

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

August 24, 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 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](http://www.townofrowley.net) or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/140979309> can also dial in using your phone by calling [+1 \(646\) 749-3122](tel:+16467493122) and using access code 140-979-309. 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.

### **GENERAL BUSINESS**

1. Road Opening Permit Application from F.M. Bridges & Son to open 430 Wethersfield Street to extend water main to new subdivision

Chairman Pierce said this road opening permit was signed off on by the staff.

2. Request from Police Chief Scott Dumas to appoint the following individuals to the position of Reserve Police Officer:
  - Timothy LeBlanc
  - Oceana Golliday

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

3. Update on SAFER Grant

Chairman Pierce read the following:

*Fire Chief James Broderick is pleased to inform the Board of Selectmen that the Town has been awarded the Federal SAFER Grant. This means the Town has the funding to hire two new additional firefighters for the next three years, without a local match. The grant covers 100 percent of the base wages and benefits for the position, but not cover cost-of-living increases, stipends or overtime.*

*The next step in the process is for the Board of Selectmen to vote to accept the SAFER Grant Award to the Town. The Board needs to vote by roll call. After the Board accepts the Grant, Chief Broderick will notify FEMA of the Town's decision.*

Pierce congratulated Broderick on the Grant.

Joe Perry made a motion to accept the SAFER Grant Award to the Town, 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.

Petersen asked Chief Broderick for the status on the extended shifts at the Fire Department. Broderick said that was put on hold because of COVID, but he will be moving forward with it once he returns from vacation.

## **NEW BUSINESS**

1. Discuss large trucks traveling on Wethersfield Street

Chairman Pierce read the following:

*We received reports that large 18-wheeler trucks were travelling on the west section of Wethersfield Street. These trucks were coming from Route 1 and were not associated with the large residential development that is being constructed on Taylor Lane. The trucks were driving into Georgetown.*

*The east side of Wethersfield Street has a ban on large trucks. Should that ban apply to the entire road instead of one segment of the road? Highway Surveyor Patrick Snow has confirmed there is no weight limit or truck restrictions in the western section of Wethersfield Street. Does the Board wish to look into this further? Police Chief Dumas feels that the large truck traffic is only going to get worse in this area with the continued construction of the Taylor Lane housing development.*

*Debbie has asked Police Chief Scott Dumas and Highway Surveyor to call in to the meeting for this discussion.*

Petersen said we looked into this a couple of years ago, but didn't move forward because we needed to find an alternative road. Pierce said he remembers that we determined that putting a sign up might not be feasible, but we weren't aware of the sign already up on the eastern side of the road. He said if the Board had the authority to put the existing sign up, the Board could probably put another sign up on the other end. He said we can't ban trucks from going to construction projects in that area, but the signs

could deter trucks using Wethersfield Street as a cut through. He said a feasible alternate route is Route 1 to 133 into Georgetown.

Chief Dumas said the existing sign was put up in 1985 and was limited to Route 1 to Central Avenue, and included Bennett Hill. He said the Police Chief, Highway Surveyor and MassDOT worked together on that. He said in 1985, the process to do this required a traffic survey and DOT approval under Chapter 90 section 18. He said this statute has changed and he interprets the current statute to allow the Board of Selectmen to do this without going through that same process, as long as it is in line with public safety and there is a reasonable alternate route. He said Town Counsel should review this to make sure his interpretation is correct. Pierce said that is news to the Board and when they looked into this previously, a traffic study and DOT approval was required. Pierce suggested that we look into this more and ask Town Counsel to look into if the Board of Selectmen can do this. He said if the Board can do this on its own, we should do this to keep trucks from using the Town's narrow country roads as cut-throughs. Ziev said she agrees, the road is narrow, and there are no sidewalks. She said Town Counsel should review this to see what the next steps are. Pierce said he lives on Wethersfield Street and he has seen trucks on the road.

**1:00 p.m. APPOINTMENT** Benjamin Zachs, Chief Operating Officer, Fine Fettle Dispensary to discuss the opening of his new retail marijuana business

Benjamin Zachs apologized for being late due to technical difficulties. He updated the Board on the retail marijuana business owned by Fine Fettle Dispensary as follows:

- August 6, 2020 the CCC approved the transfer of the license from Ipswich Pharmaceuticals to Fine Fettle.
- August 10, 2020 the transfer deal was closed.
- They have been open in the Adams Mall location for almost 6 weeks.
- They were lenders to Ipswich Pharmaceuticals for 1.5 years, but are now the owners.
- He is the third generation of his family's business. Their core business is wireless/telecom, and they are located in Hartford, Connecticut.
- His family is involved in healthcare and substance abuse. They were fascinated with the research on medicinal uses for cannabis and they started investing in this business.
- They operate two of the eighteen medical dispensaries in Connecticut, and own a cultivating and processing facility in Rhode Island. He said this location in Massachusetts will be an adult use and medical dispensary.
- They give the employees benefits, they hire locally and build a diverse and robust team. They focus on customer service and they want a strong local partnership.
- They have met with Rowley's Police Chief. They have had zero compliance issues in all of their locations.

- They have a cultivation facility in Hinsdale, Massachusetts and they can legally have two additional dispensaries in Massachusetts.

The Board didn't have any questions. Pierce thanked Zachs and wished him good luck.

## **NEW BUSINESS**

2. Approve meeting schedule for September, October, November, and December

Chairman Pierce read the following:

*A few meetings back, the Board discussed holding live "in person" meetings in September, in accordance with the Governor's Re-Opening plan for indoor gatherings. Under the Governor's Order, we are capped at a 16-person occupancy limit in the Town Hall Auditorium. This includes the Board members, staff, videographer, and audience members. If the Board is still in agreement, then the general plan will be to hold meetings in the Auditorium starting in September. Chairman Pierce would also like the Board to consider continuing holding the regular meetings at 1:00 p.m. through the month of September.*

*Below is a proposed meeting schedule that reflects a regular Board meeting on every Monday, with the exception of Monday holidays and the Monday after Thanksgiving and Christmas.*

*To recap, the Board needs to decide the following:*

- 1) *Would you like to continue meeting at 1:00 p.m. on Mondays through the month of September?*
- 2) *Would you like to switch to in-person meetings for "regular" business meetings? These would be meetings that do not include public hearings on applications that may draw a large audience.*
- 3) *Do you approve the schedule? (If other meetings are needed, the Chairman has the discretion to call a meeting.)*

## **PROPOSED MEETING SCHEDULE September, October, November and December**

*September 14  
September 21  
September 28  
October 5  
October 19  
October 26  
November 2  
November 9  
November 16  
November 23  
December 7  
December 14  
December 21*

Pierce said he is inclined to meet at 1:00 p.m. for the rest of the year. Snow said he thinks we should continue to meet remotely in September, then reevaluate for October. Perry agreed with Snow. Petersen said that is fine with him, but once the meetings move to the auditorium, the meetings should be held in the evening so the public can attend after work. Snow agreed with Petersen and said the meetings should be held at 7:00 p.m.

Bob Snow made a motion to accept the proposed meeting schedule, with 1:00 p.m. GoToMeetings for the month of September, and to reevaluate having in person meetings starting in October, 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.

3. Request from John Raffi for a copy of the August 10, 2020 12:00 p.m. Executive Session Minutes

Chairman Pierce read the following:

*John Raffi has asked Debbie for a copy of the August 10, 2020 12:00 p.m. executive session minutes.*

*Debbie recommends that the Board of Selectmen authorize her and Chairman Pierce to review this request and make the determination on the minutes and to provide Mr. Raffi with a response.*

Dave Petersen made a motion to authorize Debbie and Cliff Pierce to review Raffi's request and make the determination on the minutes, and respond to Raffi, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Joe Perry – aye. Deana Ziev – ABSTAINED.

### **OLD BUSINESS**

1. Pinck/Anser Advisory request to increase fee in Owner's Project Manager's Contract

Chairman Pierce read the following:

*Tom Mullen has prepared the attached Contract Amendment, which has been signed by Pinck & Company. The contract amendment addresses Pinck's request that the contract provides for a fee increase if the schedule changes.*

*Tom approves this version and the Board can vote (ROLL CALL) to approve it and to sign it. Attached is Attachment B, which will need to be signed by Joe Perry, and Amendment No. 2 to Contract for Project Management Services, which will be signed by all the Board members.*

Pierce said this contract will increase the fee payment to Pinck/Anser by \$43,230.

Dave Petersen made a motion to approve this contract amendment, 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.

Ziev asked if we have any update from Larry Berger on the punchlist items. Pierce said he understands that things are going well, and decided to give them time to work on the items.

2. Update on the Triton District Communications Committee August 18, 2020 meeting

Perry said he attended this meeting and there was extensive discussion about the reopening of the schools. He said Triton will be reopening in September mostly remotely for the first several weeks at a minimum, and then they will look to reevaluate the plan every four weeks. Petersen asked if there was discussion about the teachers being in the classroom or teaching from home. Perry said he doesn't know. Pierce asked if they discussed what support they will be looking for from the towns for contact tracing. Perry said the kids will be tested at school and if there are positive cases they will need assistance from the Town's Board of Health. He said the specifics weren't discussed. He said he is impressed with the amount of work put into this by the teachers, administration, parents and kids. He said they worked out a good plan. He said concerns about the flu are adding to the COVID concerns and he thinks it will be a tough year. Petersen asked if they discussed increases in costs related to COVID. Perry said they discussed the budget and the savings on the busing. He said they are keeping the personnel on hand, and they anticipate a shortfall, but it won't be significant. He said as far as he knows they won't be coming to the Towns for more money.

3. Discuss expanding hours that the Town Hall is open to the public during the COVID Emergency

Chairman Pierce read the following:

*When Governor Baker moved to the next level of the State's Re-Opening Plan, the Board voted to open Town Hall on a limited basis starting on the week of July 20. The hours were Monday – Thursday from 10:00 a.m. to 2:00 p.m. and 9:30 a.m. to 11:30 a.m. on Fridays.*

*This week, the Town Hall must be open all day each day because Early Voting is taking place all week.*

*According to Governor Baker's COVID-19 Map, Rowley has been colored in white, which means that there is less than 5 reported cases. According to the Health Department there were three active cases as of August 14.*

*Does the Board wish to re-open the building for additional hours starting the week of August 31, such as from 9:00 a.m. to 4:00 p.m. Mondays – Thursdays, and 9:00 a.m. to noon on Fridays with the stipulation that Town Hall Departments can be accessed by the public outside of the hours by appointment?*

*If the Board decides to change the hours, the vote needs to be a roll call.*

*Important Note: The Town Hall building still falls under the Governor's Re-Opening Office Space Occupancy cap of 50%. There are some areas in the building that require staggered work schedules and or remote working due to the small size of the office.*

Petersen said the hours sound good.

Bob Snow made a motion to expand the hours that Town Hall is open to 9:00 a.m. to 4:00 p.m. Mondays – Thursdays, and 9:00 a.m. to noon on Fridays with the stipulation that Town Hall Departments can be accessed by the public outside of the hours by appointment, 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.

Petersen asked what the status of the Annex is. Eagan said that building will be kept open by appointment only, with staff meeting with the public in the meeting room. She said the Building Inspector's office is the busiest with drop in requests, and the other departments are technical who can speak to the public via telephone or email and then set up appointments. She said the configuration of the shared office suite for Planning, Conservation and Health is not set up appropriately to safely invite the public in. She said staffing has been reduced in this office under the occupancy limits, and we also need to be careful with the senior population in the building. Petersen thanked Eagan for the answer and said he is fine with that plan.

4. Discuss Aquaculture License Application filed by The Great Marsh Shellfish Company

Chairman Pierce read the following:

*Brenden Doyle and James O'Connell of The Great Marsh Shellfish Company have reported that the Division of Marine Fisheries finally came out to the site to do the required survey on the Aquaculture License issued by the Board of Selectmen on May 28, 2020. Now they can start filing applications with the Conservation Commission and other agencies.*

*However, the Division of Marine Fisheries is now saying that Brenden needs a second Aquaculture License from the Town for an "overwintering area" at the site. This application will have to follow the same process as the other application and requires an advertised public hearing notice in the newspaper and a formal public hearing.*

*Under G.L. c.130 §60, the Board has to hold an advertised public hearing on the application. The legal notice must run in the newspaper not less than 10 days before the date of the public hearing. Debbie needs the Board of Selectmen to set a date for the hearing and to make a determination if that hearing should be held remotely or in-person. We have meetings scheduled for September 14 and September 21. Alternatively, the Board could schedule a "special meeting" outside of the regularly scheduled and hold it remotely, due to concerns over the limitations on having in-person meetings.*

Pierce said he expects a large number of people will want to attend based on the hearing attendance for the first hearing, so it needs to be done remotely. Ziev said we can do it either the 14<sup>th</sup> or 21<sup>st</sup>. Pierce asked if the overwintering area is within the Town of Rowley, or if it is in another town. Eagan said she has an inquiry into Mr. Doyle about that, but hasn't heard back yet. Petersen said we can ask the Harbormaster about this. Snow said he was on the Rowley River with the Harbormaster yesterday, and the Harbormaster pointed out this area to him, which is inside a creek and he thinks it is on the Rowley side. Pierce said his impression is that it is in the middle of the Plum Island Sound. He said we need to verify this, and the Board has no authority to do anything if the area is outside of Rowley.

Bob Snow made a motion to set the hearing date for September 14, 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.

## **MINUTES**

- August 10, 2020, 10:00 a.m. Meeting

Bob Snow made a motion to approve the August 10, 2020 10:00 a.m. meeting minutes, 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.

- August 10, 2020 10:00 a.m. Executive Session

Bob Snow made a motion to approve the August 10, 2020 10:00 a.m. Executive Session meeting minutes, 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.

- August 10, 2020 12:00 p.m. Meeting

Bob Snow made a motion to approve the August 10, 2020 12:00 p.m. meeting minutes, 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.



- August 10, 2020 12:00 p.m. Executive Session

Bob Snow made a motion to approve the August 10, 2020 12:00 p.m. Executive Session meeting minutes, 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.

- August 18, 2020

Bob Snow made a motion to approve the August 18, 2020 meeting minutes, 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.

### **ANNOUNCEMENTS**

1. September 1, 2020 State Primary Election Early Voting at Town Hall is currently underway. The Early voting hours for the remainder of the week are as follows:  
Monday, August 24 from 10:00 a.m. – 6:00 p.m.  
Tuesday, August 25 from 10:00 a.m. to 4:30 p.m.  
Wednesday, August 26 from 10:00 a.m. to 4:30 p.m.  
Thursday, August 27 from 10:00 a.m. to 4:30 p.m.  
Friday, August 28 from 8:00 a.m. to noon
2. The voting hours for the September 1, 2020 State Primary Election is 7:00 a.m. to 8:00 p.m. at St. Mary's Church Hall
3. The last day the YMCA Pool at Camp Cedar Mill will be open for the summer season to Rowley residents is Sunday, August 30, 2020.
4. 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.
5. 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.

Joe Perry said the public documents from the School Committee Meeting are available at Town Hall.

### **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; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Meeting adjourned at 1:47 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Meeting memo regarding 1:00 p.m. Appointment: Benjamin Zachs, Chief Operating Officer, Fine Fettle Dispensary to discuss the opening of his new retail marijuana business
2. Email from Benjamin Zachs regarding Introduction: Approved Change of Ownership – Ipswich Pharmaceutical Associates DBA Fine Fettle, including attachments of notice from CCC and Signed Conditional Consent to Assignment of Host Community Agreement
3. Meeting memo regarding General Business #1: Road Opening Permit Application from F.M. Bridges & Son to open 430 Wethersfield Street to extend water main to new subdivision
4. Road Opening Permit Application from F.M. Bridges & Son to open 430 Wethersfield Street to extend water main to new subdivision
5. Request from Police Chief Scott Dumas to appoint Timothy LeBlanc and Oceana Golliday to the position of Reserve Police Officer
6. Meeting memo regarding General Business #3: Update on SAFER Grant
7. Letter from Chief Broderick regarding 2019 SAFER Grant
8. Email from Olivia Paulo regarding Rowley Grant Notification: SAFER Grant
9. Meeting memo regarding New Business #1: Discuss large trucks traveling on Wethersfield Street
10. Emails from Highway Surveyor Patrick Snow and Chief Dumas regarding large trucks
11. Meeting memo regarding New Business #2: Approve meeting schedule for September, October, November, and December
12. Meeting memo regarding New Business #3: Request from John Raffi for a copy of the August 10, 2020 12:00 p.m. Executive Session Minutes
13. Meeting memo regarding Old Business #1: Pinck/Anser Advisory request to increase fee in Owner's Project Manager's Contract
14. Attachment B: Contract for Project Management Services Amendment No. 2 from Pinck & Co., Inc.
15. Amendment No. 2 to Contract for Project Management Services
16. Letter from Anser Advrsory (Pinck & Co., Inc.) dated August 4, 2020
17. Meeting memo regarding Old Business #2: Update on the Triton District Communications Committee August 18, 2020 meeting
18. Meeting memo regarding Old Business #3: Discuss expanding hours that the Town Hall is open to the public during the COVID Emergency
19. Governor Baker's COVID-19 Map as of August 19, 2020
20. Meeting memo regarding Old Business #4: Discuss Aquaculture License Application filed by The Great Marsh Shellfish Company
21. Email from Brendan Doyle regarding Aquaculture permit application for overwintering area, including attached Aquaculture Application for Overwintering area
22. Letter from the Division of Marine Fisheries regarding aquaculture license for Brendan Doyle
23. Meeting memo regarding minutes to be approved

- 24. Draft minutes of August 10, 2020, 10:00 a.m. Meeting
- 25. Draft minutes of August 10, 2020 12:00 p.m. Meeting
- 26. Draft minutes of August 10, 2020 1:00 p.m. Meeting
- 27. Draft minutes of August 18, 2020
- 28. Meeting memo regarding Announcements