

**MINUTES OF THE ROWLEY BOARD OF SELECTMEN**

**July 12, 2021**

**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 (Town Administrator Deborah Eagan, Assistant Town Administrator Natalie Lovett)

**PUBLIC ATTENDEES:** David Zizza – Parks and Recreation Committee

**CALL MEETING TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE** in honor of Stephen Levesque

Stephen worked for the Town of Rowley as a patrol officer for the past four years. He was 26 years old. The Town mourns his loss and we are keeping him and his family in our thoughts and prayers.

**7:05 P.M. TO 7:10 P.M. PUBLIC COMMENT**

**GENERAL BUSINESS**

1. Request from Highway Surveyor Patrick Snow to lift the hiring freeze for the position of Truck Driver/Laborer position

Bob Snow made a motion to lift the hiring freeze for the position of Truck Driver/Laborer, Deana Ziev seconded, all in favor – aye (5-0).

2. Letter of resignation from Pumpout Boat Operator Trevor Quigley

Bob Snow made a motion to accept this resignation, Deana Ziev seconded, all in favor – aye (5-0).

3. Letter of resignation from Council on Aging Activities Director/Van Driver Denise Gilman

Bob Snow made a motion to accept this resignation, Deana Ziev seconded, all in favor – aye (5-0).

4. Letter of resignation from Reserve Patrol Officer Joshua Spoonhour

Bob Snow made a motion to accept this resignation, Joe Perry seconded, all in favor – aye (4-0). Deana Ziev - ABSTAINED

### **NEW BUSINESS**

#### **1. Discuss State law allowing temporary outdoor dining extension for restaurants**

Chairman Pierce read the following:

*The new law which allows us to continue holding remote meetings also allows for an extension on the expiration dates for the restaurant temporary outdoor seating and liquor license expansion, and for the takeaway/delivery of alcohol. Please see the details from the ABCC on the attached advisory about this.*

*Two restaurants in Town have applied for temporary liquor licenses to allow them to serve alcohol in temporary outdoor areas: Off the Vine and the Blue Boat. Under the Board's previous approvals, both licenses are due to expire 60 days after the end of the State of Emergency declared by Governor Baker (on August 14, 2021.) Under this new law, temporary outdoor operations may continue until April 1, 2022 with local licensing authority approval.*

*Last year, the Board decided to have licenses expire on November 1st, with any business wishing to extend beyond this date to submit a new application. This was due to the many concerns brought up by department heads regarding enclosed tents, egress issues and complications due to the use of heaters and snow removal. No businesses applied for an extension beyond November 1st last year.*

*Does the Board wish to extend the expiration dates beyond August 14, 2021? If so, we recommend the following approach:*

- 1. Like last year, extend the expiration date to November 1st, and require a new application to extend into the winter season. This would allow these businesses to use temporary outdoor dining spaces throughout the fall of 2021, but not all the way through the winter and early spring. Unless the law changes again, this would be the final expiration date for these temporary licenses.*
- 2. If a business wishes to utilize the temporary outdoor dining spaces from November 2, 2021 – April 1, 2022, they would need to complete a new application form to address the various concerns of the department heads.*

Bob Snow made a motion to extend the temporary outdoor dining for restaurants to November 1, Deana Ziev seconded, all in favor – aye (5-0).

#### **2. Discuss lighting fixture issues in the Council on Aging area**

Chairman Pierce read the following:

*On June 23, 2021, COA Director Ellie Davis notified us of a lighting issue in the COA. She reported the following issues with the long florescent ceiling lighting fixtures:*

- In the Director's Office: only 4 of 9 lighting tubes are working*
- In the main room: only 9 of 20 lighting tubes are working, with two of nine showing signs of failure*

*J. Cotter Electric Service, Inc. provided the attached two proposals, which include prevailing wage rates:*

- 1. To keep existing light fixtures and replace the failed florescent bulbs and ballasts: \$1,390. This fixes the current problem, but additional florescent bulbs and ballasts will need to be replaced as they fail going forward.*
- 2. To keep existing light fixtures and rewire all of them to use LED bulbs: \$2,473. This addresses all of the lights in the main room and the Director's Office. Ballasts will no longer be needed, LED bulbs have greater longevity (4-5 years) and the LED bulbs are more energy efficient.*

*Since we were just recently notified of this issue, capital funding was not secured at the last Town Meeting for this project. To fund one of these proposals, we have the following options:*

- 1. Pay for this out of the FY22 Annex expense budget of \$23,000. This is a significant cost, and if we run out of money in the expense budget we may need to request a FINCOM or Ch. 44 Sec. 33B(b) transfer at the end of FY22.*
- 2. Request a FINCOM transfer now.*
- 3. Look into using a portion of the Green Communities designation grant. The designation grant has been slated to address weatherization and heating/cooling system replacement at Town Hall, and there may not be sufficient grant funds to complete these Town Hall projects.*

*Chairman Pierce said that he thinks it makes sense to replace the existing fixtures with LED light bulbs (Proposal 1).*

*Bob Snow made a motion to upgrade the COA bulbs to LED and to pay for the work out of the expense budget for the Town Hall Annex, Joe Perry seconded, all in favor – aye (5-0).*

- 3. Request from Crown Castle to authorize T-Mobile to modify equipment at the wireless communications facility on Prospect Hill*

*Chairman Pierce read the following:*

*Crown Castle is seeking the Town's consent to authorize T-Mobile to add a 48kw Generac Generator on a 4' X 10' concrete pad at the cell tower site on Prospect Hill. The Planning Board will review the request at their July 14 meeting. Debbie*

*recommends that the Board vote to approve the request, and, to authorize Chairman Pierce to sign the consent authorization, pending the approval of the Planning Board.*

Bob Snow made a motion to approve T-Mobile's request to modify its equipment at the wireless communications facility on Prospect Hill and to authorize Chairman Pierce to sign the consent authorization, pending the approval of the Planning Board, Deana Ziev seconded, all in favor – aye (5-0).

4. Discuss donation from International Brotherhood of Electrical Workers for donation of a scoreboard for the Eiras Park baseball field and the payment of the installation costs of the scoreboard

Chairman Pierce read the following:

*The scoreboard project evolved when the Parks and Recreation Committee had contacted Dave Ayotte & Associates for a quote for a batting cage, which was a project on the capital list. As an offshoot of that project, Dave Ayotte & Associates discussed the donation of a baseball scoreboard from the IBEW to the Town. A photo of the proposed scoreboard and a map of the location where it would be installed are attached.*

*The proposal initially had the donation covering the labor cost to install, as well as a \$119 discount from Ayotte Associates, leaving a remaining cost to the Town of \$5,500. The Committee was told that the donation is conditioned on the scoreboard having a sign with "IBEW" printed on it. This "donation plan" was reviewed and approved by Town Counsel Tom Mullen and Assistant Attorney General Deborah Anderson back in April.*

*Since April, the details on how this donation to the Town was being fashioned changed. Unknown to Debbie and Amy, the IBEW sent a check for \$10,000 in April directly to Ayotte Associates to cover the scoreboard purchase cost. The other change to the plan is that the Town is responsible for the cost to install it. The installation cost is \$6,800, which does not include the cost for the Town to hire an electrician to connect the scoreboard to the power source. It is important to note, that while Ayotte has submitted the proposal to do the installation, this work will be subcontracted out to another company. Amy was able to obtain the requisite certificates of insurance from the subcontractor. We have a quote from local electrician John Cardillo Electric of \$1,395 for this work. The total installation cost is \$8,195, which is the amount the Town will be required to pay under this plan.*

*Debbie checked back with the Attorney General and Town Counsel on the revised "donation plan" to make sure there would be no issues concerning procurement laws and the acceptance of the donation under State law.*

*Since the Town did not receive the \$10,000 check directly from IBEW, the procurement laws concerning this plan do not apply. The cost to install does not reach the dollar*

*threshold for price solicitations. Debbie has verified this with the Attorney General's Office.*

*The Parks & Recreation Committee has already voted to approve the payment of \$6,800 to Dave Ayotte and Associates for installation of the scoreboard from the Board of Selectmen and Parks & Recreation Revolving Account, and the Committee has voted to approve the payment of \$1,395 to John Cardillo Electric from the Board of Selectmen and Parks & Recreation Revolving Account.*

*If the Board would like to move forward with this project, please vote on the following:*

- Accept the donation of the scoreboard from the IBEW under G.L. c.44 s.53A ½;*
- Approve the installation of the scoreboard in the proposed location with an attached sign with IBEW printed on it; and*
- Authorize the payment of \$8,195 for installation costs from the Board of Selectmen and Parks & Recreation Revolving Account for this project*

*For the Board's information, the Revolving Account current balance is approximately \$30,000, and after payment of the scoreboard installation, the balance would be reduced to approximately \$21,805. The fiscal year expenditure is \$30,000.*

*The funds in this account come from the payment of user fees from sports organizations and can be used for the maintenance, operations, and improvements of the fields used by the sport organizations.*

*Bob Snow made a motion to accept the donation of a scoreboard, Deana Ziev seconded, all in favor – aye (5-0).*

*Deana Ziev made a motion to approve the installation of the scoreboard in the proposed location with an attached sign with IBEW printed on it, Bob Snow seconded, all in favor – aye (5-0).*

*Deana Ziev made a motion to authorize payment of \$8,195 for the installation costs from the Board of Selectmen and Parks & Recreation Revolving Account, Bob Snow seconded, all in favor – aye (5-0).*

### **OLD BUSINESS**

#### **1. Update on Green Communities project**

*Chairman Pierce read the following:*

*As part of the Town's Green Communities Designation Grant project to install a new heat-pump HVAC system in Town Hall, a consultant is needed to review the building conditions, design the system, and draft design plans and bid specifications.*

*Assistant Town Administrator Natalie Lovett requested quotes from 3 companies listed on the State Contract that can provide these services. One company, B2Q, submitted a*

quote in the amount of **\$29,422**. (See attached.) Another company, Guardian Energy, responded that they would not be submitting a quote for this project. The third company, Energy and Resource Solutions, was unresponsive. Natalie spoke with 2 references for B2Q, both of whom said they had worked with B2Q on numerous projects and gave very positive feedback.

Because of the high design costs quoted from B2Q, the staff thinks that we should take a step back for a moment to make sure that this type of heating and air conditioning system is feasible in the Town Hall building. We went back to Neal Duffy to get his sense of the practicality of installing a mini-split system in the first floor of Town Hall, which is an historical building. He strongly suggests that we get a full understanding of what the Historic District Commission will or will not allow before we embark on this project. We are recommending to the Board that we invite HDC member Sara Bourque to an upcoming meeting to discuss what is allowed under the Historic District Bylaw for these type of systems. If it is feasible and the Board wants to move forward with heat pump mini-splits, the staff will try to reach out to businesses that sell and install these systems for further research in developing the specifications.

To sum up this update, does the Board wish to contract with B2Q for the design of a heat-pump HVAC system for Town Hall in the amount of \$29,422? If so, the balance in the grant account will be \$105,000, which may not be enough to complete the building conditions and heating project.

Or, does the Board agree with the staff that if the idea is to continue with the concept of converting the first floor of Town Hall to the mini-splits, should Sara Bourque be invited in to meet with the Selectmen at an upcoming meeting or would the Board be ok with the staff setting up a meeting with Sara to discuss this? Two selectmen can be present at that meeting.

We also confirmed with Neal that we could use the grant funds to convert the old (failing) boiler to a natural gas system, as long as the conversion saves energy. We would have to back that up with energy data. The problem with this plan though, is that it won't address energy savings for office air conditioning, which the mini-split system does.

Lastly, if the heating system conversion for Town Hall doesn't seem viable at this point, we could proceed with the building envelope and go forward with a lighting conversion for the Town Hall and the Annex and possibly an electric car charging station at Town Hall. Neal pointed out that we could apply next year for a Green Communities Competitive Grant in the future for the mini-split conversion.

Chairman Pierce said that he thought the price quote from B2Q was very high. Snow and Perry agreed. Pierce said that he thinks it would be a good idea to meet with Sara Bourque. They need to make sure that the piping will not need to be brought along the

front of the building. Snow said that it might be possible to run the piping from the back of the building to the front.

Petersen said that this type of system was installed in the Police and Fire Station. He would like a letter from each of the Chiefs addressing how they feel about the equipment in order to help make a decision on how to proceed with this project. Natalie Lovett said that she spoke with Chief Dumas regarding his experience with the Police Station HVAC equipment. She said that Chief Dumas told her generally they were happy with the system, however they have encountered issues with that particular manufacturer and being able to get timely service repairs. He recommended that the Town Hall use a different manufacturer. Debbie Eagan said that she would have to look into the procurement because you can't be proprietary in bid specifications. She said that she could reach out to the Police and Fire Station consultant.

The Board agreed to have Debbie meet with Sarah Bourque and to continue to investigate the possibility of installing a mini-split HVAC system.

## 2. Update on Town Hall Handicap Ramp project

Chairman Pierce read the following:

*We thought that the ramp project would be underway by now. The contractor, MJS Construction, Inc., is waiting for construction materials to be delivered and they have also been delayed on another project. MJS reported this week that they are planning to start in August and finishing up in September.*

*Debbie asked the contractor that the ramp not be demolished until all construction materials were obtained, so that once the ramp was demolished all the materials would all be on site and there would be no delays relating to deliveries.*

*The Board has a meeting scheduled for July 26, in which a legal notice for a public hearing had to be published in the newspaper. The notice has the meeting location at the Town Hall Annex. Regardless on the status of the Town Hall handicap ramp, the July 26 meeting will need to take place in the Annex.*

## **FY 21 BUDGET TRANSFERS**

### 1. Treasurer's Debt & Interest to Treasurer Expenses

Dave Petersen made a motion to approve the budget transfer, Bob Snow seconded, all in favor – aye (5-0).

### 2. Tax Title & Taking to Information Services Expenses

Joe Perry made a motion to approve the budget transfer, Bob Snow seconded, all in favor – aye (5-0).

### 3. Call Firefighter Wages to Full-time Fire Department Wages

Dave Petersen made a motion to approve the budget transfer, Joe Perry seconded, all in favor – aye (5-0).

### **MINUTES**

- May 17, 2021 – Executive Session

Bob Snow made a motion to approve the May 17, 2021 Executive Session minutes, Deana Ziev seconded, all in favor – aye (5-0).

- May 24, 2021 – Executive Session

Joe Perry made a motion to approve the May 24, 2021 Executive Session minutes, Bob Snow seconded, all in favor – aye (5-0).

### **ADJOURN**

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

Meeting adjourned at 7:30 p.m.

Respectfully submitted,  
Natalie Lovett  
Assistant Town Administrator

### **ATTACHMENTS:**

1. Meeting memo regarding General Business #1: Request from Highway Surveyor Patrick Snow to lift the hiring freeze for the position of Truck Driver/Laborer position
2. Email from Bill DiMento regarding letter of resignation from Pumpout Boat Operator Trevor Quigley
3. Letter of resignation from Activities Director/Van Driver Denise Gilman
4. Letter of resignation from Reserve Patrolman Joshua Spoonhour
5. Meeting memo regarding New Business #1: Discuss State law allowing temporary outdoor dining extension
6. Email from Amy Lydon regarding ABCC Advisory regarding the expansion of patio service and takeaway/delivery of alcohol by on-premises licensees
7. ABCC Advisory regarding the expansion of patio service and takeaway/delivery of alcohol by on-premises licensees
8. An Act relative to extending certain COVID-19 measures adopted during the State of Emergency signed into law on June 16, 2021
9. Temporary license issued to Off the Vine
10. Temporary license issued to the Blue Boat (255 Newburyport Turnpike Rowley LLC)



11. Board of Selectmen minutes excerpt from September 28, 2020 regarding discussion of Governor Baker's extension of the expiration date for restaurant temporary outdoor seating
12. Meeting materials from September 28, 2020 regarding discussion of Governor Baker's extension of the expiration date for restaurant temporary outdoor seating
13. Meeting memo regarding New Business #2: Discuss lighting fixture issues in the Council on Aging area
14. Quote from J. Cotter Electric Service for replacing fluorescent lamps and ballasts with new T8 lamps and fluorescent ballasts
15. Quote from J. Cotter Electric Service to replace 40 fluorescent lamps and ballasts with LED lamps
16. Meeting memo regarding New Business #3: Request from Crown Castle to authorize T-Mobile to modify equipment at the wireless communications facility on Prospect Hill
17. Amendment to Option and License Agreement from Crown Castle
18. Meeting memo regarding New Business #4: Discuss donation from International Brotherhood of Electrical Workers for donation of a scoreboard for the Eiras Park baseball field and the payment of the installation costs of the scoreboard
19. Donation Letter from International Brotherhood of Electrical Workers Local Union No. 104
20. Revised Proposal from Dave Ayotte & Associates LLC to install the scoreboard
21. Copy of Revolving Fund Bylaw as approved by 5/6/19 ATM
22. Email from David Zizza regarding the Eiras Electronic Scoreboard Rendering
23. Email from David Zizza regarding the revised scoreboard location
24. Meeting memo regarding Old Business #1: Update on Green Communities Project
25. Engineering proposal from B2Q to design a replacement heating system
26. Meeting memo regarding Old Business #2: Update on Town Hall Handicap Ramp project
27. Meeting memo regarding FY21 Budget Transfers
28. Budget Transfer request from Treasurer's Debt & Interest to Treasurer Expenses
29. Budget Transfer request from Tax Title & Taking to Information Services Expenses
30. Budget Transfer request from Call Firefighter Wages to Full-time Fire Department Wages