is a brochure.*

*Additionally, Rowley has a seat on the MVRTA Board. The Selectmen can vote to appoint a member to this seat.*

*Bob Snow will provide further details about the MVRTA and the Ring and Ride Program.*

Snow said Joe Constanza has run the MVRTA for the past 30 years, he has retired and Noah Berger has taken over. He said Berger is “shaking up the snow globe” and is reaching out to a number of communities and has set up a number of committees. He said the Ring and Ride Program is one aspect that he is trying to get set up in a number of communities. He said the Ring and Ride currently stops at the Rowley MBTA and Market Basket. He said the MVRTA Board has either a Selectman or the Town Administrator as members. He volunteered to serve on the MVRTA since it overlaps with his MVPC and transportation duties.

Dave Petersen made a motion to appoint Bob Snow to the MVRTA Board, Joe Perry second, all in favor – aye (3-0). Deana Ziev – ABSENT Bob Snow – ABSTAINED

Petersen said he and Bob Snow checked to see if the Town could participate in the Ring and Ride program multiple times in the past and they were turned down. He said this is a valuable program that we definitely want to take part in. Snow said this will not be an additional charge to the Town and is covered by the Cherry Sheet Assessment. Eagan said she has also tried to join the Ring and Ride and was emphatically told no without a reason.

### 3. Discuss Affordable Housing Trust

Chairman Pierce said the Planning Board is in the process of revising their regulations on inclusionary zoning. He said as revised, the regulations would allow a small subdivision to submit a monetary contribution to satisfy the affordable housing requirement, rather than to build affordable units. He said under the revision, a five unit development could make a \$50,000 contribution to the Affordable Housing Trust. He said they are trying to make the process function better. He said without the Trust, funds would need to go to Town Meeting for appropriation. He said with the Trust, the funds could go directly into the Trust and not go to Town Meeting. He said there are costs associated with this change. He said the Trust would have to have a Board with five members including at least one Selectman, it would need to meet quarterly and would need to be audited once per year. He said other communities have used the Trust with great effect in promoting affordable housing.

Petersen said this is a valuable tool and under a Town Meeting vote, CPC money could be added to this trust. He said he agrees with Pierce. Pierce said this was a recommendation from the Housing Production Plan done several years ago. He said he thinks this is an example of the Town becoming more sophisticated. Snow asked how many affordable units are currently in Town. Petersen said he thinks about 3%. Eagan said the amount fluctuates with new developments, and affordable units are located in the Rowley Village Green and Ox Pasture developments. Petersen said having this trust may be a requirement for future grants.

Bob Snow made a motion to move forward with creating an Affordable Housing Trust, Joe Perry second, all in favor – aye (4-0). Deana Ziev – ABSENT

**CONTINUED: 7:15 p.m. APPOINTMENT** Mark Tocci of Crossfield Engineering to discuss Town Hall mini-split heat and air conditioning design as part of the Green Communities Designation Grant project

Tocci reviewed the updated plans and said the following:

- The oil tanks and hot water heat is being kept for cost savings, and there is very little work being done in the basement now.
- On the demo plan he reviewed the changes
- He said they are keeping baseboard heat where they can, the wall air conditioners will be removed, and the Town will patch the walls for savings. Eagan asked that this be included as an alternate.

Eagan said there are wall air conditioning units in the Selectmen's Office, the Town Clerk and Assessors offices. She said the unit in the Selectmen's office is at least 15 years old. She said the existing boiler will be kept in place to save costs, but we won't be able to use this as a back-up, as we are filling it with water every day. She said we can make the removal of the boiler a second alternate after the patching of the walls. Tocci said the pipe removal can be included in alternate #2, and they will leave the baseboard alone for now. Petersen said the outside unit will be placed to the left of the basement door and asked about the concern someone brought up about snow falling onto the unit. Tocci said there are accessory hoods that can be installed to mitigate this, and they aren't too expensive to replace if they get damaged.

The Board discussed the fencing to be put around the outside unit and decided to include in the specs white vinyl fencing similar to the product used at the Police and Fire Systems, and to do all sides around the unit with a gate. Tocci said he will send the Board a couple of ideas.

Petersen said with the electric heat in the small spaces, how does that impact the savings? Tocci said he will run this by Neal Duffy. Tocci discussed the panel options and said there can be different levels of control. He said there will be a usb port so that it can be connected to a laptop.

Eagan said the additional cost for the electrical design is \$10,000. Tocci said he thought we already had 3 phase power when he saw the transformer, but we only have 1 phase power, and we can add Town Hall to the existing transformer. Petersen said we need to get prices as soon as possible in case we need additional funds at Town Meeting. Eagan asked for authorization on the additional electrical work.

Dave Petersen made a motion to approve the \$10,000 for the electrical design work, Joe Perry second, all in favor – aye (4-0). Deana Ziev – ABSENT

Eagan said if the Board is comfortable, they can authorize us to go out to bid, or if the Board prefers they can review the draft first. She said she, Natalie and Mark would go through all of the plans and paperwork first. Perry said we can put this on the agenda for the 28<sup>th</sup>. Eagan said we should have a final draft by then, but her concern is that there won't be enough time to get bids in before Town Meeting to determine if additional funding is needed. She said the building insulation project is estimated at \$30,000 and the boiler is failing. She said the goal is to go out to bid, or use the State Contract to get pricing in February.

Dave Petersen made a motion to authorize Tocci to complete the plans, send it to the Board of Selectmen for review, and if there are not a lot of issues, issue the bid or go through the State Contract, Joe Perry second, all in favor – aye (4-0). Deana Ziev – ABSENT

Bernie Cullen asked who owns the responsibility to make sure the system operates and what are the warranties. Petersen said we won't accept the job until the system operates, and the company will come back and make adjustments if there are issues. Tocci said at the end of construction, someone commissioned by Mitsubishi will ensure that the system operates correctly. He said the contractor is responsible for the instruction on the system, and they own it for one year. He said the compressor has a five year warranty.

### **OLD BUSINESS**

1. Discuss street light request from Jeff Winn at the corner of Roger's Way and 465 Main Street

Chairman Pierce read the following:

*Hello Debbie*

*I would like to withdraw my request, for a streetlight to be placed at Rogers Way and Main St.*

*I have spoken with RMLP and learned that I can pay them a small monthly fee and have a light installed*

*Please thank the Board of Selectmen members for their time and discussion on this issue*

*I know the Board has other and more important issues, to consider.*

*Thank you --- Jeff Winn*

2. Discuss placement of Bay State Textiles Recycling receptacle at the Annex

Chairman Pierce read the following:

*The Board voted last week to join the Bay State Textiles Recycling Program and to place a textile recycling receptacle at the Annex back parking lot. We have since discovered that the Friends of Rowley Council on Aging has a similar recycling receptacle located in the exact location where the Board wants to plan the Bay State Textiles Recycling bin. We have confirmed with COA Director Ellie Davis that this bin is not associated with the Council on Aging Board or Department.*

*We looked back through meeting minutes and Official Action Notices and found that on January 7, 2019, the Board voted to approve the following request:*

*The Board voted to approve a request from the Friends of the Council on Aging to place a collection receptacle at the Town Hall Annex, facing Central Street at the furthest end of the parking lot near the Rowley Grange, from the end of April to October 2019, for the purpose of participating in a recycling fundraiser.*

*Attached are the following:*

- a letter from the Friends of Rowley COA requesting the receptacle for their shoe drive,*
- the OAN issued by the Board authorizing the request*
- a photo of the bin taking on Wednesday, February 2, 2022*

*Debbie is trying to set up the installation of the Bay State Textiles Bin. How does the Board wish to proceed?*

Pierce said the existing bin should be removed. Eagan said that bin is in the same location that the Board voted last week to place the new Town bin. Petersen said we should send an email or letter to the Friends of the COA advising them to remove the bin within two weeks and if they don't we will move it and put it at the Highway Department for them to pick up.

Dave Petersen made a motion to send a notice to the Friends of the COA to remove the bin within two weeks, Bob Snow second, all in favor – aye (4-0). Deana Ziev – ABSENT

### **3. Discuss Plastic Bag Reduction bylaw**

Chairman Pierce read the following:

*The Board reviewed a draft of the Plastic Bag Restriction General Bylaw during the October 25, 2021 meeting that was written by Chairman Pierce.*

*The Board agreed to go forward with having this bylaw on the Town Meeting warrant. The Board asked Debbie to send a copy of the bylaw to the manager of the Rowley Market Basket store asking if he had any comments or feedback. Debbie sent a letter on November 4, 2021. (See attached.) There has been no response to this letter. Town Counsel Tom Mullen has just reviewed the draft and made some changes. Attached is*



*the version from Tom Mullen. There is a “clean” copy and a “redlined” copy showing what Tom has changed.*

*Chairman Pierce would like the Board to review Tom’s version, and if all are in agreement, place it on the May 2, 2022 Town Meeting Warrant. The Selectmen will be holding an informational hearing on the Town Meeting Warrant on April 25, 2022, which is the Monday before Town Meeting, so the public can ask questions on the bylaw at that time.*

Pierce said he would like to have a public hearing on this bylaw during the informational hearing on the Town Meeting warrant.

Joe Perry made a motion to put this bylaw on the Town Meeting warrant, Bob Snow second, all in favor – aye (4-0). Deana Ziev – ABSENT

#### 4. Discuss mask/face covering policy for Town Offices

Chairman Pierce read the following:

*On January 10, 2022, the Board voted to establish the following policy due to rising COVID cases in the Town:*

##### *Mask/Face Covering Policy for Town Offices*

*In response to the rapidly rising number of COVID cases in Town, effective immediately, masks/face coverings are required in Town offices and buildings. All visitors to Town offices and buildings are required to wear masks/face coverings at all times, except for small children or those with health and respiratory issues. Employees are required to wear a mask/face covering at all times except for when they are alone at their workstations/desks. This policy will remain in effect until further notice.*

*As of February 1, 2022, Rowley had 14 active cases. Chairman Pierce would like to discuss the mask/face covering policy with the Board and see when the policy should be lifted.*

Snow said a couple of Towns rescinded their mask policies today. Petersen said this policy can continue for a week and the Board can ask the Health Director or Chairman of the Board of Health to come in and give the Board an update, and the policy can be relaxed at that time if cases are still declining.

#### **MINUTES:** January 31, 2022

Bob Snow made a motion to approve the minutes of January 31, 2022, Joe Perry second, all in favor – aye (4-0). Deana Ziev – ABSENT

### **ANNOUNCEMENTS**

1. There is a vacancy on the Council on Aging Board. Interested residents should send a letter of interest to the Board of Selectmen by February 11, 2022. For more information, please contact the Selectmen's Office.
2. There is a vacancy on the Board of Registrars. Interested residents should send a letter of interest to the Board of Selectmen by February 18, 2022. For more information, please contact the Selectmen Office.
3. Snow said this has been cancelled: The Ipswich-Rowley Rotary is holding an informational public meeting on February 9, 2022 at 6:00 p.m. in the Rowley Public Library. Anyone interested in learning about the Rotary organization is invited.

Petersen thanked Bob Breaker, Bob Snow and Rick McDonald for removing the wreaths from the graves from Wreaths Across America.

### **ADJOURN**

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

Meeting adjourned at 8:31 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

### **ATTACHMENTS:**

1. Meeting memo regarding 7:00 p.m. Appointment: Treasurer/Collector Karen Summit to discuss borrowing for Highway Department loader truck
2. State Division of Local Services internal borrowing report
3. Meeting memo regarding 7:15 p.m. Appointment: Mark Tocci of Crossfield Engineering to discuss Town Hall mini-split heat and air conditioning design as part of the Green Communities Designation Grant project
4. Quote for additional electrical design services
5. Updated plans from Mark Tocci
6. Letter of resignation from Council on Aging Board member Jena Haag
7. Letter of resignation from Housing Authority Board Member Jack Cook
8. Meeting memo regarding General Business #3: Appoint Fire Captain Mark Emery as Acting Fire Chief
9. Excerpt from Fire Union contract regarding Extended absences of the Fire Chief
10. Meeting memo regarding New Business #1: Discuss Budget Guidelines and letter to Triton Regional School Committee regarding proposed FY 23 assessment
11. FY23 Non-Union Compensation Schedule
12. Massachusetts State Minimum Wage information
13. Matrix with non-union and union longevity rates
14. FY19 Non-Union Longevity Table
15. Matrix with non-union and union EMT/EMD Stipends

16. Meeting memo regarding New Business #2: Discuss Merrimack Valley Transit Authority Board membership and Ring and Ride Program
17. MVRTA Ring and Ride Brochure
18. Meeting memo regarding New Business #3: Discuss Affordable Housing Trust
19. Draft Affordable Housing Trust agreement
20. Massachusetts General Law Chapter 44 Section 55C
21. Booklet on Municipal Affordable Housing Trusts from the Massachusetts Housing Partnership
22. Meeting memo regarding Old Business #1: Discuss street light request from Jeff Winn at the corner of Roger's Way and 465 Main Street
23. Map of Roger's Way and 465 Main Street
24. Meeting memo regarding Old Business #2: Discuss placement of Bay State Textiles Recycling receptacle at the Annex
25. Official Action Notice regarding Friends of the COA donation bin dated 1/9/19
26. Letter from Sylvia Wood regarding Friends of the COA donation bin dated 12/27/18
27. Photo of the Friends of the COA donation bin
28. Meeting memo regarding Old Business #3: Discuss Plastic Bag Reduction bylaw
29. Letter to Market Basket Manager regarding Plastic Bag Reduction bylaw
30. Tom Mullen "Final" version of Plastic Bag Reduction bylaw
31. Meeting memo regarding Old Business #4: Discuss mask/face covering policy for Town Offices
32. Draft minutes of January 31, 2022