

MINUTES OF THE BOARD OF SELECTMEN

July 27, 2020

Recorded from Town Hall, 139 Main Street, Rowley, MA

1:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 1:04 p.m. He read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the open session portion of the meeting in real time. Persons who wish to do so are invited to watch the open session portion of the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at www.townofrowley.net or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/248928309> can also dial in using your phone by calling [+1 \(224\) 501-3412](tel:+12245013412) and using access code 248-928-309. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the open session portion of the meeting will be made available on the Town's website as soon as possible.

1:00 p.m. APPOINTMENT Pine Grove School Construction Project Owner's Project Manager Larry Berger of Pinck/Anser Advisory to discuss the following:

- 1) Outstanding construction issues from punch list and Frank Janvrin's list
- 2) Request to increase Owner's Project Manager's contract
- 3) Weed issue in the ballfield at the Pine Grove School

Chairman Pierce read the following:

Outstanding construction issues from punch list and Frank Janvrin's list

At the July 13 meeting Larry Berger told the Board that the contractor would be on site next week (week of July 20). On July 23, 2020, Debbie was informed by Acting Principal Nicole LaPerriere that the contractor told PGS Custodian Frank Janvrin that he would be on site on Tuesday (July 28) and that there would be three workers. Could Larry confirm that the work will start on Tuesday, July 28 and as estimated end date?

Andraya Lombardi said she believes they will be on site as of Tuesday. Harvey Eskenas of WT Rich they will be there tomorrow. Larry Berger said they will be

beginning tomorrow and will be there until completion. He said he will do a site visit each Friday.

Pierce continued:

Weed issue in the ballfield at the Pine Grove School

The Parks and Recreation Committee has been raising concerns over the amount of weeds in the infield of the ballfield. Brad Dore told Debbie on July 23, 2020 that the contract doesn't cover maintenance of the infield because it is sand. He told Debbie that he spoke with WT Rich who offered to work on the weeds, though they were not obligated to do so. This work would be done on this past Saturday or today.

Harvey and Larry said they are unsure of the status of the weeds. Pierce said the outfield looks great but the infield is another matter. He said it is not a big job to address this. Berger said the infield is not a carpet of weeds, and WT Rich has agreed to address this.

Joe Haley said the weed issue was raised at the beginning of July, the work to address this has been stalled, and the season will be over in a couple of weeks. He said he is disgusted. He said the contract says WT Rick will maintain the field, and the infield is part of the field. He said the corrective work hasn't been done in three weeks.

Harvey said the specifications don't call for weed control in the infield. Berger said the contract calls for maintaining the turf only and doesn't say anything about the infield material. He said they have been maintaining the turf and they will continue to do so through the end of the month. Pierce said we interpret the contract to cover the whole ballfield, which includes the infield. He said WT Rich has agreed to take care of the weeds. Harvey agreed they said they will do this.

Pierce continued:

Request to increase Owner's Project Manager's contract

This item was on the July 13 meeting agenda. No action was taken by the Board. Vice Chairman Perry requested that it be put on this meeting agenda.

Pierce said the contract increase is an additional \$55,000. He said Town Counsel Mullen reviewed this and concluded there is no basis to pay this. Berger said the increase is \$43,000 and reflects the time of the Clerk of the Works for starting the project two and a half months early. He said the decision to start the project early required Pinck to begin monitoring the activities. He said the time for this was over and above what they originally envisioned when they put the proposal together. Pierce said the contract required the OPM to provide services from the beginning to the end of the project, and an early start should equal an early end.

Berger said the budget is based on a schedule, the Town asked to elongate the schedule, and they are asking for these costs to be compensated. Pierce said they have been compensated. Lombardi said the contracts are based on dates.

Ziev said she agrees with Pierce and Town Counsel's assessment. Perry and Snow said they agree with Tom Mullen. Lombardi asked if she can see Mullen's response, and if the Board would consider another written response. Pierce said we will send Lombardi Mullen's response and will consider their written response.

GENERAL BUSINESS

1. Letter of resignation from Reserve Communication Specialist Hellen Infante

Chairman Pierce read the resignation letter.

Bob Snow made a motion to accept this resignation with regrets, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye. Deana Ziev – ABSTAINED

2. Request from Police Chief Scott Dumas to appoint Grace Cohen as Reserve (Per Diem) Communication Specialist

Bob Snow made a motion to appoint Grace Cohen as Reserve Communications Specialist, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye. Deana Ziev – ABSTAINED

3. Sign collective bargaining agreement with Teamsters Local 170

Chairman Pierce read the memo from Deborah Eagan regarding the collective bargaining agreement with Teamsters Local 170.

Bob Snow made a motion to sign the collective bargaining agreement with Teamsters Local 170, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

4. Request from Council on Aging Director Brienne Walsh to have Ray Gouley of the Regional Light Board hold an outdoor lawn talk in the Annex back lot in August for seniors

Chairman Pierce read the request. Eagan said they have requested to move the proposed date from Wednesday August 5th to Tuesday August 18 at 10:00 a.m.

Bob Snow made a motion to approve this request for the new date, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

5. Request from the Highway Surveyor and the Cemetery Board to lift the hiring freeze for Highway/Cemetery Laborer position

Joe Perry made a motion to lift the hiring freeze for the Highway/Cemetery Laborer position, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

NEW BUSINESS

1. Review application submitted by the Rowley Veterans Association for restaurant temporary outdoor seating and liquor license expansion

Chairman Pierce read the following:

The Rowley Veterans Association has filed an application for Restaurant Outdoor Seating and Liquor License Expansion.

Veterans Clubs can re-open under Phase 2 if the organization is providing seated service of food prepared on-site under retail food permits issued by the municipality, and following restaurant protocols. (See attached.) ABCC has advised municipalities that veterans' clubs follow the ABCC Advisory Approval of Outdoor Seating. (See attached.)

Health Director Frank Marchegiani confirmed that the RVA has a food service permit. A copy of it is attached. Frank wrote the following to Amy:

Hi Amy,

Please see attached 2020 food permit for the RVA we talked about earlier. This current food permit is in place to cover the food related items in the bar area and the equipment in the upstairs function room. This existing permit would cover the hot dogs, cheese and crackers, and other pre-packaged non-potentially hazardous foods that are proposed to be served if this application is approved. The Health Department does not have any concerns with this proposal and has also reviewed and approved their COVID-19 Control Plan.

Thank you,

Frank

The application indicates that they plan to have four to five tables set up 6-feet apart with a 6-person person maximum at a table and that the area will be roped off.

If the Board approves the application, the vote needs to be a roll call vote.

Eagan said upon reviewing this, it was submitted to the Health Department and has not yet been reviewed by the Police Chief, Fire Chief or Building Inspector. She said it is important for these departments to review this for safety. Pierce said we can approve this conditionally upon their approval.

Petersen said he is reluctant to approve this as presented. He said we have been adamant about them not having outside operations. He said this is a residential neighborhood, and he is concerned about the noise level. He said if this is approved, there should be time limits, such as until 8:00 or 9:00 p.m. He asked if they are proposing having 25 people inside and 25 people outside.

Caroline Jean said she is the manager of the RVA and she submitted the application. She said no to Petersen's question. She said during normal times when they are busy they may have 15 to 20 people at any time. She said they are offering the outside for those who are not comfortable coming inside. She said they will remove barstools and seat them outside. She said they are planning to reduce their hours anyways and an 8:00 or 9:00 p.m. closing time would be fine. She said they plan to open later at 2:00 p.m. She said they still have a lot of work to do to construct the outside area. She said she started the process with Ken Ward, then spoke with Frank Marchegiani about the food piece since that was an important part of the application. She said they are looking to start this at the end of August or beginning of September, and they plan to start slow and see how it goes.

David Zizza said he is an abutter who lives at 29 Bradford Street. He said a couple of years ago Caroline made an overture to expand to the outside, and he and other neighbors signed a petition against this. He said in reading the Governor's Order #35, he views the RVA as being a bar looking to serve hot dogs and cheese and crackers to fit into this category for re-opening. He said this application is not in accordance with the order or with the spirit of the neighborhood.

Caroline Jean said they aren't trying to go around anything, and they aren't looking to continue any outdoor expansion. She said she understands that they would need to keep the noise level down, and that she is not the prior management of the RVA. She said she wants to work with the neighbors, there will be no music. She said they have employees counting on this as a job, and they are trying to work with the Town and the neighbors. She said they have shown over the past year that they are respectful to the neighbors and there haven't been any noise issues.

Ziev said the process for applying for this is confusing. She asked if the outdoor seating could be moved away from the residential areas. Caroline Jean said they can move it back where the horseshoe pits are and block the parking. Ziev said the drawing makes sense, she understands that this is challenging for the abutters, but also understands that there are people who have a job to do. She said she thinks this should be conditionally approved from 2:00 p.m. to 8:00 p.m., with the agreement that the area be moved away from the residential area and that there will be no music, and that this is for the COVID emergency only.

Petersen said the primary seating should be inside, and the number of tables outside could be reduced to four, with two tables on each side of the door. He said this would serve as overflow seating rather than outdoor seating. He said this should be allowed

until September 30th. He said this should be a good compromise, and people should be encouraged to sit indoors as much as possible.

Caroline Jean said they are thinking of doing this starting in the middle to the end of August. She asked if the Board could review this at the end of August and then consider extending the time later, depending on the weather. Petersen said the inside can be open the regular hours, and the Board can review this in approximately 30 days to see if this should be extended to October 15th.

Joe Perry made a motion to approve this application with four tables, not six tables subject to the following conditions:

Hours of operation to be from 2:00 p.m. until 8:00 p.m.;
No outdoor music is allowed;
This is allowed until October 15th
Subject to approval by the Police Chief, Fire Chief and Building Inspector

Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

2. Authorize Town Administrator to sign the Community Compact Grant paperwork

Chairman Pierce read the following:

We applied for and have been awarded a \$15,000 Community Compact grant to develop a Workplace Safety Program. This program will assist the Town in complying with and implementing safety measures to meet the OSHA requirements that now apply to Massachusetts municipalities under the Massachusetts Workers' Safety Legislation. These funds will allow the Town to hire a consultant to provide technical assistance in creating Workplace Health and Safety Guidelines in order to develop the program. The Department of Revenue has designated Debbie as the grant manager and she is listed on the paperwork.

We need the Board of Selectmen to vote Town Administrator Deborah Eagan as an authorized signatory on the grant paperwork. Chairman Pierce needs to sign on the Contractor Authorized Signatory sheet in the designated area.

Bob Snow made a motion to authorize Deborah Eagan to sign the grant paperwork, Dave Petersen second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

OLD BUINSESS

1. Update on Annex interior painting project

Chairman Pierce read the following:

Amy has been working with COA Director Brienne Walsh on the painting the walls in the Senior Center.

The COA Board would like a pale yellow color for the trim and wainscoting in the main room in the Senior Center and an eggshell color for the walls, if we can include that within the budget.

Does the Board have any issues or concerns with the paint colors?

The Board did not have any concerns.

2. Letter from the Friends of the Council on Aging requesting permission to replace the bench on Central Street near the Town Hall Annex and to dedicate the new bench in memory of Gerry Roberts

Chairman Pierce read the following:

This agenda item was carried over from last week. The Friends of the COA provided the attached copy of the bench specifications. Debbie sent it to Highway Surveyor Patrick Snow to review.

His comments are as follows:

Good Morning Debbie,

My only concern is that this style bench isn't secured to anything and is quite light. Therefore very easy for someone to steal and or possibly vandalize. However if this is what is chosen we can certainly install it. If you or the Selectmen have any other questions please let me know.

Thanks

*Patrick Snow
Highway Surveyor/Tree Warden
Rowley Highway Department
Office: 978-948-2441*

How does the Board wish to proceed?

Petersen said he agrees with Patrick Snow. He said the bench will be easy to damage or to steal, these benches are made for use by homeowners, and they require a lot of maintenance. He said he is not objecting to this, but the bench's weight and the inability to secure the bench is an issue.

Bob Snow made a motion to approve this request, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

MINUTES

- June 18, 2020

Bob Snow made a motion to approve the minutes of June 18, 2020, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

- June 29, 2020

Bob Snow made a motion to approve the minutes of June 29, 2020, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

- July 1, 2020

Bob Snow made a motion to approve the minutes of July 1, 2020, Dave Petersen second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

- July 1, 2020 – Executive Session

Bob Snow made a motion to approve the minutes of July 1, 2020 Executive Session, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye. Deana Ziev – ABSTAINED.

- July 13, 2020

Bob Snow made a motion to approve the minutes of July 13, 2020, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye; Deana Ziev – aye.

ANNOUNCEMENTS

1. There are vacancies on the Conservation Commission and Open Space Committee. If you are interested in serving on one of these boards, please contact the Selectmen's Office at 948-2372.
2. The Health Department is reminding the public to wear face coverings in indoor public places and outdoors when you are not able to social distance.

ADJOURN

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Deana Ziev second, all in favor – aye- roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Meeting adjourned at 1:48 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Remote Meeting link and call-in information for meeting
2. Meeting memo regarding 1:00 p.m. Appointment: Pine Grove School Construction Project Owner's Project Manager Larry Berger of Pinck/Anser Advisory to discuss the following: Outstanding construction issues from punch list and Frank Janvrin's list; Request to increase to increase Owner's Project Manager's contract; Weed issue in the ballfield at the Pine Grove School
3. Pine Grove School project punch list
4. Meeting memo from July 13, 2020 meeting regarding Old Business #2: Review Town Counsel Thomas Mullen's response to a request from Pinck/Anser Advisory for an increase in its Owner's Project Manager's contract for the Pine Grove School Construction Project
5. Email from Tom Mullen regarding Request by OPM for Contract Amendment, including attached email
6. Request from Pinck/Anser Advisory for an increase in its Owner's Project Manager's contract for the Pine Grove School Construction Project
7. Email communications regarding weeds at Pine Grove School Softball Field
8. Letter of resignation from Reserve Communication Specialist Hellen Infante
9. Request from Police Chief Scott Dumas to appoint Grace Cohen as Reserve (Per Diem) Communication Specialist
10. Memo from Debbie to Board of Selectmen regarding Updated Fire Union CBS
11. Collective Bargaining Agreement with Teamsters Local 170
12. Request from Council on Aging Director Brienne Walsh to have Ray Gouley of the Regional Light Board hold an outdoor lawn talk in the Annex back lot in August for seniors
13. Request from the Highway Surveyor and the Cemetery Board to lift the hiring freeze for Highway/Cemetery Laborer position
14. Meeting memo regarding New Business 1: Review application submitted by the Rowley Veterans Association for restaurant temporary outdoor seating and liquor license expansion
15. State re-opening guidelines for Fraternal Orders and social clubs, including veterans' groups
16. ABCC advisory regarding Local Licensing Authorities' Approval of Outdoor Seating
17. Email from Frank Marchegiani regarding RVA Food Permit, including attached permit
18. Application submitted by the Rowley Veterans Association for restaurant temporary outdoor seating and liquor license expansion

19. Meeting memo regarding New Business 2: Authorize Town Administrator to sign the Community Compact Grant paperwork
20. Email from Frank Gervasio regarding Community Compact Grant, including attached Community Compact Grant paperwork
21. Letter from Lieutenant Governor Karyn Polito regarding Community Compact Grant
22. Meeting memo regarding Old Business 1: Update on Annex interior painting project
23. Meeting memo regarding Old Business 2: Letter from the Friends of the Council on Aging requesting permission to replace the bench on Central Street near the Town Hall Annex and to dedicate the new bench in memory of Gerry Roberts
24. Specifications for proposed bench
25. Letter from the Friends of the Council on Aging requesting permission to replace the bench on Central Street near the Town Hall Annex and to dedicate the new bench in memory of Gerry Roberts
26. Email from Highway Surveyor Patrick Snow regarding Friends Rowley COA – bench request
27. Meeting memo regarding Minutes on agenda for approval
28. Meeting memo regarding Announcements