

## **MINUTES OF THE BOARD OF SELECTMEN**

May 4, 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 1:02 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 meeting in real time. Persons who wish to do so are invited to watch the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at [www.townofrowley.net](http://www.townofrowley.net) or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/435890133> or you can also dial in using your phone by calling [+1 \(646\) 749-3112](tel:+16467493112) and using access code 435-890-133. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the meeting will be made available on the Town's website as soon as possible.

**1:00 p.m. Appointment** Board of Health Chairman Charles Costello and Health Director Frank Marchegiani for COVID-19 update

Board of Health Chairman Charles Costello updated the Board on the following:

- The Board of Health has issued an order that requires social distancing and the use of masks by people in public places. He said the order has been implemented and they have distributed signs to 35 businesses to be posted on their doors. He said the businesses for the most part have been appreciative and agreeable. He said so far they have seen good compliance with the order and the State has made a similar order. He said according to the Market Basket manager before the order, 10% of the customers didn't wear masks, but now since the order, 99.9% of the customers are wearing them. He said this is a good sign that people and businesses are cooperating. They have investigated a few complaints, and they are visiting businesses to check that they are in compliance.

Health Director Frank Marchegiani updated the Board on the following:

- Rowley has a total of 25 cases, 9 are active and 16 are out of quarantine. He said the numbers have decreased by one because a person was included who no longer lives in Rowley, but his last known address was in Rowley. He said the State website number doesn't always exactly match, the numbers change by the hour, but they are usually within one or two cases.
- They have been investigating complaints daily.
- They are waiting for guidance from the State about camps.
- They are working with the Town Clerk on the election.
- There will be discussion about Town Hall and the Library re-opening.
- They are working with the COA who has donations of masks and if there is a hardship case, they can contact the COA for a mask. They have a limited supply.

Chairman Pierce asked if the order is only for inside stores and not outside. Costello said it only applies to going into a building with a group of people. Marchegiani said the State's ordinance will require the use of masks during outdoor activities where people are within six feet of each other.

## **NEW BUSINESS**

1. Discuss Notice of Intent and Stormwater Applications for the intersection of Taylor Lane and Wethersfield Street

Chairman Pierce asked Vice Chairman Joe Perry to take over for this agenda item because he has a conflict of interest as an abutter to the development.

Vice Chairman Perry read the following:

*In October 2018, the Board of Selectmen voted to authorize Taylor Lane LLC to propose work on the public right of way at the intersection of Taylor Lane and Wethersfield Street for a proposed three-way stop; that the authorization is for the permit phase only.*

*Last week, the Conservation Commission received NOI and Stormwater applications, which were forwarded to Debbie. Debbie noticed that the application forms were not completed correctly. Attorney Jill Mann called Debbie and re-filed the attached applications, which are: Notice of Intent, Wetlands Bylaw and Stormwater.*

*Pursuant to the vote of October 15, 2018, the Board of Selectmen will need to review all proposed development plans and applications pertaining to the construction of the three-way intersection. The Town of Rowley owns the road, but is allowing the developer to do the construction at his cost. We need to make sure that the Town has an engineer, such as Larry Graham reviewing all the applications before they are filed.*

*Debbie asked Town Counsel Tom Mullen to provide a list of items that the developer will need to provide to the Board of Selectmen. There are several things that need to be addressed before these applications are filed. Please review the list below.*

Eagan said the Town's attorney has outlined some things that should be done, but some of the first things are to have a peer review of the applications and on the land use approval, the ownership interest should be set forth in the applications and the Selectmen should authorize someone to sign them. Petersen asked what exactly is involved in a peer review. Eagan said this is number three on Mullen's list. She said the Town does not have an in-house engineer, typically the Planning Board and the Conservation Commission use Larry Graham. She said the company would review submittals by the applicant and would see if they agree with the means and methods of construction.

Jill Mann said she is the attorney for the applicant and she can answer some questions. She said the project is undergoing peer review now. She said Graham did the initial review for the Special Permit but has opted out of the peer review for this process, which is the subdivision approval, because it is too much work. She said the Planning Board and the Conservation Commission hired VHB as a competent third party engineer. She said VHB provided comments which she can send to Eagan, but they thought it was a good idea to update the intersection and improve it as shown on the plans. She said the NOI application shows where the work will be and has details on it. Petersen said someone should let the Board of Selectmen know about this, and should send the information to the Board so that the Board can review it. Mann said she can send it, but the Town has hired and paid for this review. Eagan said there has been nothing submitted to the Selectmen's office since 2018 on this. She said we should have a letter from VHB saying that they have reviewed the applications that were sent to us on Friday. Mann said she will send a letter over. Eagan said we want a letter from VHB that says they reviewed the applications that Mann sent on Friday. Perry asked if the arrangement with VHB was set up through the Planning Board. Mann said yes and she believes Planning Board Chairman Chris Thornton came before the Board of Selectmen. Petersen said the Selectmen are not being copied on the information as it is coming in so they are ready for when the time comes for a final vote. Mann said this was reviewed by the Highway, Police and Fire departments. Petersen asked why the Selectmen were not copied on this. Eagan said the only applications for the intersection that we have, excluding the development plans, are the NOI, Stormwater and Wetlands Bylaw with the Town as the applicant. Mann said she changed the applications to Taylor Lane as the applicant. Eagan said we need our attorney to review the applications now that they have changed, and we need something from VHB to review. She said this could have been addressed weeks ago if we knew about the process that had been moving forward. Mann said the subdivision approval and final construction plans are not final, there are only conditions. Mann said there has been no real movement on those applications, only on these applications. Petersen said this is a major change to the intersections and many residents may have an interest. He said the plans should be made available for review before the final hearing so they aren't upset with how the intersection has been redrawn. Perry asked if the Board would like to postpone taking action on this. Eagan said we should wait for the letter from VHB that they have reviewed the applications that Mann prepared, and the plans submitted and that they are fine with it. Eagan said we also need to wait for Town counsel to review this. She suggested that the Board wait a week on this item. Mann said she will

send the letter from VHB out today, but they haven't looked at the application, but they did look at the street modifications. Eagan asked that VHB update the letter with their comments on the review of these applications. Petersen asked if a copy of the proposed intersection drawing can be displayed at the meeting next week. Mann said she sent a pdf copy of the drawing to Eagan this morning, and she held up the drawing. Petersen said that is the drawing that should be shown next week. Mann said she will also send to Eagan the comments from the Rowley Department Heads on this intersection.

Vice Chairman Perry turned the meeting back over to Chairman Pierce.

### **OLD BUSINESS**

1. Discuss FY 21 Omnibus Budget and review the following budget: and Parks and Recreation Committee

Chairman Pierce read the following:

#### ***FY 21 Parks and Recreation Budget – REVISED BUDGET***

*During last week's meeting when the Board took up the Parks and Recreation Committee budget it was not clear that the Board was voting on the revised budget, because it was not included in the packet.*

*Debbie is asking the Board to re-vote the budget, and to approve the "revised" lower budget amount.*

*Last week, the Board of Selectmen had the Parks and Recreation Committee budget on the agenda. The budget in the meeting packet had a total amount of **\$54,734**. Before the meeting, Selectman Petersen and Debbie revised the budget by taking the funds in the wages line of \$3,896 and applying that to the increase needed to cover the lack of user fee revenue. The wages appropriation in that line is not tied to an actual position with a job description. The Selectmen had been keeping the line funded in anticipation of maybe adding job duties related to the playing fields to another existing Town position. We don't see that happening in FY 21. **The revised budget amount is \$50,838.***

*Please vote by a ROLL CALL vote.*

#### ***FY 21 Omnibus Budget***

*The Omnibus Budget is now complete. Please see attached.*

Bob Snow made a motion to approve the Parks & Recreation budget with a total of \$50,838, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

## 2. Review Annual Town Meeting Warrant

Chairman Pierce read the following:

*Attached is the draft Annual Town Meeting Warrant. Town Counsel Tom Mullen has reviewed the warrant articles and his changes are included. There are 27 articles, including the Omnibus Budget, which was provided in Old Business #1. There are two General Bylaw articles – the Stretch Energy Code (new) and an amendment to the Town Meeting Bylaw, proposed by the Town Clerk.*

*Debbie has also prepared an updated Town Meeting schedule.*

*Does the Board have any questions?*

Pierce said the last article, #26, about moving \$100,000 from free cash into stabilization has no explanation. Eagan said this article hasn't had an explanation for many years, but she can add one. She said she will add that passage requires a 2/3rds vote. Petersen said he thought \$200,000 was going into stabilization and \$100,000 in OPEB. Eagan said she understood that \$200,000 was going into capital stabilization, \$100,000 into OPEB, and \$100,000 into stabilization.

### **FY 20 MGL Ch. 44 § 33B(b) Budget Transfers**

- 1) Request from Town Administrator to transfer funds from Litigation to Essex Technical High School to pay for a shortfall in the FY 20 line

Chairman Pierce read the following:

*Debbie has submitted an interdepartmental budget transfer to cover the shortfall in the Essex Agricultural Technical School budget. The FY 20 budget is \$120,768 and is short by \$4,856. We have funds in the Legal line, so Debbie is suggesting that we transfer those funds to the Essex Agricultural Technical line so that she can pay the school. The invoice is attached.*

Dave Petersen made a motion to approve the MGL Ch. 44 § 33B(b) Budget Transfer to transfer \$4,856 from Litigation to Essex Technical High School to pay for a shortfall in the FY 20 line, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

### **MINUTES:** April 27, 2020 and April 29, 2020

Joe Perry made a motion to approve the minutes of April 27, 2020 and April 29, 2020, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

## **ADJOURN**

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

Meeting adjourned at 1:35 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Meeting memo regarding 1:00 p.m. Appointment: Board of Health Chairman Charles Costello and Health Director Frank Marchegiani for COVID-19 update
2. Meeting memo regarding New Business #1: Discuss Notice of Intent and Stormwater Applications for the intersection of Taylor Lane and Wethersfield Street
2. Excerpt of October 15, 2018 Board of Selectmen meeting minutes
3. Letter sent to Jill Mann regarding Intersection of Taylor Lane and Wethersfield Street in Rowley, MA dated October 17, 2008
4. Email from Tom Mullen regarding What the Town Needs at Taylor Lane / Wethersfield Street
5. Notice of Intent Application for the intersection of Taylor Lane and Wethersfield Street
6. Stormwater Application for the intersection of Taylor Lane and Wethersfield Street
7. Meeting memo regarding Old Business #1: Discuss FY 21 Omnibus Budget and review the following budget: and Parks and Recreation Committee
8. Revised FY21 Parks and Recreation Committee budget package
9. Original FY21 Parks and Recreation Committee budget
10. FY21 Budget Notes
11. FY 21 Working Draft Omnibus Budget
12. Meeting memo regarding Old Business #2: Review Annual Town Meeting Warrant
13. June 22, 2020 Town Meeting Timeline
14. Draft #3 Warrant for Annual Town Meeting June 22, 2020
15. Meeting memo regarding FY 20 MGL Ch. 44 § 33B(b) Budget Transfers: Request from Town Administrator to transfer funds from Litigation to Essex Technical High School to pay for a shortfall in the FY 20 line
16. FY 20 MGL Ch. 44 § 33B(b) Budget Transfers: Request from Town Administrator to transfer funds from Litigation to Essex Technical High School to pay for a shortfall in the FY 20 line
17. Invoice from Essex Technical High School
18. Draft minutes of April 27, 2020
19. Draft minutes of April 29, 2020

*Minutes of the Board of Selectmen Meeting*

*May 4, 2020*

*Approved June 1, 2020*