

MINUTES OF THE BOARD OF SELECTMEN

October 25, 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; David Petersen; Joe Perry (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: John Dalphin; Denise Dalphin; Bernard Cullen – 283 Wethersfield Street; Bryan DiPersia – 500 Wethersfield Street; Paul Chang; Denzil Rice – 29 Independent Street; Anne Ganzenmuller – 72 Central Street; Sarah Ganzenmuller – 72 Central Street; Terri Davidson Cabitt – 55 Glen Street

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:01 p.m. He said the meeting is being video and audio recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

MOMENT OF SILENCE – Council on Aging Chair Joan Lyons

Chairman Pierce said Joan Lyons served for many years on the Council on Aging Board and was the current Chair, and she passed away this weekend. He said we are honoring her many years of dedicated services to the Town tonight and having a moment of silence to mark her passing.

A moment of silence was observed for Joan Lyons.

7:05 P.M. TO 7:10 p.m. PUBLIC COMMENT

There were no public comments.

GENERAL BUSINESS

1. Approve donations to the Council on Aging

Chairman Pierce read the following:

COA Director Ellie Davis has provided the Board with the attached list of donations, which consists of monetary donations to support the COA programs. In accordance with State Law, State law, G.L. c.44 §53A, the Board needs to vote to approve these donations.

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

2. Authorize Police Chief Scott Dumas to sign State 9-1-1 Training State Contract grants forms

Chairman Pierce read the following:

Chief Dumas has received two State 9-1-1 Grants: Training Grant and Support and Initiative Grant.

The Board needs to vote to designate Chief Dumas as the “authorized signatory” on both of the grants, and to authorize Chairman Pierce to sign the Contractor Authorized Signatory forms on behalf of the Board for each of these grants.

Bob Snow made a motion to designate Chief Dumas as the “authorized signatory” on both of the grants, and to authorize Chairman Pierce to sign the Contractor Authorized Signatory forms on behalf of the Board for each of these grants, Joe Perry seconded, all in favor – aye (4-0). Deana Ziev - ABSTAINED

3. Letter of resignation from Assistant Tax Collector Brigida Longo

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

NEW BUSINESS

1. Discuss Retiree Health Insurance Renewal

Chairman Pierce read the following:

We need to renew the Town’s retiree health insurance for calendar year 2022. MIIA has provided us with the Medex 2 renewal, which has no increase in the health portion of the plan (0%) and a slight increase in the prescription portion of the plan (1.14%) for an overall plan increase of 1.14%.

Debbie is asking the Board to vote to authorize her to renew the retiree Medex 2 insurance.

Bob Snow made a motion to authorize Debbie Eagan to renew the retiree Medex 2 insurance, Deana Ziev seconded, all in favor – aye (5-0).

OLD BUSINESS

1. Discuss draft Plastic Bag Reduction Bylaw

Chairman Pierce said at a prior meeting, the Board decided to proceed with a bylaw for this and wanted to see bylaws from other communities. He said he has review bylaws from Georgetown, Ipswich and Newburyport, there was very little different between these, and he thinks Ipswich's is the best because it is simple and easy to follow. He said a draft bylaw for Rowley has been drafted and is attached, and he asked if there are any questions on this. He said the next step is to send this to Market Basket for comments. Joe Perry asked if Town Counsel has reviewed this. Pierce said it is early in the process, changes can still be made to this, and he thinks Town Counsel should review it later in the process.

Bernie Cullen from 283 Wethersfield Street said he has two issues: with the introduction, the claims about impacts to the environment and wildlife cannot be justified based on the data; and he thinks the bylaw should allow for the use of biodegradable single use plastic bags. He said he doubts that a plastic bag from Rowley has made it into the ocean. He said biodegradable single use plastic bags are in use in North Adams, they cost slightly more but are a realistic alternative. He said the bylaw doesn't address the use of paper bags, and research indicates they have a larger environmental impact because they weigh more, and use more water and chemicals to make. He said they are six times more expensive than plastic bags and cost a lot more to transport because they are heavier. He said biodegradable plastic bags decompose in a similar amount of time compared to paper bags. Snow said the Ipswich Rotary does a cleanup along Route 133 and he will ask them how many plastic bags are found. Ziev said the takeaway of the proposed bylaw is to move away from single use bags in general and to encourage people to use reusable bags instead. Pierce said we can't solve all the pollution issues and asked Cullen for studies on the biodegradable single use bags.

Craig Copeland of 265 Dodge Road thanked Cullen for his opinions. He said the proposed bylaw is simple and aligns with other bylaws in the area and in the country, and with what is happening locally with single use plastic bags. He said in his work with insurance companies, single use bags are seen as the business of the future. He said plastic bags line Route 95 on the trees and the side of the road. He said regarding the weight, a ton of feathers weighs the same as a ton of lead, but there are a lot more feathers to make up the ton, and the plastic bags are like lots and lots of feathers. He said plastic bags are being pulled out of the Middle Ground and with the currents you can't say they aren't getting into the ocean. He said he is here on behalf of himself and his family, including his son. He said his son tried to minimize the use of single use plastics through the Pine Grove School and he was pushed to not try to do it, which is showing the youth that we are not going to try to make change for the better. He said we should try to show the youth that there is a way to make improvements. He said he can send the Board information from the World Economic Forum, the insurance industry and global industry that supports the reduction of single use plastic bags. He said the bylaw is common sense and he hopes common sense prevails and not just opinions.

Paul Chang of 49 Wilson Pond Road said he loves the idea of biodegradable plastic bags if you can find studies that prove them to be decomposable in a matter of years and not decades. He said the point of the effort is to get away from using any kind of

single use bag, and for people to get in the habit of bringing their reusable bags. He said if people are charged for bags, they may remember to bring their bags. He said we need to move towards using reusable bags, and the weight and transportation issues with single use bags are solved by using reusable bags. He said the Ipswich bylaw allows businesses to offer slightly thinner plastic bags since they are no longer considered a single-use bag and he would like to prevent this loophole in the Rowley bylaw. He said he would like to write into the bylaw a way to ding people for forgetting to bring their own reusable bags to curb the use of any single use bags.

Pierce said this is not a public hearing, but there will be one to hear everyone's opinions. He thanked everyone for their thoughts.

Joe Perry made a motion to send the draft bylaw to Market Basket, Bob Snow seconded, all in favor – aye (5-0).

7:10 p.m. APPOINTMENT Triton Superintendent Brian Forget and Triton School Committee Member Nerissa Wallen to discuss the following:

- Triton High School and Middle School Comprehensive Facilities Assessment Report
- Triton Assessment Formula
- Landlord Tenant Agreement

Triton High School and Middle School Comprehensive Facilities Assessment Report

Triton Superintendent Brian Forget said Linda Litcofsky and School Business Administrator Kyle Warne are also present. Pierce said he didn't attend the last DCC meeting but he understands an assessment has been done and they are thinking of doing a make-over at Triton. Forget said they are not thinking of doing a make-over, they did a comprehensive assessment that was planned for in 2019 under the revised regional agreement as part of the long term capital planning commitment. He said the regional campus is owned by the district and the building is 291,000 square feet. He said they hired Habeeb and Associates for the assessment using FY19 excess and deficiency funds. He said it was completed in March of 2020, was delayed because of COVID, and was re-costed this past summer. He said Habeeb presented this directly to the Town and School administrations. He said this is a report of the costs to repair the existing conditions and is not a proposal for the repair work. He said they want to report to the Towns what the deficiencies are to determine what the next steps are. He said the findings are grouped into scopes 1-4 with scope 1 being the most immediate action required. He said the building was built in the late 60s, renovated in the late 90s and added onto in the 2000s. He said a lot of the physical structure is from the original buildings, and there are issues. He said with the rain, his office and Warner's offices will be wet tomorrow. He said there are two paths forward:

- Partner with the MSBA for an accelerated repair to take care of the urgent needs such as the roof, boiler and windows. He said in discussions with the MSBA

representatives, the building needs to be in fairly good shape for the MSBA to approve this type of project. He said the HVAC system can't be tackled piecemeal. He said he thinks we will be hard pressed to get State funding because the State will only do this for buildings if they have substantial life left. He said the accelerated repair program opens in January and closes in February, and the work would be done next fall to summer.

- Submit a Statement of Interest to the MSBA for a full core program. The MSBA no longer offers limited scope repairs like they did for the Pine Grove School. He said this program opens in January and closes in April, the district will need to provide a lot of information to the State such as maintenance documentation. From April – December, the MSBA will do studies, talk to applicants and if invited in it would be in December of 2022. The next step would be the feasibility study to be done in the spring of 2023, which would need to be funded at Town Meeting. No decisions would be made at this point, just the feasibility study would be done.

Perry said when the Pine Grove School was done, it was one of 95 projects submitted and only 15 were selected. He asked if our chance of being selected is less since we were selected before. Forget said it depends on the number of applications submitted, one penny of each sales tax dollar in the State goes to funding MSBA projects, and there is no federal money available. Pierce said if we pursue the core program, the towns aren't committing to funding the work in 2023. Forget said the Regional School Committee votes to submit the statement of interest and they want to know if the towns are behind this. Snow asked what the cost of the Pine Grove School project is in today's dollars. Forget said these repair estimates increased from 40 million to 60 million. He said under the core program, the State will study all options, including demolishing the existing building and building a new one. He said the result of the study will be the most cost effective feasible option. Pierce asked how declining enrollments will affect this. Forget said this is a wildcard and enrollments have decreased from 1,700 students in the late 1990s to the current enrollment of 1,000, and this will be a factor. He said Pentucket is knocking down and building a new school for \$153,000,000 for roughly the same number of students.

Petersen said we tried to get the new Police and Fire buildings approved three times and the cost increased significantly. He said the Triton buildings are 50 years old and have had one major repair and get a lot of use. He said he hates to say it, but we have to move forward and time is money, and it will take three years before the first shovel hits the ground. He said the infrastructure has been neglected and he will go along with submitting a big plan to the State and it is foolish to put this off. He said Triton has done a good job putting this together and coming into discuss this. Perry said he agrees with Petersen up to a point and said his concern is that this will cost a lot more than 60 million. Petersen said he agrees it will be a lot more, but it is foolish not to do a comprehensive plan, show people the costs and hopefully the State will reimburse us for some of the work. Perry said he fully agrees that we shouldn't kick the can down the road, but it will cost a lot of money. Snow said the public safety building costs increased from \$4,000,000 to \$12,000,000. He said the Town was adamant that those buildings

needed to be functional but not monuments to the architect, and we need a functional school. Pierce said all three towns will need to pass overrides for this.

Forget said there are two big votes that need to happen:

- Spring of 2023 vote to fund the feasibility study, which will cost \$1,000,000 to \$1,500,000 which will be funded upfront by the three towns but reimbursable by the State
- Vote to fund the big project, which would be one to three years later in 2024 or 2025.

Dave Petersen made a motion to support an application to the State for the core program, Bob Snow seconded, all in favor – aye (5-0).

Bernie Cullen said this won't address the immediate deficiencies noted in the plan for three to four years, we need a plan B and it is naïve to move forward assuming we will get MSBA money. Petersen said plan B is to fund the roof repair through the Towns if needed, but hope that the roof will last until the core project is done. Forget said if the MSBA indicates by April that we have no chance of funding, they will pursue other avenues. He said at Thursday's DCC meeting at 5:30 they will do a tour of the hot spots in the building.

Perry said he doesn't intend to run for re-election in a year and a half, he so he doesn't intend to participate in this project and asked someone from the Board to participate. He said he wants to continue to contribute to the landlord tenant agreement.

Triton Assessment Formula Landlord Tenant Agreement

School Committee member Nerissa Wallen provided the following history:

- Review of regional agreement began in 2015, changes worked on through DCC meetings over 2 years, changes approved by towns except for two major issues of landlord tenant agreement and alternative assessment formula
- For landlord/tenant agreement a working group has been determining what are maintenance items, what are improvements and who takes care of what and how to handle emergencies. Joe Perry is willing to be the Rowley representative along with Neil Harrington and Tracy Blais
- For the alternative assessment, the district currently uses the State formula, but is allowed to incorporate an alternate assessment into the agreement that allows the towns to chose in a certain year to divide the assessment up to slow the shift of an increasing assessment to a town. There are a wide variety of options. Newbury was unwilling to discuss this in the past, but are now sending representatives to discuss this and we need one or two Rowley representatives. Petersen volunteered to do this until his term is up in the spring.

Bob Snow made a motion to appoint Dave Petersen to the Assessment Formula Committee, Deana Ziev seconded, all in favor – aye (5-0).

Wallen said we need two Selectmen to participate in the DCC meetings, Perry has been great, but we need one more plus a Finance Committee representative. Petersen said Perry has done a great job and he is willing to go to these meetings until the end of the fiscal year if nobody else wants it. Pierce said he is technically still on the Committee although he has missed some meetings over the summer. Petersen said he is happy to step in if Pierce or Perry want to step aside. Perry said Pierce has done a great job and put a lot of effort in for the Pine Grove School project and the regional agreement. Wallen said more than two Selectmen can attend and choose at the meeting who will sit at the table to participate and who will sit in the audience to listen.

Bob Snow made a motion to appoint Dave Petersen as a member of the DCC, Deana Ziev seconded, all in favor – aye (5-0).

Ziev said she will try to attend some meetings as well but just observe for now. Pierce thanked the Triton representatives for coming to the meeting.

OLD BUSINESS

2. Award bid for the Eiras Park Accessible Route Construction to the Fire Station and Police Station

Chairman Pierce read the following:

We received three responses to the Invitation for Bid for the Eiras Park Accessible Route Construction to the Fire and Police Stations Project.

RAE Contracting = \$91,500

Desmond Landscaping Contractors = \$91,200

JJ Phelan & Son = \$84,000

The low bidder is JJ Phelan & Son. Places Associates has conducted the background check and reviewed the bid submittal and is recommending that the Town award the contract for this project to JJ Phelan & Sons of Tewksbury, MA.

The Board needs to take the following actions:

- *vote to award the contract to JJ Phelan & Sons;*
- *to authorize Chairman Pierce to sign the contract; and*
- *to authorize Debbie to issue a Notice to Proceed*

Please see attached letter from Bill Murray of Places Associates.

Joe Perry made a motion to award the contract to JJ Phelan & Sons; to authorize Chairman Pierce to sign the contract; and to authorize Debbie to issue a Notice to Proceed, Bob Snow seconded, all in favor – aye (5-0).

MINUTES

- October 18, 2021

Bob Snow made a motion to approve the minutes of October 18, 2021, Joe Perry seconded, all in favor – aye (5-0).

ANNOUNCEMENT

- Halloween Trick or Treating will be held on Sunday, October 31, 2021 from 5:30 p.m. to 7:30 p.m.
- Rowley Household Hazardous Waste Collection Day will be held on Saturday, November 6, 2021 from 8:30 a.m. to 12:30 p.m. at the Rowley Highway Department, 40 Independent Street. More information is available on the Town's website or by calling the Rowley Health Department at 948-2231

ADJOURN

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

Meeting adjourned at 8:25 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding Moment of Silence – Council on Aging Chair Joan Lyons
2. Meeting memo regarding General Business #1: Approve donations to the Council on Aging
3. List of donations to the Council on Aging
4. Meeting memo regarding General Business #2: Authorize Police Chief Scott Dumas to sign State 9-1-1 Training State Contract grants forms
5. State 9-1-1 Training State Contract grants forms
6. Letter of resignation from Assistant Tax Collector Brigida Longo
7. Meeting memo regarding New Business #1: Discuss Retiree Health Insurance Renewal
8. Medex renewal proposal from MIIA
9. Meeting memo regarding Old Business #1: Discuss draft Plastic Bag Reduction Bylaw
10. Draft Plastic Bag Restriction General Bylaw

11. Meeting memo regarding 7:10 p.m. Appointment: Triton Superintendent Brian Forget and Triton School Committee Member Nerissa Wallen to discuss the following: Triton High School and Middle School Comprehensive Facilities Assessment Report; Triton Assessment Formula; Landlord Tenant Agreement
12. Comprehensive Facilities Assessment of Triton Middle and High School campus prepared by Habeeb & Associates
13. Meeting memo regarding Old Business #2: Award bid for the Eiras Park Accessible Route Construction to the Fire Station and Police Station
14. Recommendation from Places Associates, Inc regarding bid award for Eiras Park Accessible Route Construction to the Fire Station and Police Station project
15. Draft minutes of October 18, 2021