

MINUTES OF THE BOARD OF SELECTMEN MEETING

January 28, 2019

Meeting held at Town Hall, 139 Main Street, Rowley, MA

5:30 p.m.

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

PUBLIC ATTENDEES: Bernie Cullen – 283 Wethersfield Street; William Mehaffey – 185 Newbury Road; Maggie Lemelin – 22 Bennett Hill; Susan Hazen – Town Clerk; Susan Bailey – Town Accountant; Brent Baeslack – Conservation Agent; Sean McFadden – Assessor; Karen Summit – Treasurer; Donald Thurston – Board of Assessors; Bryan DiPersia – 500 Wethersfield Street; Jena Haag – 179 Hillside Street

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 5:33 p.m. He said the meeting is being audio and video recorded and broadcast live via Rowley Community Media.

PLEDGE OF ALLEGIANCE

Chief Dumas led the Pledge of Allegiance.

EXECUTIVE SESSION

- To conduct collective bargaining session with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (2)
- To discuss strategy with respect to collective bargaining with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)

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

To conduct a collective bargaining session with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (2) and to discuss strategy with respect to collective bargaining with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the bargaining position of the Town, and to return to open session.

Dave Petersen so moved, Joe Perry second, all in favor roll call vote: Joe Perry – aye; Cliff Pierce – aye; Dave Petersen – aye. Bob Snow – ABSENT

Executive Session opened at 5:35 p.m. and Open Session resumed at 7:03 p.m.

The Board took a recess until 7:07 p.m.

7:00 p.m. APPOINTMENT G. Robert Merry to receive proclamation for his many years of public service to the Town of Rowley

Chairman Pierce read the following:

Bob Merry began his service to the Town as an employee in 1968 as an Auxiliary Police Officer, and retired as an employee as the Rowley Municipal Light Plant Manager in 1999. After his retirement, he was elected as a Selectman in 1998 and as a Board of Light Commissioner in 2006, and has served in these capacities for many years since then. He has also been appointed to numerous other committees over his fifty years of service to the Town. Below is a listing of the numerous capacities that Bob has served in:

- *Auxiliary Police Officer*
- *Cemetery Commissioner*
- *Light Department employee*
- *Light Department Manager*
- *Cannoneer*
- *Forest Fire Warden*
- *Skin Diver*
- *Militiamen*
- *Cable TV Advisory Committee*
- *Assistant Wiring Inspector*
- *Historic District Commission/Historical Society*
- *Oil Spill Response Team*
- *Computer Use Committee*
- *Town Government Planning Committee*
- *Fire Engineers*
- *Fuel Tank Study Committee*
- *Rowley Civil Defense*
- *DPW Consolidation Study Committee*
- *Rowley House Number Review Committee*
- *Rowley Emergency Management Agency*
- *Center School Restoration & Use Committee*
- *Local Emergency Planning Commission*

- *Selectman*
- *Election Warden, Clerk and Counter*
- *Community Preservation Committee*
- *Library Building Committee*
- *Board of Light Commissioner*
- *Bradstreet Land Use Committee*
- *375th Anniversary Committee*
- *Northern Essex Regional Emergency Planning Committee*
- *Zoning Review Committee*

Bob's historical knowledge and willingness to help the Town in any way that he can will be greatly missed. We thank him for his dedicated service and wish him all the best.

Petersen said he met Bob Merry when he was the Manager of the Light Department forty-five years ago. He said Merry is a gentleman, and the knowledge he exudes on a daily basis is incredible. He said Merry also helped his wife when she was the Director of the Housing Authority either by doing work himself, or knowing who to refer her to. He said he is proud to know Merry and will miss him. He said Bob Snow mentioned at the last meeting that Merry's historical knowledge is incredible. He said for a legal case regarding Meetinghouse Lane, Merry researched old Town Reports that were handwritten in cursive, and found language that helped the Town's case. Perry said it is amazing that Merry was able to read the handwritten script and interpret the documents. Merry said he learned how to do things on his own at school. Petersen thanked Merry and congratulated him on his retirement. Merry thanked the Board for what they do.

Pierce said it is his great honor to present the Proclamation to Merry. He read the Proclamation, presented it to him. Photos were taken of Merry with the Board and with his family. Eagan presented Mrs. Merry with flowers and Bob Merry with a money tree plant. Merry thanked Eagan for all she has done. Merry thanked Conservation Agent Brent Baeslack for his hard work.

7:10 to 7:15 p.m. PUBLIC COMMENT

There were no public comments.

7:15 p.m. APPOINTMENT Conservation Agent Brent Baeslack to discuss the Dodge Reservation Conservation Restriction

Baeslack said he is requesting the Board to sign the Conservation Restriction with the Essex County Greenbelt for the perpetual protection and preservation of the Dodge Reservation. He said Bob Merry suggested the name of the Dodge Reservation. He

said the document has been prepared and will protect the natural resources of the camp portion and the other over 183 acres of land.

Petersen said this acquisition is the nicest land acquisition by the Town since he has been here. He said residents actively use the land for hikes and riding horses. He said when you are in the middle of the property, it feels like you are in Maine or New Hampshire, it is beautiful and he is proud of it. Perry agreed and said a lot of work was put into this. Pierce said the Conservation Commission does a wonderful job creating and maintaining the trails.

Joe Perry made a motion to approve the Conservation Restriction for the Dodge Reservation, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

The Selectmen signed the Conservation Restriction and Baeslack notarized it. Petersen commended Baeslack for his and his wife's work on the weekends at Hunsley Hills cutting the trees. He said this is done on Brent's own time. Perry said he plans to get out on the trails at Dodge Reservation.

Baeslack thanked the Board for their kind words of recognition. He said it is heart-warming to work in a community that values open space. He said with this acquisition, Town owned parcels have been knitted together to protect the land in the literal geographic heart of the community from Eiras Park almost to Glen Street. Petersen said we are fortunate to have the CPC tax surcharge of 3% which leverages money from the State that has been used to purchase open space.

NEW BUSINESS

1. Vote and sign contract with Police Chief Scott Dumas

Chairman Pierce read the following:

The Police Chief's contract is ready for the Board to vote to approve it and sign it. Please sign two originals. FYI – It is a three-year contract with a one-year renewal provision. A contract, such as this, is authorized under Mass. General Laws Chapter 41 Section 108O.

Joe Perry made a motion to approve the contract renewal with Police Chief Scott Dumas, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

The Selectmen signed two copies of the contract.

2. Discuss renaming the Board of Selectmen

Chairman Pierce read the following:

A Town resident asked during our last meeting about renaming the Board of Selectmen to a more “inclusive” name.

The title of Board of Selectmen comes from Massachusetts General Laws. One option for us to do that would be to adopt a General Bylaw. There will be some work involved in this, as all references to Board of Selectmen would need to be changed in other bylaws.

How does the Board feel about this? Do any of the Board members have any ideas?

Pierce said there are two ways to change the name of the Board of Selectmen: we can request the legislation to enact special legislation through our representatives or we can pass a general bylaw for this. He said if we choose to pass a general bylaw, we will then have to go through the local and zoning bylaws and change the references to the Board of Selectmen to the Select Board. He said his preference is to pass a general bylaw since it is quicker, within our control, fairly easy to do, and is not a great expense. He said we will have to pay Town Counsel to draft the bylaw, which will be about two to three hours of legal work. He said then in-house staff can go through the bylaws. He said he doesn't know if the majority of residents are in favor of doing this, so we can have a non-binding referendum question on the May 2019 ballot to ask if people are in favor of making this change.

Petersen said he agrees and then we can appoint a committee to follow through after the vote of the townspeople. He said under State law, the Board will still be the Board of Selectmen.

Bryan DiPersia of 500 Wethersfield Street said this is a respectable measure to take by allowing the people to decide. Pierce said there will also need to be an article on a Town Meeting warrant for this to be adopted by the voters. Bernie Cullen asked if the whole wording of the bylaws affected will need to be re-voted. Pierce said he doesn't believe this process would open the bylaw for reinterpretation or to be re-voted.

Joe Perry made a motion to have a non-binding referendum question on the May 2019 election ballot, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

OLD BUSINESS

1. FY 20 Triton Budget Update

Chairman Pierce said Triton has provided their latest budget numbers, including the Town's assessments, but the numbers are not final. He said Triton's next step is to adopt the tentative budget, the Towns respond to the tentative budget, and then Triton will adopt a final budget. He said these numbers should be the highest, and the numbers could possibly decrease. He said for FY20, Triton's total operating expenses are \$44,143,000, which is a \$1,700,000 increase to all three towns. He said the increased expense is being assessed to the Towns as follows:

- \$315,000 for Newbury which is a 3.47% increase
- \$419,000 for Rowley which is a 4.14% increase
- \$982,000 for Salisbury which is a 8.41% increase

He said Salisbury's portion is large due to the relative enrollment numbers compared to Rowley and Newbury. He said Salisbury's enrollment has increased by 39%.

Petersen said between FY19 and FY20, there was an 80 student overall decrease in enrollment, and the trend of decreasing enrollments continues at a rapid rate. He said with the homes being built in Rowley, Rowley's enrollment can go up. He said the overall issue is Triton's budget increasing at a rapid rate. He said State aid is discouraging for Triton, and we may see a small increase, but it will not bail us out. He said the \$414,000 increase is probably affordable for Rowley and we will need to take money from free cash to cover this. Perry said Rowley's enrollment decreased by 40 students in kindergarten through twelfth grade. Pierce said Rowley has new housing developments, but there are also older people moving out and young families moving into those homes. Pierce said the \$1,700,000 increase does not include any expansion of programs or positions. He said they had a substantial cut in their health insurance costs, which they may be able to reduce further. He said this budget seems affordable and it would be nice to avoid a situation like last year. Petersen said they support the schools. He said Triton gives the Town a bill and the Town has to come up with the funds. He said free cash comes from excise taxes on new car purchases and building permit fees when the economy is strong. He said we need to put money aside to prepare for lean years. He said the Selectmen make recommendations on how money is spent, but the townspeople vote to spend money on projects.

Perry said we need to ask the legislature for more funds. He said he went to the School Committee meeting where the Principals made their presentations. He said when he was a teacher, there were about two kids with special needs, but now there are 10% special needs students per class. He said the cost for Triton to educate a student without special needs is \$12,000, but the cost for a special needs student is \$300,000 per student. He said the State needs to pay for the medical portion of the special needs cost.

Bernie Cullen said this year the tone of the budget discussions shifted and reflected the message from the Selectmen and Larry White about Rowley's ability to support the school budget. He said Nerissa Wallen has taken this to heart, and she is the one who most explicitly recognizes the limits of the Towns. He said this year's increase for Rowley is half of last year's increase and is a move in the right direction. He said FY20 covers the third year of the teacher's contract, which represents \$1,000,000 of the \$1,700,000 budget increase. He said the negotiation of the next teacher's contract will determine the future. He said the long term view for the budget wasn't discussed and we are not out of the woods. He said we lucked out with the health insurance costs, but Triton still offers very generous terms for health insurance coverage for the employees and the retirees. He said there is still work to be done.

Pierce said the last meeting was about the FY20 budget, and the District Communications Committee meeting on Thursday will address the future and the negotiations.

2. Pine Grove School Project Update

- Pinck & Co. staffing change
- Pinck & Co. letter on work hours and fee increase
- General project update

Pinck & Co. staffing change

Chairman Pierce read the following:

Pinck & Co. has informed the Town of a staffing change. James Dombrowski is Larry Berger's assistant. Pinck is proposing to have Ethan Butler serve as James' replacement. Ethan's resume is attached. Pinck is requesting the Board of Selectmen to approve this staff change.

Pierce said he and Perry met Ethan at the last meeting and were very impressed. Perry said Dombrowski is responsible for tracking the moves of classrooms around the construction schedule, and that Butler trained Dombrowski.

Joe Perry made a motion to approve the staffing change to have Ethan Butler serve as James Dombrowski's replacement as Larry Berger's assistant at Pinck & Co., Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

Pinck & Co. letter on work hours and fee increase

Chairman Pierce read the following:

As we discussed at a prior meeting, Pinck & Co. has submitted a letter to the Board regarding their fee. Letter is attached. The Town has a contract with Pinck & Co., which was amended in 2017 after the feasibility study phase. Pinck is estimating fee increases in the range of \$57,000 to \$65,000. We need to look at the budget to see where these additional costs will be charged to. It seems that most likely, these costs would need to be paid out of the Owner's Contingency line. (Attached is the original contract from 2016 and Amendment B which was signed in 2017.

Pierce said this doesn't need to be voted on tonight. He said he looked at the contracts with Pinck & Co. and he doesn't see that they have the right to request additional funding. He said the contract specifies a maximum amount for all of the services. He said he disagrees that Pinck is entitled to submit this request and would like to ask Town Counsel what the Town's obligations are and what Pinck's rights are.

David Zizza of 29 Bradford Street asked if there are change orders or reasons behind this request. Pierce said they gave reasons, such as the termite infestation, which was a large change order for Dore & Whittier and W.T. Rich, but he doesn't believe that proceeds from that change order went to Pinck. Perry said the termite issue increased the number of hours for Pinck, and was an unforeseen circumstance. He said we can negotiate this amount or we can get a lower level Clerk of the Works to save money.

Dave Petersen made a motion to refer this to Town Counsel for review, Joe Perry second, all in favor - aye (3-0). Bob Snow – ABSENT

General project update

Perry said February 8th will be Dombrowski's last day. He said the upper south wing is on schedule and then we will be moving on to phase 4. He said there are 5 total phases in the project. He said in September the public will have a chance to walk through the spaces.

3. Fire Station and Police Station Addition Project Update

Chairman Pierce read the following:

This project is going along smoothly. Work in the existing police station is being finished up. Offices and work spaces are being finished up. The project should be finished by the end of February.

Petersen said the project is pretty much on time. He said the Police Dispatch will be moving back into the renovated space in the original building. He said the pavement and landscaping won't be completed until the spring. He said people comment that the Fire Station is overbuilt, but these building have been sized correctly for the next thirty

to forty years. He said two new firefighters will be hired in March, and there will probably be six more in the next twelve years. He said the facility is large enough to accommodate this growth. Bryan DiPersia asked if the public can tour the buildings. Perry said you can count on it. Petersen said in the late spring or early summer.

MINUTES

- January 14, 2019

Joe Perry made a motion to approve the January 14, 2019 minutes, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

- January 14, 2019 – Executive Session

Joe Perry made a motion to approve the January 14, 2019 Executive Session minutes, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

ANNOUNCEMENTS

- The Town has the following vacancies:
 - a. Board of Light Commissioners;
 - b. Agricultural Commission Associate;
 - c. Cultural Council;
 - d. Fence Viewer – three positions;
 - e. Wood, Lumber & Bark Inspector;
 - f. Zoning Board of Appeals Associate – two seats; and
 - g. Deputy Shellfish Constables – two positions.For more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

Chairman Pierce called for a motion to adjourn. Joe Perry so moved, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSENT

Open meeting adjourned at 8:13 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS

1. Written Executive Session motion
2. Chairman Pierce comments on Proclamation for Bob Merry
3. Proclamation presented to Bob Merry for his many years of public service to the Town of Rowley
4. Letter from Brent Baeslack to Cliff Pierce regarding Conservation Restriction Dodge Reservation Area at 390 Wethersfield Street (Map 18, Parcel/Lot 7)
5. Conservation Restriction Dodge Reservation Area at 390 Wethersfield Street (Map 18, Parcel/Lot 7) signed by the Board of Selectmen
6. Meeting memo regarding New Business #1: Vote and sign contract with Police Chief Scott Dumas
7. Contract with Police Chief Scott Dumas
8. Meeting memo regarding New Business #2: Discuss renaming the Board of Selectmen
9. Email from Town Counsel Tom Mullen regarding name of the Board of Selectmen
10. Meeting memo regarding Old Business #1: FY 20 Triton Budget Update
11. January 16, 2019 Triton Regional School Committee Workshop Agenda
12. Triton Regional School District 2019/2020 draft budget – Base Request for Discussion Purposes ONLY 1/26/19
13. Meeting memo regarding Old Business #2: Pine Grove School Project Update: Pinck & Co. staffing change; Pinck & Co. letter on work hours and fee increase; General project update
14. Email from Andraya Lombardi regarding PGS – James Dombrowski Staffing Change, including attached resume for Ethan Butler
15. Letter from Pinck & Co. to Joe Perry dated January 23, 2019 regarding work hours and fees
16. Contract For Project Management Services Amendment No. 1 prepared by Pinck & Co.
17. Executed Contract For Project Management Services signed August 4, 2016
18. Meeting memo regarding Old Business #3: Fire Station and Police Station Addition Project Update
19. Draft minutes of January 14, 2019