

MINUTES OF THE BOARD OF SELECTMEN

March 28, 2022

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:01 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.

6:00 p.m. APPOINTMENT Conservation Agent Brent Baeslack to discuss request for comments on Dodge Reservation access

Conservation Agent Brent Baeslack said the request is to allow the developer of the Falcon Ridge development to use Smith Lane conservation land to access parcel 3 lot C, known as the "orchard parcel" to create walking trails. He said they will be resurrecting the historical Smith Lane route with a wood chip base path. He said the Girl Scouts didn't buy all the property that Smith Lane was built through, so they made their own dirt road bypass, which commercial vehicles can't use because it is too steep. He said this request to use Town owned land was circulated to department heads for review and there were no concerns. He said Eagan provided recommendations for insurance certificates to be provided by the developer, which they will forward to the developer. He asked the Board if they have any concerns or comments.

Chairman Pierce read the following:

Debbie contacted the Town's insurance carrier and they are recommending that the developer provide the following insurance certificate and to also have Town Counsel review the contract or agreement stipulating the conditions.

Dave Petersen made a motion to approve this request with the conditions that the insurance recommendations are required and that the contract/agreement with the developer is reviewed by Town Counsel, Bob Snow second, all in favor - aye (5-0).

GENERAL BUSINESS

1. Letter of resignation from part-time dispatcher Dorothy Tobin

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

6:05 P.M. TO 6:10 p.m. PUBLIC COMMENT

There were no public comments.

GENERAL BUSINESS

2. Letter of resignation from Temporary Cemetery Supervisor/Laborer Samuel Spinhirn

Chairman Pierce read the following:

Samuel Spinhirn has submitted his resignation. His last day is May 27, 2022. The Board needs to vote to accept his resignation.

Joe Perry made a motion to accept this resignation with regrets, Deana Ziev second, all in favor - aye (5-0).

3. Request from Patricia Cummings of the North Shore Montessori School in Rowley to hang poetry on Town Common trees

Chairman Pierce read the following:

We received a request from Patricia Cummings of the Montessori school to hang poetry on the trees on the Town Common as part of Poetry Month. They have requested this in the past.

Good afternoon,

My name is Patricia Cummings and I am the upper Elementary teacher at NSMS in Rowley, MA. In 2019, we were able to hang poetry we created (approved by the Rowley Board) in the town common. We were hoping to be able to celebrate Poetry Month in April by creating poetry and images to be hung on trees and share them with the community of Rowley again.

My email is paddy.nsms@gmail.com. We would love to have approval from the Board of Selectmen. Can you please advise me with the next steps.

Thank you,

Paddy

Tree Warden Patrick Snow has reviewed this request. Please see his response below:

Hi Debbie,

I don't have any objections however, the items need to be secured in a manner that they can not be blown off due to the weather or cause any damage to the trees.

Thank you,

Patrick Snow

Highway Surveyor/Tree Warden

Does the Board wish to approve this request with Patrick's condition?

Perry said he is concerned that this may damage the trees.

Deana Ziev made a motion to approve the request with the conditions that the items need to be secured in a manner that they can not be blown off due to the weather or cause any damage to the trees, and that the young trees near the gazebo are not used, Joe Perry second, all in favor - aye (5-0).

NEW BUSINESS

1. Rowley Municipal Lighting Plant 2022 Payment in Lieu of Taxes Notice

Chairman Pierce read the following:

The Board of Light Commissioners voted to issue a PILOT Payment to the Town of \$20,956.40, which is the FY 22 Street Light cost. The Light Department will not be billing the Town for this year's street light costs. This balance will become unexpended revenue when we close the books on June 30.

Does the Board wish to accept the PILOT in the amount of \$20,956.40 and to issue a letter of thanks to the Light Board? If so, the vote needs to vote to accept it.

Dave Petersen made a motion to accept the PILOT in the amount of \$20,956.40 and to issue a letter of thanks to the Light Board, Bob Snow second, all in favor - aye (5-0).

2. Discuss Small Bridge Grant Application letter of support

Chairman Pierce read the following:

Highway Surveyor Patrick Snow wants to apply to the State Municipal Small Bridge grant program again for the replacement of the Glen Street Bridge. The application program requires a letter of support from the Board of Selectmen.

If the Board is in agreement, the Board needs to vote on the following:

- *support the filing of the grant application;*
- *approve the attached letter;*
- *authorize Chairman Pierce to sign the letter.*

Dave Petersen made a motion to support the filing of the grant application, approve the attached letter and authorize Chairman Pierce to sign the letter, Bob Snow second, all in favor - aye (5-0).

3. Discuss Town Meeting quorum requirement under COVID-19 public health emergency legislation

Chairman Pierce read the following:

The State extended the open Town Meeting quorum requirements in legislation signed by Governor Baker last February. The law allows boards of selectmen, in consultation with the Town Moderator, to lower the quorum requirement for open town meetings this year only to not less than 10% of the existing quorum level. We did this last year because of COVID concerns. The Board voted to lower the quorum to 40.

Is the Board interested in doing this for the May 2, 2022 due to COVID concerns? If so, the Board will need to discuss this with the Town Moderator at an upcoming meeting. The law requires this discussion to be published in the form of a "Notice." Last year we published the notice on the website and in the newspaper. This notice must be issued not less than seven days before the Board of Selectmen votes. If the Board would like to do this, Debbie recommends that we contact Town Moderator Tom Amoroso and ask him to attend the April 11, 2022 meeting. The notice will need to be published before April 4, 2022.

The Board agreed to reduce the quorum and discuss this at the April 11, 2022 meeting at 6:30 p.m.

OLD BUSINESS

1. Award Town Hall weatherization and insulation contract as part of the Green Communities Designation Grant

Chairman Pierce read the following:

As part of the Green Communities Designation grant project, we requested quotes from contractors to weatherize and insulate the attic and basement of Town Hall. One contractor responded to the request for quote, T4 Construction Co. out of Salem, MA. The quote was in the amount of \$26,500, which aligns with the estimated project cost in the Energy Reduction Plan. The references for the contractor were all positive and stated that they would work with T4 Construction again.

The Board needs to vote to award a contract with T4 Construction Co. for the weatherization and insulation project in the amount of \$26,500 and to authorize Chairman Pierce to sign the contract documentation.

Dave Petersen made a motion to award a contract with T4 Construction Co. for the weatherization and insulation project in the amount of \$26,500 and to authorize Chairman Pierce to sign the contract documentation, Bob Snow second, all in favor - aye (5-0).

FY 23 BUDGETS

1. Board of Assessors

Dave Petersen made a motion to rescind the vote of March 21, 2022 to approve the Board of Assessors FY 23 budget, Bob Snow second, all in favor - aye (5-0).

Dave Petersen made a motion to approve the Board of Assessors FY 23 budget, Deana Ziev second, all in favor - aye (4-0). Bob Snow - ABSTAINED

2. Town Clerk

Town Clerk Catie McClenaghan said she has submitted an Issues and Options form to increase the Assistant Town Clerk's hours by 8 hours per week. She said she is removing the hours for the Administrative Assistant position, which is currently vacant, and said the work that needs to be done can't be done by an Administrative Assistant.

Joe Perry made a motion to approve the Town Clerk FY 23 budget, Bob Snow second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

3. Board of Registrars

Town Clerk Catie McClenaghan said there are no changes and they have a full Board.

Joe Perry made a motion to approve the Board of Registrars FY 23 budget, Deana Ziev second, all in favor - aye (5-0).

4. Election

Town Clerk Catie McClenaghan said there will be three elections this year: State Primary in September, State Election in November and the Town Election in 2023.

Joe Perry made a motion to approve the Election FY 23 budget, Bob Snow second, all in favor - aye (4-0). Dave Petersen - ABSTAINED

5. Constables

Town Clerk Catie McClenaghan said there are no changes.

Bob Snow made a motion to approve the Constables FY 23 budget, Deana Ziev second, all in favor - aye (5-0).

McClenaghan said nobody is running for the vacant Constable position. She said Constable McDonald said he is willing to be appointed to the position until a replacement can be found, and she will bring this back to the Board after the election.

6. Fire Department

Acting Fire Chief Mark Emery said he has prepared two versions of the budget as requested, one with three people on a shift and one with four people on a shift. Perry said the Town has grown and we do need four people on a shift. Emery said three people on a shift works great without any employee absences. He said he prepared the calendar to explain the shifts and how they work. He said with four people on duty, the

overtime costs decrease by \$6,310, but the overall cost is higher. He said with two additional people, the additional cost is \$36,596.44, which reduces the need for overtime. He said the shifts are difficult to fill with call firefighters who aren't available during the day, and it is a burden for the full-time firefighter to cover these shifts after working 12 hour shifts. He said it is great to have this extended coverage and eventually we will need to have 24 hour coverage. He reviewed the expense categories in the budget that are increasing including apparatus maintenance, dues and publications, fuel, medical supplies, uniform costs and utilities.

Petersen said the Board needs to set the pay rate for the Chief before the budget can be approved. He said the Department is changing with people leaving, retiring and the addition of two new firefighters. He said the new Chief will need to be responsible for rebuilding the Department. Eagan said the pay range for the position is \$88,301 to \$101,184. Petersen said he recommends funding the position at the maximum amount of \$101,184, and the chosen Fire Chief will have an employment contract. Perry agreed.

Dave Petersen made a motion to fund the Fire Chief position with \$101,184.48, Joe Perry second, all in favor - aye (5-0).

Petersen said we need four people on each shift and the current employees are over worked. He said the only option is to go with four people on a shift and to hire two additional firefighters. He said the Town is growing and the Department is having a lot of turnover. Snow said there are safety issues with full time staff covering shifts and working 12 hours shifts for six or seven days in a row.

Dave Petersen made a motion to approve the budget with four people on duty with the Chief's salary of \$101,184.48 for FY23, Bob Snow second, all in favor - aye (5-0).

Emery asked if a member of the Board can meet with him to review the numbers to finish FY22, and said there will be a significant shortfall due to covering shifts and retirements. Bob Snow said he will stop into the Fire Station to review the numbers.

7. Rowley Emergency Management Agency

Dave Petersen made a motion to approve the Rowley Emergency Management Agency FY 23 budget, Bob Snow second, all in favor - aye (5-0).

8. Council on Aging

Council on Aging Director Ellie Davis said they are working on services around food and transportation. She said the Ring & Ride service will help a lot, and they also use NEET, but it is hard to find volunteers in the Rowley area. She said the staff has been filling this void and she has submitted an issues and options to increase the van driver's hours from 10 to 15, which is a \$5,785 increase. She said they won't always use these extra hours each week, but it provides a cushion. She said she is also requesting an

increase to the Activity Director's hours for 3 hours per week, which is a \$3,411.72 increase, to allow for the planning and finding volunteers to serve additional meals being provided by Age Span. She said the copier expense was understated in error in the past at \$3,588, and she is increasing this to match the correct amount of \$7,390. She said other expense lines have been adjusted to absorb this change in the copier expense line, so there is no overall increase.

Snow said the seniors have done so much over the years and we need to be there for the seniors. He said Rowley will be a test Town for the Ring & Ride program in the next two weeks before this is launched in the rest of the region. He said senior cards are also an option for the MBTA.

Bob Snow made a motion to approve the Council on Aging FY 23 budget, Deana Ziev second, all in favor - aye (5-0).

9. Town Veterans Committee

Bob Breaker said he is asking for an increase from \$1,800 to \$2,500. He said the cost of flags has increased dramatically. He said they pay \$1,000 for the Memorial Day flags, and the 75% reimbursement that we get from the State goes back into the General Fund. Has said the flag on the Town Common cost \$700, and they are taking over the flag in the small green area on the corner of Central and Cross Streets. He said the Saunders family will raise and lower that flag when the Town raises and lowers the other flags, and the pole will be painted and trees around it will be trimmed.

Dave Petersen made a motion to approve the Town Veterans Committee FY 23 budget, Deana Ziev second, all in favor - aye (4-0). Bob Snow - ABSTAINED

Petersen thanked Breaker for taking care of raising and lowering the flags and said he does a wonderful job. Breaker said the Boy Scouts will be doing a project to audit the number of veterans in the Rowley Cemetery, and he believes there are over 500 veterans there. He said we also need to look into raising the veteran grave markers at some point because many have sunk into the ground. He said the memorials in front of Town Hall will be worked on soon, along with the new plantings.

MINUTES

- March 7, 2022 Executive Session

Joe Perry made a motion to approve the March 7, 2022 Executive Session minutes, Dave Petersen second, all in favor - aye (3-0). Bob Snow – ABSTAINED; Deana Ziev – ABSTAINED

- March 14, 2022 Executive Session

Joe Perry made a motion to approve the March 14, 2022 Executive Session minutes, Bob Snow second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

- March 14, 2022

Bob Snow made a motion to approve the March 14, 2022 minutes, Dave Petersen second, all in favor - aye (5-0).

- March 21, 2022

Joe Perry made a motion to approve the March 21, 2022 minutes, Bob Snow second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

ANNOUNCEMENTS

- The Town has the following board vacancies:
 - **Board of Health.** Interested residents should send a letter of interest to the Board of Selectmen by April 5, 2022
 - **Conservation Commission.** Interested residents should send a letter of interest to the Board of Selectmen by March 31, 2022
 - **Open Space Committee.** Interested residents should send a letter of interest to the Board of Selectmen by March 31, 2022
- The Rowley Board of Health would like to remind residents and employees that although COVID-19 cases are minimal right now, some towns have seen outbreaks in populations where close contact is inevitable. We recommend that residents continue to be cautious in resuming their day-to-day activities.
- Town Meeting will be held on Monday, May 2, 2022 at 6:30 p.m. at the Pine Grove School

ADJOURN

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

Meeting adjourned at 6:55 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 6:00 p.m. Appointment: Conservation Agent Brent Baeslack to discuss request for comments on Dodge Reservation access
2. Email from Brent Baeslack regarding Request for comments Access through Dodge Reservation for Trail Construction, including attached pdf files
3. Meeting memo regarding General Business #1: Letter of resignation from part-time dispatcher Dorothy Tobin

4. Letter of resignation from part-time dispatcher Dorothy Tobin
5. Meeting memo regarding General Business #2: Letter of resignation from Temporary Cemetery Supervisor/Laborer Samuel Spinhirn
6. Letter of resignation from Temporary Cemetery Supervisor/Laborer Samuel Spinhirn
7. Meeting memo regarding General Business #3: Request from Patricia Cummings of the North Shore Montessori School in Rowley to hang poetry on Town Common trees
8. Request from Patricia Cummings of the North Shore Montessori School in Rowley to hang poetry on Town Common trees
9. Email from Patrick Snow regarding PoeTREE Month for North Shore Montessori
10. Meeting memo regarding New Business #1: Rowley Municipal Lighting Plant 2022 Payment in Lieu of Taxes Notice
11. Rowley Municipal Lighting Plant 2022 Payment in Lieu of Taxes Notice
12. Meeting memo regarding New Business #2: Discuss Small Bridge Grant Application letter of support
13. Small Bridge Grant Application letter of support
14. Meeting memo regarding New Business #3: Discuss Town Meeting quorum requirement under COVID-19 public health emergency legislation
15. MMA article titled, "Gov. Baker signs COVID bill with public meeting provisions"
16. Chapter 92 An Act Relative to Municipal Governance During the COVID-19 Emergency
17. Meeting minutes excerpt from April 5, 2021 regarding Town Meeting Quorum
18. Notice published in Newburyport Daily News on March 29, 2021 regarding Town Meeting Quorum
19. Notice posted on Town of Rowley website regarding Town Meeting Quorum
20. Notice posted with Town Clerk regarding Town Meeting Quorum
21. Meeting memo regarding Old Business #1: Award Town Hall weatherization and insulation contract as part of the Green Communities Designation Grant
22. Completed Bid Price Form submitted by T4 Construction Co. LLC for Town Hall weatherization and insulation project
23. Meeting memo regarding FY 23 Budgets
24. Meeting memo regarding FY 23 Assessors budget
25. Town Clerk draft FY 23 budget
26. Board of Registrars draft FY 23 budget
27. Election draft FY 23 budget
28. Constables draft FY 23 budget
29. Fire Department draft FY 23 budget
30. Rowley Emergency Management Agency draft FY 23 budget
31. Council on Aging draft FY 23 budget