

MINUTES OF THE BOARD OF SELECTMEN MEETING

November 21, 2016

Meeting held at Town Hall, 6:45 p.m.

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

PUBLIC ATTENDEES: Donna Lawrence; Bernie Cullen; Andrew Lawrence; Diane Stephen; Jeffrey C. French; Police Chief Scott Dumas; Henry F. Rolfe

CALL MEETING TO ORDER

Chairman Perry called meeting to order at 6:45 p.m.

PLEDGE OF ALLEGIANCE

Cliff Pierce led the Pledge of Allegiance.

EXECUTIVE SESSION

Collective Bargaining Strategy

- Massachusetts Coalition of Police (MCOP) Local 360

Chairman Perry called for a motion to go into Executive Session for the following purpose: To discuss collective bargaining strategy - Massachusetts Coalition of Police (MCOP) Local 360 because an open meeting may have a detrimental effect on the bargaining position of the Town; and to return to open session. Bob Snow so moved, Dave Petersen second, all in favor - roll call vote: Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, David Petersen - aye, Robert Merry - aye.

Executive session opened at 6:49 p.m.

Executive session adjourned and open session resumed at 7:02 p.m.

Open session resumed at 7:04 p.m. Chairman Perry reminded the audience that the meeting is being audio and visually recorded digitally.

GENERAL BUSINESS

1. Request from Council on Aging Director Brienne Walsh to lift the hiring freeze for the position of Council on Aging Alternate Van Driver

Petersen asked if this is the same position that we just hired a person for. Eagan said we hired a Part Time Van Driver, and this position is the Alternate Van Driver, which is funded through the revolving account. She said this position fills in for when the Part Time Van Driver and Activities Director/Van Driver are not available. Perry read the email request.

Cliff Pierce made a motion to lift the hiring freeze for the position of Council on Aging Alternate Van Driver for two new alternates, Bob Snow second, all in favor - aye (5-0).

2. Request from Highway Surveyor Patrick Snow to lift the hiring freeze for the position of Cemetery Supervisor/Highway Department Truck Driver/Equipment Operator

Chairman Perry read the request from Patrick Snow.

Dave Petersen made a motion to lift the hiring freeze for the position of Cemetery Supervisor/Highway Department Truck Driver/Equipment Operator, Bob Snow second, all in favor - aye (4-0). Bob Merry - RECUSED.

3. Appoint Nancy Cribari to the Cultural Council

Chairman Perry read the following:

According to Local Cultural Council regulations, the Rowley Cultural Council must have a minimum of five members, but can have up to 22 members. Rowley Cultural Council currently has seven members.

Please see the attached letter of interest for appointment to the Rowley Cultural Council from Nancy Cribari, and a letter of support for her appointment from Chair Nancy Hill. If appointed, she would be the eighth member, and this would be a three year appointment, beginning on November 21, 2016, and expiring on June 30, 2019.

Dave Petersen made a motion to appoint Nancy Cribari to the Rowley Cultural Council through June 30, 2019, Bob Snow second, all in favor - aye (5-0).

CITIZEN QUERY

There were no Citizen Queries.

NEW BUSINESS

1. Review special permit application submitted by United Sign Company on behalf of Gateway II Trust of 1997 for freestanding internally illuminated sign at 414 Haverhill Street

Petersen said he has no problems with this application. Pierce said this is before the Planning Board for permitting for the sign, but the applicant is also seeking relief from the ZBA because the size of the sign exceeds the limits. Bernie Cullen asked if the light will be on a timer or if it will be on throughout the night, and what the preference of the Town would be. Pierce said this can be raised during the hearing, the application doesn't address this.

The Board had no comments for the Planning Board on this application.

2. Request from the Planning Board to send a letter to Massachusetts Department of Transportation to modify the traffic light signaling timing at Route 1/133 intersection.

Chairman Perry read the following:

Town Planner Kirk Baker has submitted an email message to the Board of Selectmen concerning the traffic light at the intersection of Route 1 and Route 133. The Planning Board is requesting the Board of Selectmen, in conjunction with the Police Chief, send a letter to Mass. DOT to modify the signal timing at this intersection. Chairman Perry will read the email message into the record.

If the Board agrees with the Planning Board, Chairman Perry will call for a motion to send the letter as requested.

Perry read the email from Kirk Baker regarding Planning Board request - Modification of signal timing at Route 1/133 intersection.

Petersen said the Board already discussed this issue when the application for this new building came up. He said for the past month, the traffic backup has been minimal, and he thinks the timing has already been adjusted. He said new footings have been poured for a new light system at the intersection. He said we should send a letter to MassDOT asking for more information on the new system and requesting that they keep the current sequencing so that traffic doesn't back up again. Snow said maybe there is less traffic due to people avoiding the intersection with the construction happening. Petersen said the Police Chief called MassDOT two to three months ago and in the last month the traffic has been much better. He said the backup goes as far as the back edge of the baseball field rather than to Daniels Road like it did in the past. Pierce said the traffic engineer documented the traffic problem and said he would discuss it with DOT officials and maybe that is why it has been adjusted. Snow said Paul Stedman from MassDOT installed the new arrow on 133 west bound within two to three days of being requested.

Dave Petersen made a motion to send a letter to MassDOT asking when the new system will be operational and requesting that they keep the current sequencing so that traffic doesn't back up again, Bob Snow second, all in favor - aye (5-0).

7:15 P.M. JOINT MEETING BOARD OF ASSESSORS – Tax Classification Hearing

Chairman Perry called the Joint Meeting with the Board of Assessors to order by calling for a motion to open the joint meeting by a roll call vote. Bob Snow so moved, Cliff Pierce second, all in favor roll call - Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, Robert Merry - aye, David Petersen - aye; Bill DiMento - aye; Diane D'Angeli - aye; Don Thurston - aye.

Joint meeting opened at 7:20 p.m.

Chairman Perry read the Tax Classification Hearing Notice into the record.

Chairman Perry called for a motion to open the tax classification hearing, by a roll call vote. Bob Snow so moved, Cliff Pierce second, all in favor roll call - Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, Robert Merry - aye, David Petersen - aye; Bill DiMento - aye; Diane D'Angeli - aye; Don Thurston - aye.

Hearing opened at 7:22 p.m.

Chairman Perry said that notice of this public hearing was published in the November 10, 2016 edition of The Daily News. He called upon the Board of Assessors to make a presentation on the classification of tax rates and a recommendation for fiscal 2017.

DiMento said Principal Assessor Sean McFadden has done a fantastic job of laying this information out. He reviewed the presentation prepared for the Board of Selectmen. He said the average single family assessed value in Rowley is \$426,237, and said the difference in tax rates between FY16 and FY17 is -.22. He said the second page shows the effect of shifting the rate towards Commercial/Industrial properties. He said the last page shows values of property sales. Petersen said the Town is seeing commercial growth including the new building at the corner of 133 and Route 1, a \$1 MM building near the MassDOT facility, and a new warehouse building at Ipswich Bay Glass. He said we want to encourage businesses in Town and his vote is to keep the rate the same for Residential and Commercial/Industrial, since we can't offer tax incentives to the businesses. DiMento said the Board of Assessors agrees to keep the rate as it is, we are fortunate this is a low impact, and Commercial/Industrial is growing. Perry said the tax rate is decreasing by .22, but since assessed values have increased, there will be a slight increase to tax bills which amounts to \$58.48 on the average house value. McFadden said single family values have increased only 3% versus Commercial

/Industrial values which increased by 11% to 13%. He said Commercial/Industrial is seeing an increase in their taxes by about \$1,800, so the tax burden has been shifted to them. He said six Commercial/Industrial buildings have sold, which have forced the assessed values of these properties up. He said business is growing, while multi-family sales have been stagnant due to high rents.

There were no questions or comments from audience members.

Chairman Perry called for a motion to close the tax classification hearing, by a roll call vote. Cliff Pierce so moved, Bob Snow second, all in favor roll call - Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, Robert Merry - aye, David Petersen - aye; Bill DiMento - aye; Diane D'Angeli - aye; Don Thurston - aye.

Hearing closed at 7:30 p.m.

Dave Petersen made a motion to approve the tax rate as presented as a single tax rate, Bill DiMento second, all in favor roll call - Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, Robert Merry - aye, David Petersen - aye; Bill DiMento - aye; Diane D'Angeli - aye; Don Thurston - aye.

Petersen said he appreciates the work from the Board of Assessors on this, and appreciates Sean McFadden who does a fantastic job, and handles the brunt of the complaints with a smile.

Chairman Perry called for a motion to close the Joint Meeting with the Board of Assessors. Cliff Pierce so moved, Bob Snow second, all in favor roll call - Joseph Perry - aye, Robert Snow - aye, Cliff Pierce - aye, Robert Merry - aye, David Petersen - aye; Bill DiMento - aye; Diane D'Angeli - aye; Don Thurston - aye.

Joint meeting closed at 7:32 p.m.

The Selectmen signed the Department of Revenue Bureau of Accounts Classification Tax Allocation Rowley provided by Sean McFadden.

7:30 P.M. APPOINTMENT* - Police Chief Scott Dumas to discuss the following:

- Letter from Lt. Stephen May rescinding his notice of retirement
- Letter from Police Chief Scott Dumas requesting the Board of Selectmen rescind their vote to accept Lt. Stephen May's retirement
- Request to appoint Jeffrey French as reserve patrolman
- Request to appoint Andrew S. Lawrence as reserve patrolman
- Police Department positions

Chairman Perry read the following:

There are a number of requests submitted by Police Chief Scott Dumas, so we have scheduled him to meet with the Board tonight to go over these items:

- Letter from Lt. Stephen May rescinding his notice of retirement*
- Letter from Police Chief Scott Dumas requesting the Board of Selectmen rescind their vote to accept Lt. Stephen May's retirement*
- Request to appoint Jeffrey French as reserve patrolman*
- Request to appoint Andrew S. Lawrence as reserve patrolman*
- Police Department positions*

Chief Dumas said he has excellent news about Officer Johnson, who was involved in a serious car accident. He said Johnson was able to call his wife from the hospital bed today and is appreciative of the support from the Rowley Police Department and the community.

Dumas said Jeffrey French is in the audience tonight. He said French worked for Rowley from 1997-2012, is a Reserve Policeman in Georgetown, and an Officer in Ipswich. He said French has a lot of experience and will hit the ground running in Rowley, and he respectfully requested the Board to appoint French as a Reserve Patrolman.

Dave Petersen made a motion to appoint Jeffrey French as a Reserve Patrolman through June 30, 2017, Bob Snow second, all in favor - aye (5-0).

Dumas said Andrew Lawrence is from Saugus, is a certified First Responder, is in the military and has FBI clearance. He said he works for the Saugus volunteer Fire department and has been active in their toy drives. He respectfully requested the Board to appoint Lawrence as a Reserve Patrolman.

Dave Petersen made a motion to appoint Andrew Lawrence as a Reserve Patrolman through June 30, 2017, Bob Snow second, all in favor - aye (5-0).

Dumas said Lieutenant May requested that the Board rescind their vote to accept his retirement. He said the retirement was effective for December 2, 2016. He said his position was posted after making it more attractive for internal candidates, and he believes in promoting from within. He said even with the adjustments made, no candidates applied. He said he is seeking permission to work with the Personnel Advisory Committee again to restructure the position to attract qualified candidates. He said Officer Johnson is out, another Officer is out on administrative leave, and another Officer is out on paternity leave. He said May came to him on his own and offered to stay a couple more months. He said May has served the Town well, has pride in the Town and the Police Department, and he eagerly accepted May's offer. He asked the

Board to rescind its vote to accept May's retirement and to allow him to work with the Personnel Advisory Committee to restructure the Lieutenant position.

Dave Petersen made a motion to rescind the Board's vote to accept Lieutenant May's retirement, and to send May a letter of thanks for helping the Police Department to get through this crisis, Bob Snow second, all in favor - aye (5-0).

Perry said May's experience will benefit the community. Petersen said as the chairman of the Personnel Advisory Committee, he spoke with Chief Dumas along with Debbie Eagan to review the options. He said previously the Lieutenant position was salaried, but it was changed to an hourly position eligible for detail shifts and overtime. He said this change was not enough to encourage internal candidates to apply for the position. He said they may need to look at changing this to a Deputy Chief position with a higher salary, which would be a benefit for retirement purposes. He said if the Board has any other ideas, to let him know. He said if we had external candidates, it would probably be someone retired from New Hampshire.

Cliff Pierce made a motion to allow the Chief to discuss options for this position with the Personnel Advisory Committee and to report back to the Board of Selectmen with a proposal, Bob Snow second, all in favor - aye (5-0).

NEW BUSINESS

3. Letter from Massachusetts Department of Transportation regarding proposed discontinuance of a section of State Highway, Old Main Street, adjacent to Route 1A

Chairman Perry said, "The Board has received a letter from Paul Stedman of MassDOT regarding a proposed discontinuance of a section of Route 1A. Does the Board wish to send this to the Planning Board for review?"

Petersen said he is not in favor of this, and the original plan was to extend the driveways of the homes to the main road and then abandon that road. Pierce said the homeowners are against extending their driveways. Petersen said that road is in terrible shape. Snow said he went there and spoke with Steadman. He said MassDOT will put in the road and do the work. Pierce said the procedures MassDOT provided say the municipality does the work and DOT will arrange for a release of funding. He said this is odd and they are asking Town Meeting to accept the road as it is, which is the opposite of the Town's procedure of accepting roads after they are finished. He said he wonders what improvements DOT will fund. Snow said he thought the agreement was to bring the road up to Town standards. Pierce said we need to see the details in the agreement. He said the Planning Board will look at this the same way as it looks at any subdivision road, but since there are only four houses, some standards can be lowered. He said there are stormwater issues, and the Fire Chief may want a turnaround area.

He said he imagines DOT would want to retain their right of way, and the Town isn't used to building roads. Petersen said we need to talk to the residents. Snow said Patrick Snow should be at the meeting as well. Henry Rolfe asked where this road is located. Petersen said near Cross Street. Merry said this area changed in the 1930s, there used to be picnic tables there and Rogers Way and the driveway into the Savory's property was on the same road. Petersen said he is reluctant to do this because in the past with similar arrangements, the State hasn't recorded the deed. He said he would like to hear from the homeowners and the Highway Department.

Bernie Cullen asked what discontinuance means here. Pierce said it would no longer be part of the State road, and it would be conveyed to the Town of Rowley. Petersen said this would be similar to Ellsworth and West Ox Pasture roads, where they want the Town to do the road and take it over.

Perry said let's invite the homeowners, Steadman and Patrick Snow to come to a meeting on January 9th, after the holidays. Snow said Representative Hill has been involved, and he should be cc'd on the letter.

OLD BUSINESS

1. Discuss Owner's Project Manager finalist for the Fire Station and Police Station Addition and discuss formation of a project committee

Chairman Perry read the following:

The Designer Selection Committee for the Owner's Project Manager for the Fire Station and Police Station Addition is recommending that the Board of Selectmen vote to award the contract to Construction Monitoring Services, Inc. of Marlborough, MA.

The Town received eight responses to the RFQ for the OPM services. The DSC whittled down the responses to three finalists, Dore & Whittier, Vertex and CMS. The three finalists were interviewed. Debbie checked the references, which all gave very high marks to all three firms. While all three firms were considered to be highly qualified for this contract, the DSC chose CMS because they believe this firm is the best fit for the project. CMS is a smaller firm that focuses on project management in public construction.

After we sign the contract with the OPM, the Board of Selectmen will need to determine if they would like to use The Carrel Group for the design work or if they wish to issue a solicitation for this work. The solicitation process could take about six to eight weeks.

The Board of Selectmen needs to determine if they wish to have a project committee. The Chiefs need to be involved in the design of the building. The town administrator needs to work closely with the OPM on the project budget, cash flow, payments,

schedules, contracts, change orders, claims, etc. We received an inquiry from Don Dupray about this. Does the Board wish to have a project committee?

Perry turned this over to Petersen, who is the Chair of the Building Committee. Petersen said we need a Building Committee, and Dupray is well qualified, but we already have the schematic design and funding. He said the project committee will deal with the budget, cash flow and similar items, and there will not be any meetings for input on adding new items, and we will probably cut items for cost purposes. He said the Chiefs will decide what to cut back if necessary. He said he suggests that the building committee consist of the Police Chief, Fire Chief, Town Administrator and two Selectmen, which would be a small and effective committee. Perry said Chief Barker provided input on the design, and we should get the new Chief's input.

Bob Snow made a motion to establish the Building Committee with the following members: Police Chief, Fire Chief, Dave Petersen, Joe Perry, and Debbie Eagan, Cliff Pierce second, all in favor - aye (5-0).

Petersen said we should thank Dupray for his interest and said the meetings are public, so anyone can attend them.

Petersen said they recorded the interviews with the OPM candidates, and they learned a lot. He said Dore & Whittier is an OPM and does the work as well, but the other two candidates, Vertex and CMS, do just OPM work. He said all would provide a Clerk of the Works. Snow said we had an excellent experience with the bridges project. Petersen said he and Perry would be at the project daily, and the Clerk of the Works from CMS would be there all the time. He said CMS wants to bend over backwards to keep us happy. He said the OPM oversees the architect, contractors and permitting process. He said the Carrell Group did the schematic design and CMS recently finished a project with them. He said the Committee needs to decide if we will use Carrell again, or find a new designer. Perry said our contract with Carrell allows us to use them as the full designer. He said CMS worked on a project where multiple contractors went bankrupt, and they worked it out with the insurance company. Petersen said CMS has done 12 to 15 public safety buildings / schools. Eagan said she spoke to the references of the three firms, and Tom Moses, who works in Hudson, but is a former Rowley Selectmen gave a glowing recommendation for CMS. She said to get high marks when there are roadblocks and to still finish a project on time makes an important statement about a firm. Petersen said most firms will maintain responsibility for the project for about a year, but CMS will do an inspection with the Town within eleven months, and look for items that need to be replaced, or note potential issues for future reference. He said they will make sure we have the appropriate training and manuals. Snow asked

what the time frame is. Petersen said it depends on if Carrell Group is used for the full design or not, and the availability of contractors.

Bob Snow made a motion to approve CMS as the OPM for the Fire Station and Police Station Addition, Cliff Pierce second, all in favor - aye (5-0).

Bernie Cullen asked if CMS had any input on the Carrell Group. Petersen said they worked well with them, and there were no red flags, but once they are hired, we can get more details. Eagan said by mid-December, the Committee will need to make a decision on the architect.

2. Update on the Pine Grove School Feasibility Study

Chairman Perry read the following:

The School Building Committee has been very busy over the past two months. Chairman Perry will give an update on the status of the project and on the first public hearing, which was held last Thursday, November 17.

Perry said it was an interesting evening with a two hour long meeting with the CM at risk and then a two hour long public meeting. He said Brad from Dore & Whittier gave a great presentation, there weren't many residents present, but those that were there participated. He said he is concerned about the budget, but they went more into the scope of work. He said we want to do a limited scope repair on the school, which takes a lot of work. He said the State doesn't want to tear down walls, but there are major concerns about the electrical wiring, fire code, the roof and the heating/hvac system. He said he is afraid of what the final figure may be and we will need to make choices. He said there will be another meeting on March 16th with budget numbers, and the total project estimates are \$25 to \$33 million. Snow said we should talk to the Treasurer about the impact on taxes, but he thinks it may be \$800 on the average house tax bill. Perry said Larry White, Denis Roy, Debbie Eagan, Cliff Pierce and Karen Summit provide good input on the Town's side. Pierce said they will provide an estimate and then we will need to reduce the costs. Pierce said the Town needs to do the sprinkler system, wiring and kitchen plumbing, but the State has to do certain things for educational purposes, so it is a complicated process. Perry said their plan does a good job of moving things around to avoid removing walls, and with 415 students, we only need 69,000 square feet, but we have 90,000 square feet. Snow said we need to give the children the best that we can afford. Petersen said if this doesn't pass, we will still need to do some work such as the roof and wiring, which we will have to pay for 100%. He said the last renovation was done in 1988, he encouraged the public to watch the

meetings, and said we have one chance at this, and if it doesn't pass, the State will take the money back.

MINUTES

- November 14, 2016

Dave Petersen made a motion to approve the November 14, 2016 minutes, Cliff Pierce second, all in favor - aye (5-0).

ANNOUNCEMENTS

- Toys for Tots Box is located at Town Hall. Unwrapped gifts for children are greatly appreciated. Please drop off toys before December 5, 2016.
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- The Rowley Water Department has set a mandatory water ban in place. Outdoor watering is not permitted.
- The Town has the following vacancies:
 1. **Fence Viewer** – three positions;
 2. **Wood, Lumber & Bark Inspector**;
 3. **Zoning Board of Appeals Associate** – two seats
 4. **Parks and Recreation Committee** – one seat;
 5. **Deputy Shellfish Constables** – two positionsFor 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.

ADJOURN

There being no further business before the Board, Chairman Perry called for a motion to adjourn. Bob Snow so moved, Cliff Pierce second, all in favor - aye (5-0).

Open meeting adjourned at 8:41 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Executive Session motion
2. Request from Council on Aging Director Brienne Walsh to lift the hiring freeze for the position of Council on Aging Alternate Van Driver

3. Request from Highway Surveyor Patrick Snow to lift the hiring freeze for the position of Cemetery Supervisor/Highway Department Truck Driver/Equipment Operator
4. Meeting memo regarding General Business #3: Appoint Nancy Cribari to the Cultural Council
5. Excerpts from Regulations for Local and Regional Cultural Council Operations and Procedures (962 CMR 2.00)
6. Request from Nancy Cribari to be appointed to Cultural Council
7. Email of support for Nancy Cribari's appointment to Cultural Council from Nancy Hill
8. Special permit application submitted by United Sign Company on behalf of Gateway II Trust of 1997 for freestanding internally illuminated sign at 414 Haverhill Street
9. Meeting memo regarding New Business #2: Request from the Planning Board to send a letter to Massachusetts Department of Transportation to modify the traffic light signaling timing at Route 1/133 intersection.
10. Request from the Planning Board to send a letter to Massachusetts Department of Transportation to modify the traffic light signaling timing at Route 1/133 intersection.
11. Meeting memo regarding 7:15 p.m. Joint Meeting Board of Assessors – Tax Classification Hearing
12. Tax Classification Hearing Notice
13. Packet from Board of Assessors - Fiscal Year 2017 Tax Classification Hearing
14. Copy of notice as it ran in the newspaper
15. Meeting memo regarding 7:30 p.m. Appointment- Police Chief Scott Dumas to discuss the following:
 - Letter from Lt. Stephen May rescinding his notice of retirement
 - Letter from Police Chief Scott Dumas requesting the Board of Selectmen rescind their vote to accept Lt. Stephen May's retirement
 - Request to appoint Jeffrey French as reserve patrolman
 - Request to appoint Andrew S. Lawrence as reserve patrolman
 - Police Department positions
16. Letter from Lt. Stephen May rescinding his notice of retirement
17. Letter from Police Chief Scott Dumas requesting the Board of Selectmen rescind their vote to accept Lt. Stephen May's retirement
18. Request from Chief Dumas to appoint Jeffrey French as reserve patrolman
19. Request from Chief Dumas to appoint Andrew S. Lawrence as reserve patrolman
20. Meeting memo regarding Police Department positions
21. Meeting memo regarding New Business #3: Letter from Massachusetts Department of Transportation regarding proposed discontinuance of a section of State Highway, Old Main Street, adjacent to Route 1A
22. Letter from Massachusetts Department of Transportation regarding proposed discontinuance of a section of State Highway, Old Main Street, adjacent to Route 1A

23. Meeting memo regarding Old Business #1: Discuss Owner's Project Manager finalist for the Fire Station and Police Station Addition and discuss formation of a project committee
24. Proposal submitted by Construction Monitoring Services, Inc.
25. Meeting memo regarding Old Business #2: Update on the Pine Grove School Feasibility Study
26. Draft minutes of November 14, 2016