

MINUTES OF THE BOARD OF SELECTMEN

January 10, 2022

Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

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

PUBLIC ATTENDEES: James C. Broderick – Fire Chief; London Spain – Fire Department; Tyisha Curenton – Fire Department; Bernie Cullen – 283 Wethersfield Street; Katelyn Sahagian – Ipswich Local News

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being video and audio recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

7:00 p.m. APPOINTMENT Fire Chief James Broderick to present London Spain for appointment to the position of full-time firefighter

Chairman Pierce read the following:

Chief Broderick is here tonight to present London Spain for appointment to the position of full-time firefighter. The Board needs to vote to appoint him. He will need to be sworn in tomorrow morning by the Town Clerk.

Chief Broderick said London applied when they were hiring a Firefighter in October and was ranked second out of seven or eight finalists. He said he has been working in Raleigh North Carolina as a Firefighter, he is a native of Massachusetts and has come back and is working at Action Ambulance. He said he is familiar with Rowley because of his previous work experience at Action Ambulance.

London said he was raised in Everett, and went to Braintree High School. He said when he worked at Action Ambulance, he knew he wanted to work in fire service, but it is hard to do in Massachusetts, so he went to North Carolina for three years for a job in fire service. He said his family is his priority, so he came back home, was already working with Action Ambulance again, and applied for this position when it became open. He said he wants to continue his career in fire service.

Pierce said we are glad to have you aboard. Petersen said he has good qualifications.

Bob Snow made a motion to appoint London Spain to the position of full-time firefighter, Deana Ziev second, all in favor – aye (5-0).

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

There were no public comments.

GENERAL BUSINESS

1. Ratify Internal Revenue Service 2022 mileage reimbursement rate

Chairman Pierce read the following:

Internal Revenue Service has set the 2022 mileage reimbursement rate as \$.585, up from \$.56 in 2021. The Board needs to vote to accept the 2022 rate.

Dave Petersen made a motion to accept the 2022 IRS mileage reimbursement rate of \$.585, Bob Snow second, all in favor – aye (5-0).

2. 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.

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

3. Approve Library donations

Chairman Pierce read the following:

Library Director Pam Jacobson has provided the Board with the attached list of donations, which consists of monetary donations to support the Library 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 Library donations, Joe Perry second, all in favor – aye (5-0).

4. Approve donation of COVID tests to the Health Department

Chairman Pierce read the following:

Health Director Frank Marchegiani has informed the Board of Selectmen that the Health Department received a donation of two boxes of rapid COVID-19 antigen test kits from Sea View Nursing Home for use by Rowley first responders. In accordance with State Law, G.L. c.44 §53A1/2 (gifts of tangible property), the Board needs to vote to accept the gifts on behalf of the Town.

Bob Snow made a motion to approve the donation of COVID tests to the Health Department, Dave Petersen second, all in favor – aye (5-0).

5. Approve Police Department donation

Chairman Pierce read the following:

Police Chief Dumas has provided the Board with the attached donation, which consists of monetary donations to support the Police programs. In accordance with State law, G.L. c.44 §53A, the Board needs to vote to approve these donation.

Pierce said Capone Iron donated \$1,000.

Joe Perry made a motion to approve this Police Department donation, Bob Snow second, all in favor – aye (5-0).

6. Letter of resignation from Reserve Police Officer Timothy LeBlanc

Bob Snow made a motion to accept this resignation with regrets, Dave Petersen second, all in favor – aye (5-0).

7. Letter from Fire Chief/Rowley Emergency Management Director James Broderick regarding intention to retire

Chairman Pierce read the letter from James Broderick. He said there have been lots of changes while Broderick was the Chief, and thanked Chief Broderick and said we will miss you. Petersen congratulated the Chief and said the Board should accept the resignation and take it under advisement and think about how to find the Chief's replacement. He thanked Broderick for the notice.

Broderick said he enjoyed working here for twenty-four years and the Town opened its arms to him and treated him like a native son. He said he has had a great time, there were a lot of highlights and some lowlights, he has met a lot of people and tried his best. He said he hopes he laid a good foundation for his replacement. Petersen said the list of accomplishments is many and Broderick turned a call firefighter department into a fine firefighting unit, and he has a lot to be proud of. Broderick said it has been a team effort, the grants are a major accomplishment and he will be available to help with the transition. Perry said congratulations, he has done a wonderful job and wished him a happy retirement. Snow said Broderick has done a job well done and has accomplished a lot. Ziev said Broderick will be missed. Petersen congratulated the

taxpayers who have been supportive of the overrides. Broderick said the support has been great, he will miss the job, but it is time to move on.

8. Approve FY 22 Automated External Defibrillators Equipment Program Grant Application issued by the Commonwealth of Massachusetts Executive Office of Public Safety and Security

Bob Snow made a motion to approve the FY 22 Automated External Defibrillators Equipment Program Grant Application and to authorize Chairman Pierce to sign the application form, Joe Perry second, all in favor – aye (5-0).

9. Request from Treasurer/Collector Karen Summit to appoint Debra Moore to the position of Assistant Tax Collector

Dave Petersen made a motion to appoint Debra Moore to the position of Assistant Tax Collector, Deana Ziev second, all in favor – aye (5-0).

7:15 p.m. PUBLIC HEARING – Earth Removal Application filed by John Gikas to remove soil from 14 Belle Circle

Chairman Pierce read the notice of public hearing. He stated that this Public Hearing was advertised in the Newburyport Daily News on December 27, 2021 and January 3, 2022 and that the applicant mailed the notice of public hearing to the abutters.

Bob Snow made a motion to open the public hearing, Dave Petersen second, all in favor Robert Snow – aye, Cliff Pierce – aye, David Petersen – aye, Deana Ziev– aye, Joe Perry– aye.

Public Hearing opened at 7:15 p.m.

Chairman Pierce called the applicant forward and asked them to discuss their application. Nick Gikas said he is John Gikas' father, and he is helping his son with this as he lives in Sudbury and has a full plate with this job. He said they are looking to remove 500 yards of soil so that the driveway to the new home is less steep. He said this home is not a flip, and his son and future daughter-in-law plan to raise their family in the home and they love the area. He said Hayes Engineering did the drawings and he believes they were the original subdivision engineer. He said this lot has been empty for 18 to 19 years, they have a manufactured home that is built and being stored until the permit is issued. Pierce said we have a letter from an abutter. Gikas said the letter is from a neighbor, but their driveway is not on Belle Circle. He said where fill is being taken out, the plan calls for rip rap to be installed on the hill and he will ask T.W. Excavating to do this work immediately. He said they didn't anticipate as much ledge. He said they want to do everything correctly and they have an erosion control plan. He said they have spent a lot of money on engineering and site work.

Chairman Pierce read the letter from abutter Dr. Carpenter into the record. Pierce asked if the rip rap will be used for stabilization. Gikas said yes, it will be installed along

the wall, and it is about 10 feet away from the abutter's property. He said the plans designed by Hayes Engineering show the rip rap. He said the last thing they want is for erosion to occur because it will fall onto their new driveway. He said he will ask Jessie and Dana Warren to do the rip rap right away.

Petersen said he has been to the site a couple of times and Warren is a dependable contractor. He said there is a steep hill and he understands Carpenter's concerns, but the plan takes care of this. Gikas said they have had issues with the lot lines with the location of the surrounding homes and driveways, but they are working with the neighbors, they want everything to look nice, and they don't want friction with the neighbors.

Chairman Pierce read the conditions from the memo from the Town Planner as follows:

- 1. They should provide an estimated date of completion of earth removal operations.*
- 2. They should provide an estimate on the total number of trucks to complete the work.*
- 3. The trucks arriving at the site and departing from the site should do so by a prescribed route. Clean up measures for public ways along the route within the Meetinghouse Road development should be implemented with the departure of every truck. It should also be a condition that all trucks departing the site are covered to prevent spillage of earth materials while enroute to disposal location.*
- 4. The Board of Selectmen should be notified in writing if addition time is required to complete the work.*
- 5. Considering the issues currently happening with the sidewalk at the end of Bell Circle were possibly the resulted of tree stump removal and disposal, they should comment on the disposal of tree stumps and boulders from the site.*
- 6. What is the destination of the soil to be removed? Are there any receipts or documentation on the receiver's end that would corroborate the estimated load amounts.*
- 7. I'm sure Conservation will make this point but all areas on the site subject to earth removal should subsequently be secured with erosion control methods to prevent materials on-site from impacting the abutting parcels or the public right-of-way. One of my Board members visited the site during rainfall in response to the complaint about sidewalk conditions at the end of the Bell Circle cul-de-sac and noted that there was muddy runoff coming from that site and running into the storm drain.*

Gikas responded to the Town Planner's conditions as follows:

- Estimated date of completion no later than April 30th
- 50 trucks will be needed
- Route is Belle Circle to Cindy Lane to Leslie Road to Route 133 to Route 1 to T.W. Excavating's site

- He brought the sidewalk issue up to Brent when Brent was there for a site visit – all stumps have been removed from the property, and there were mostly small trees
- Destination of soil is T.W. Excavating's site in Newbury
- The only catch basin is 130 feet away. Jessie Warren said there is no way that runoff from the project is going to the catch basin. They have stoned the driveway to prevent dirt from leaving the site. They will remove the material on sunny days using covered trucks.

Chairman Pierce read the first two comments from the Conservation Agent:

1. *I confirm and support the recommendations made by Mr. Kirk Baker, Town Planner in his emailed memo of 1/3/2022.*
2. *The issued Stormwater Mgt. Permit #52-2021 contains appropriate conditions for measures to be put in place on the construction site to control possible erosion and stabilize disturbed soils. The engineered plans did not depict any existing stormwater catch basins or inlets within the public right of way along the frontage of the site. Since commentary and a site visit have confirmed otherwise the following is offered to be incorporated into any issued permit and as allowed by the SMP #52-2021, I am directing the applicant and their contractor to immediately implement. "Any existing catch basins and drainage inlets in the public right of way shall be protected with appropriate inlet protective measures including silt sacks and erosion control barriers placed correctly in order to prevent flowed sediments from impairing the functioning of existing stormwater drainage infrastructure. Upon project completion the silt sacks and deployed erosion control barriers shall only be removed upon stabilization of the project site.*

Gikas agreed to comply with this.

Chairman Pierce read the next two comments from the Conservation Agent:

3. *The plans depict the engineer's recommendation for a rock rip rapped slope (1:1) along the sloped boundary with the property to the west. The site contractor should be able to place the rip rap and using the appropriate sized material achieve a stable result as per the plans. This property is I believe owned by Dr. Carpenter and is identified as Subdivision Lot #19 (63 Cindy Lane).*
4. *The plans depict a small area of possible subsidence from the original subdivision layout but no mention has been made if this triangular area still exists on Lot #19. If this is still in existence consideration should be explored to eliminate it since it could channel water to the rear of the placed rip rap and possibly undermine its stability. Any placement of fill in that depression would need permission to be obtained from Dr. Carpenter to address it. The applicant may want to address this directly with Dr. Carpenter if this would contribute to the stability of the property boundary area.*

Gikas said he didn't see the area that Brent is referring to. He said the lot is 19 to 20 years old and the rip rap will be more than sufficient to take care of the erosion according to Jessie and Dana Warren.

Chairman Pierce read the final comment from the Conservation Agent:

- 5. As noted in the Town Planner's comments as #7, the Stormwater Mgt. Permit does require appropriate control of any flowed sediments from the site. The Conservation office will call the site contractor, T. W. Excavating and review site control measures to address any sediment run off.*

Gikas said Brent has already spoken to T.W. Excavating about this.

Pierce said there were no comments or concerns from the Fire Chief, Building Inspector or Highway Surveyor and comments weren't submitted by Police Chief.

Chairman Pierce asked if there was anyone present at the meeting who would like to speak on the application. There wasn't anyone present who wished to speak.

Chairman Pierce called upon the members of the Board of Selectmen if they have any further questions or comments. Petersen said the applicant has bent over backwards to address all of the comments. He said this is a difficult lot to build on, and Warren is very reliable. He said he doesn't think we need more engineering work and he thinks the Board should okay this application so the son can get into the house as soon as possible.

Dave Petersen made a motion to close the public hearing, Bob Snow second, all in favor Robert Snow – aye, Cliff Pierce – aye, David Petersen – aye, Deana Ziev– aye, Joe Perry– aye.

Public Hearing closed at 7:33 p.m.

Chairman Pierce said the Board needs to discuss the application and vote on it. He asked if the Board wishes to include any conditions on the permit such as: Town Planner items 1-7 of memo; Health Director's comments; Conservation Agent's comments or any other conditions from public hearing discussion.

Petersen said we should include the Planner's comments and there is no need for an engineer.

Dave Petersen made a motion to approve the application for an Earth Removal Permit for the removal of 500 cubic yards of soil with conditions and comments from the Town Planner, as attached, Joe Perry second, all in favor, Robert Snow – aye, Cliff Pierce – aye, David Petersen – aye, Deana Ziev– aye, Joe Perry– aye.

NEW BUSINESS

1. Request from Board of Water Commissioners to approve transfer of funds from the FY 22 Water Department Extraordinary & Unforeseen Expense line to the FY 22 Water Department Expenses/Maintenance line to cover the cost to replace the generator at the Water Treatment Plant

Chairman Pierce read the following:

The Board of Water Commissioners is requesting approval to transfer \$65,000 from Line 11 Extraordinary & Unforeseen Expenses to FY 22 Line 7 Water Department Expenses/Maintenance of the FY 22 Water Department Budget for the purchase of a replacement generator. The emergency generator is over 20 years old and stopped working. The Extraordinary & Unforeseen Account has \$100,000 in it. This request requires approval by the Board of Selectmen.

Bernie Cullen said this generator is at Well #3 and not at the Water Treatment Plant. He said this is a critical piece of equipment that is needed in case we lose power. He said the current generator has been problematic. Snow asked how big is the generator. Cullen said he can't speak to the size. He said one third of the Town's water supply comes from Well #3.

Dave Petersen made a motion to approve the transfer of \$65,000 from Line 11 Extraordinary & Unforeseen Expenses to FY 22 Line 7 Water Department Expenses/Maintenance of the FY 22 Water Department Budget for the purchase of a replacement generator, Bob Snow second, all in favor – aye (5-0).

Snow asked how long it will take to get the generator, and if there will be a problem in getting it. Cullen said as quickly as possible and he believes they are purchasing it off of the State contract list. Snow asked Cullen to keep the Board informed about this.

2. Review Cannabis Control Commission notice on Morando Brands LLC marijuana establishment

Chairman Pierce read the following:

The Cannabis Control Commission has sent the Board a notice requesting the Board confirm that Morando Brands LLC of 319 Turnpike Road is in compliance with Town bylaws. This is Morando Brand's last step in the Cannabis Control Commission licensing process.

Town Planner Kirk Baker has confirmed that Morando Brands is in compliance with the Planning Board's permitting requirements. Building Inspector Ken Ward has confirmed that Morando Brands has received an occupancy permit. (See attached.)

The Board needs to vote to confirm that Morando Brands LLC is in compliance with the Town's bylaw and to authorize Chairman Pierce to sign the Cannabis Control Commission Municipal Response Form.

Dave Petersen made a motion to confirm that Morando Brands LLC is in compliance with the Town's bylaw and to authorize Chairman Pierce to sign the Cannabis Control Commission Municipal Response Form, Bob Snow second, all in favor – aye (5-0).

3. Discuss mask/face covering policy for Town Offices

Chairman Pierce read the following:

With rapidly rising COVID cases in the Town, Chairman Pierce would like to request the Board vote to require masks/face coverings in all Town offices and buildings. Our current policy is to "strongly recommend" that masks/face coverings be worn in Town buildings. Chairman Pierce feels that masks now need to "required" rather than "recommended" in Town offices and buildings. He believes that this enhanced measure is necessary for the safety of Town employees, officials, and members of the public.

We reached out to Board of Health Chairman Charles Costello and Health Director Frank Marchegiani with this proposal. They both fully support this increased measure.

The Board should discuss the following:

- *when the policy will go into effect;*
- *if there are any exceptions, such as small children or persons with health and respiratory issues*
- *when the policy will expire or if it will stay open ended pending the increase or decrease in COVID cases*

and then, take a vote on the overall policy. Signs and notices regarding the policy will be posted in Town buildings and on the Town website.

Snow said this is a good idea.

Joe Perry made a motion to require masks in all Town offices and buildings effective immediately, except for small children or persons with health and respiratory issues, and to keep the expiration of this policy open ended, Bob Snow second, all in favor – aye (5-0).

4. Discuss request from the Health Department to use American Rescue Plan Act funds for COVID-related expenses and wages

Chairman Pierce read the following:

The Health Department is asking the Board to approve a request to allocate up to \$20,000 of the ARPA Coronavirus Local Stability Fund for COVID related expenses.

Hi Debbie,

The Health Department requests that \$20,000 of the ARPA funds be set aside for COVID-related expenses such as test kits, masks, etc. and department wages. Grant money that was previously allocated for Public Health has been used and it is unknown how long this pandemic will continue.

Thank you in advance for your consideration.

Sincerely,

Frank

Frank Marchegiani, R.S. | Health Director

There are funds to cover this request. After the allocation made last June for the water infrastructure project of \$1.8 million, there is approximately \$93,000 remaining. After the Health Department COVID allocation of \$20,000 we estimate a balance of approximately \$73,996. However, with increased costs due to rapidly rising inflation, we anticipate the water infrastructure construction phase of the project could possibly be higher than estimated and the Board want to use some of the balance to cover that cost.

CLSF Original Estimate =	\$1,893,996
Water Infrastructure =	\$1,800,000
Health Dept. COVID =	\$ 20,000
Balance =	\$ 73,996

If the Board is in agreement, the Board will need to vote to allocate \$20,000 from these funds to the Health Department for COVID-related expenses.

Dave Petersen made a motion to allocate \$20,000 from the American Rescue Plan Act funds to the Health Department for COVID-related expenses, Bob Snow second, all in favor – aye (5-0).

5. Discuss Pine Grove School landlord-tenant agreement

Perry said there is a meeting on Wednesday morning and asked the Board if they have any items to discuss or change on the landlord-tenant agreement. He said currently the Towns are responsible for repairs up to \$10,000 and asked the Board if they would like to change this or keep it as is. Pierce said this agreement was drafted a while ago and sent to Tom Mullen for comments, but there were no changes. Petersen said we should increase this amount to \$20,000, and we shouldn't have issues for the next five years since the Pine Grove School was just renovated. He said he has no problem leaving it as is either. He said if there is an issue that costs \$20,000 we can do it right away after a Finance Committee Reserve Fund transfer. He said the Reserve Fund has \$100,000 of funding. Pierce and Snow both said \$20,000 seems reasonable.

MINUTES

- December 20, 2021

Bob Snow made a motion to approve the minutes of December 20, 2021, Deana Ziev second, all in favor – aye (4-0). Dave Petersen - ABSTAINED

ADJOURN

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

Meeting adjourned at 7:48 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 7:00 p.m. Appointment: Fire Chief James Broderick to present London Spain for appointment to the position of full-time firefighter
2. Letter from Fire Chief James Broderick regarding Appointment of London Spain as a Fulltime Fire Fighter
3. Meeting memo regarding General Business #1: Ratify Internal Revenue Service 2022 mileage reimbursement rate
4. Internal Revenue Service news release regarding 2022 mileage reimbursement rate
5. Meeting memo regarding General Business #2: Approve Council on Aging donations
6. Two lists of Council on Aging Donations
7. Meeting memo regarding General Business #3: Approve Library donations
8. Email list of Library donations
9. Meeting memo regarding General Business #4: Approve donation of COVID tests to the Health Department
10. Email from Frank Marchegiani regarding COVID rapid test kit donation
11. Meeting memo regarding General Business #5: Approve Police Department donation
12. Letter from Police Chief Scott Dumas regarding Donation Check #72761 from Capone Iron Corporation
13. Letter of resignation from Reserve Police Officer Timothy LeBlanc
14. Letter from Fire Chief/Rowley Emergency Management Director James Broderick regarding intention to retire
15. Meeting memo regarding General Business #8: Approve FY 22 Automated External Defibrillators Equipment Program Grant Application issued by the Commonwealth of Massachusetts Executive Office of Public Safety and Security
16. Letter from Police Chief Scott Dumas regarding Application for the FY22 AED AFG Solicitation, including two attached documents
17. Request from Treasurer/Collector Karen Summit to appoint Debra Moore to the position of Assistant Tax Collector
18. Meeting memo regarding 7:15 p.m. Public Hearing on Earth Removal Application filed by John Gikas to remove soil from 14 Belle Circle
19. Public Hearing Notice

20. Copy of newspaper publications of Public Hearing Notice
21. Letter from Robert J. Carpenter regarding Earth Removal
22. Memo from Health Director regarding Earth Removal Application
23. Memo from Conservation Agent regarding Earth Removal Application
24. Memo from Town Planner regarding Earth Removal Application
25. Applicant Response #1 to Town Planner's memo
26. Applicant Response #2 to Town Planner's memo
27. Applicant Response #3 to Town Planner's memo
28. Town Planner's response to Applicant Response #1 to Town Planner's memo
29. Email from Brent Baeslack regarding 14 Bell Circle, including attached Pictometry image
30. Earth Removal Application package filed by John Gikas to remove soil from 14 Belle Circle
31. Meeting memo regarding New Business #1: Request from Board of Water Commissioners to approve transfer of funds from the FY 22 Water Department Extraordinary & Unforeseen Expense line to the FY 22 Water Department Expenses/Maintenance line to cover the cost to replace the generator at the Water Treatment Plant
32. Article 5 of the May 3, 2021 Annual Town Meeting Warrant
33. Meeting memo regarding New Business #2: Review Cannabis Control Commission notice on Morando Brands LLC marijuana establishment
34. Certificate of Occupancy for Morando Brands LLC
35. Cannabis Control Commission notice on Morando Brands LLC marijuana establishment
36. Updated meeting memo regarding New Business #2: Discuss mask/face covering policy for Town Offices
37. Meeting memo regarding New Business #4: Discuss request from the Health Department to use American Rescue Plan Act funds for COVID-related expenses and wages
38. List of Use of Funds for SLFRF funds
39. Email from Frank Marchegiani regarding Request for use of ARPA Funds
40. Meeting memo regarding New Business #5: Discuss Pine Grove School landlord-tenant agreement
41. Draft minutes of December 20, 2021