

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

December 14, 2020

Recorded from Town Hall, 139 Main Street, Rowley, MA

1:00 p.m.

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

### **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 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/322583245> or also dial in using your phone by calling +1 (224) 501-3412 and using access code 322-583-245. 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.

**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 as follows:

- Over the last couple of weeks there has been a very large spike in positive cases in Town, similar to other Towns, and Rowley is in the red zone. He said this is troubling but to be expected, and the State warned that people would lower their guard over the holidays. He observed large gatherings at homes, which the State warned against. The Governor is issuing more restrictions, and he thinks there will be more to come before Christmas.
- The Health Department is starting to go to all businesses to make sure they are complying with the guidelines, outline their expectations, and they will check on them.
- They have been vigilant with Market Basket. They met with the manager last week and the maximum number of people allowed in the store has decreased by about 100. He said the new number has been posted and they are enforcing it. They have 16,000 – 17,000 customers per week, and they do a good job cleaning. A couple employees tested positive, they notified the Health Department, and the employees were put on leave. He said he is pleased with what they have done.

- They are focusing on the other businesses now, and looking into issues that came up over the weekend.
- Everyone should be pleased that the vaccine is coming soon and this horror for everyone will end. He and Frank were on a conference call with the State this morning and by the end of the week we should have the State's outline on how the vaccine will be handled.

Health Director Frank Marchegiani updated the Board as follows:

- We are in red group now and there are 36 active cases which is a big jump up, but is in line with surrounding towns.
- We have rolled back into Phase 3 step one with the following changes:
  - Outdoor gatherings limited to 50 people
  - Occupancy has been reduced from 50% to 40% for some businesses
  - Masks are required at all times in restaurants unless you are actually eating, and there is a limit of 6 people at a table for a maximum of 90 minutes
- They are continuing with contact tracing using three methods: Town Health Nurse, a coordinator hired by the three regional towns that make up Triton, and the State tracing program which they turn to for help when they are overloaded.
- They are in process of registering with the vaccine program, which will be given out in three phases as follows:
  - Phase 1: December – February: Healthcare workers, long term facility care workers, police and fire emergency personnel
  - Phase 2: End February – March: High risk individuals, individuals over 65 years of age, educational personnel, grocery store workers, public health and public works personnel
  - Phase 3: April: General public
- Vaccine administration is still being worked out, but there will most likely be regional centers, and the federal government is working with large pharmacies to get the vaccinations out to long term care facilities, and police and fire personnel as soon as possible.
- They have been working on the plan for Massachusetts vaccinations for the past 15-20 years, with help from the Medical Reserves Corp to help staff these types of vaccination events, which is always a challenge.
- He understands that the vaccination will be free of charge, and going forward will be administered by pharmacies and doctor's offices, like other vaccinations are administered currently.

Petersen said over the past week there have been many rumors about Market Basket. Marchegiani said the manager did notify the Health Department right away, and they did all they are supposed to do. He said it is unfortunate this is happening and they are working on this case by case. Pierce read the memo from Marchegiani about Market Basket. Petersen thanked Marchegiani for all he does day in and day out. Marchegiani said the event at Market Basket is not a cluster, but is three random unique situations that came at the same time. Snow asked if local dentists will also distribute the vaccine. Marchegiani said the last he heard, the State was putting together a list of people who

could disperse the vaccine. He said he can let the Board know if dentists are authorized.

### **GENERAL BUSINESS**

1. Letter of resignation from Council on Aging Board of Directors Member Jena Haag

Bob Snow made a motion to accept this resignation and to send a thank-you letter, Dave Petersen second, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

### **NEW BUSINESS**

1. Discuss Financial Policy Manual

Chairman Pierce read the following:

*The Fiscal Team has completed the Town's Financial Policy Manual. We received assistance from the Department of Revenue Division of Local Services through the Community Compact to write this manual. The DLS provided us with the template for the manual. The Fiscal Team members, who are Sue Bailey, Debbie Eagan, Amy Lydon, Sean McFadden, and Karen Summit, spent the past year working on the manual and it is now complete.*

*The financial policies in the manual provide guidance for local planning and decision making. The policies provide objectives, direction and define authority to help ensure sound fiscal stewardship and management practices. The policies in the manual will be periodically reviewed and updated if necessary.*

*With these policies the Town of Rowley, through its Board of Selectmen, commits to the following objects:*

- *Sustaining a consistent level of service and value for residents and business*
- *Safeguarding financial integrity and minimizing risk through a system of internal controls*
- *Ensuring the quality and maintenance of capital assets*
- *Conforming to general law, uniform professional standards, and municipal best practices*
- *Protecting and enhancing the Town's credit rating*
- *Promoting transparency and public disclosure*
- *Assuring accurate and timely reporting*

*The Manual is now ready for the Board to approve. Approval will require a roll call vote.*

Bob Snow made a motion to adopt the Financial Policy Manual, Dave Petersen second, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

2. Request from Attorney Jill Mann to extend the Falcon Ridge Open Space Residential Density Bonus contribution

Chairman Pierce read the following:

*Attorney Mann has sent the Board the attached letter asking for an extension for the time period for her client, Taylor Lane LLC, to submit the \$150,000 payment contribution in accordance with the Planning Board's granting of a "Density Bonus" pursuant to the Town's Zoning Bylaws, Section 6.4.7.2 (a).*

*The Board has discussed this section of the Zoning Bylaws with Town Counsel Tom Mullen in the past. (See attached letter from Tom dated Jan. 6, 2020). These funds will need to be deposited into the General Fund and appropriated at a future Town Meeting for a project to be approved and overseen by the Board of Selectmen.*

Dave Petersen made a motion to approve the two month extension for the payment of these funds, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

### **OLD BUSINESS**

1. Discuss status of Pine Grove School closeout

Chairman Pierce read the following:

*During last week's meeting, the Board discussed the Pine Grove School closeout. The Board authorized the purchase of weather station replacement in the amount of \$695.00. The purchase order has been issued and the unit has been ordered.*

*The Board also authorized the purchase of standard classroom chairs to replace the rocker style classroom chairs. The Board set a "not to exceed" cost limit of \$35,000. Larry Berger has obtained a quote (see attached) for the replacement chairs and it is \$36,625.80. The vendor will not take back the existing rocking chairs. We have received confirmation from Triton Superintendent Brian Forget and Pine Grove School Principal Nicole LaPerriere that they would like the Town to purchase the standard chairs. (Emails are attached.) They feel it is the best option because the felt rockers do not seem to be a good match for the new linoleum floor. The Principal would like to keep some of the rockers and the surplus rockers can be sold. After the new chairs are delivered to the school, the Board can vote to authorize the sale of the remaining rockers.*

*This is the last remaining item for the Board to purchase before the final closeout forms as sent to the MSBA. Does the Board wish to proceed with this purchase? If so, the Board needs to vote by roll call.*

Perry asked if these are the standard classroom chairs, as the chair in the picture doesn't look familiar. Berger said the chairs in the pictures were ordered, with rockers, and the chairs in the picture are being used in the school. Ziev said if this is approved, there should be a stipulation that the felt is removed from any remaining rockers by the school maintenance staff before they are used. She said the storage at the school is limited, and this needs to be taken into account when deciding how many rockers to keep. She asked who would oversee the sale of the rockers. Petersen said the Board of Selectmen. Eagan said we will follow Chapter 30 B for the disposition of public property. Ziev said a lot of new furniture has been brought in to allow for social distancing, so there is a lot of furniture being stored on the stage. She said the stage is not meant to be used for storage, and she hopes there is no damage to the stage. She said she thinks purchasing new chairs is an immense misuse of funds.

Petersen said he isn't happy about making this purchase but thinks it should be approved for the closeout. He said Ziev has provided new information about additional furniture and asked how much is there and where did the money come from to purchase it. He said furniture shouldn't be stored on the stage, and maybe a trailer can be rented to store the furniture. He asked how many teachers want rockers. He said we need to move ahead with this so we can do the closeout. He said he hates to spend \$37,000 on this but we have no choice. Ziev said she detests the furniture that was selected during the project. She said the classrooms use tables, which are not able to accommodate social distancing requirements. She said her understanding is that COVID funds were used to purchase desks, separate from the project. She said lunch tables are on the stage. Berger said no additional furniture was purchased through the project budget. Ziev said it couldn't have been foreseen that the furniture would not be able to be used during this pandemic. She said there was little storage before the renovation, and now there is much less. Snow asked how many rockers will be kept. Ziev said she isn't sure. She said the long standing issues with the chairs were brought to the attention of the architect, but the warranty on them ran out during the pandemic. Petersen said it sounds like there is a huge storage problem, and asked if COVID funds could be used to lease or purchase steel containers for long term storage. Eagan said the Town's COVID funds need to be used by the end of December. She said the school has its' own COVID funds, and maybe Brian Forget could look into this. Pierce said the decision that needs to be made today is about the money for the purchase of the chairs. He said we can try to sell the rockers on the surplus market. He said he agrees with Petersen that it is important to finish this project and not miss the MSBA deadline. He said it will cost the Town more than \$37,000 if we miss the deadline.

Dave Petersen made a motion to purchase the new chairs for a cost of \$36,625.80, Joe Perry second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Cliff Pierce – aye. Deana Ziev – NO.

Berger asked Eagan to issue the Purchase Order and to send him a copy to include in the final invoice. Eagan said she will do the Purchase Order this afternoon.

2. Request from Old Planters of Cape Ann for a letter regarding any impact from its operations on Town services.

Chairman Pierce read the following:

*Spencer Kalker, the CEO of Old Planters of Cape Ann, Inc. contacted Debbie via email as shown below:*

*Good morning, as part of our annual license renewal we need to provide the State CCC with a letter from the town stating what, if any, impact Cape Ann Cannabis operations has had on the towns services and community. Please provide an impact statement for us to forward to the CCC. Thank you very much for your consideration in this matter.*

*Best Regards*

*Spencer*

*Spencer Kalker  
President CEO  
Cape Ann Cannabis  
Old Planters of Cape Ann, Inc.  
[www.oldplantersofcapeann.org](http://www.oldplantersofcapeann.org)*

*Debbie contacted Town Counsel Tom Mullen who recommended that Debbie query Town departments to see if anyone has had any financial impact. If no departments have had any financial impacts, Tom recommends that we inform Old Planters of Cape Ann that the "Town has not yet suffered any quantified impacts."*

*The departments have indicated that they have not any financial impacts incurred from this business. (See attached responses) Also, the Selectmen's Office has not incurred any financial impacts from this business. Therefore, the Board needs to vote (ROLL CALL) to authorize Debbie to provide Mr. Kalker with a response in accordance with Tom Mullen's recommendation. This response will be sent by Mr. Kalker to the Cannabis Control Commission.*

Joe Perry made a motion to authorize Debbie to provide Mr. Kalker a letter in accordance with Tom Mullen's recommendation, Dave Petersen second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

3. Discuss Town Hall Handicap Ramp

Chairman Pierce read the following:

*The handicap ramp at Town Hall is in urgent need of replacement, and we have been working with Dave Petersen on moving forward with this project. We were under*

*contract with CBI Consulting, LLC for this project in 2018, however we halted this project to instead focus on the handicap ramp at the Annex which was a more urgent need at that time. CBI has provided the attached updated contract for design changes, bidding and construction administration services. The contract amount is \$17,000, which consists of \$3,550 for construction documents; \$4,050 for bidding; and \$9,400 for construction administration. We are asking the Board of Selectmen to vote to approve this contract. If the Board is in agreement to approve this, they will need to vote by a roll call vote.*

Petersen said this ramp was part of the original bid with the Annex ramp, it was put out to bid and the bids came in too high. He said we also thought that we would need a temporary ramp at Town Hall, but with the closure of the building due to COVID, we can find a different solution. He said the current ramp at Town Hall was built by labor of volunteers in 1980. He said the supports are rusting away and it needs to be updated to current code requirements. He recommended that we move forward with this.

Dave Petersen made a motion to approve this contract and move forward with this project, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Pierce continued:

*We have \$47,900 remaining in an article funded at the April 30, 2018 Special Town Meeting for this project. We also have a pending grant application with the State for this project, however we are not sure if we will receive any portion of the grant. This \$47,900 appropriation will cover the contract for services with CBI, however, there will not be sufficient funds to cover the construction costs of the ramp, based on the cost of the new ramp at the Annex. We are asking the Board of Selectmen to vote to authorize us to go out to bid before Town Meeting, with the bid award being contingent upon getting the required additional funding at Town Meeting. At Town Meeting we will seek CPC funding based on the actual bid price for the ramp, which will include an automatic door opener, similar to what we just installed at the Annex. If the Board is in agreement with this plan, they will need to vote by a roll call vote.*

Bob Snow made a motion to authorize going out to bid for this project contingent upon Town Meeting approval for additional funding, Dave Petersen second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Dave Petersen made a motion to authorize Chairman Pierce or Debbie to sign the contract with CBI, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

#### 4. Discuss Governor's Order #55 – Face Coverings in Public Places

Chairman Pierce read the following:

*Governor Baker issued a Revised Face Covering Order effective November 6, 2020. This Order requires face coverings to be worn in public places at all times, unless a person falls within one of the listed exceptions. Attached is a copy of the Order.*

*This Order includes the wearing of face coverings in public buildings, in the outdoors, and in the workplace, even if social distancing requirements are met.*

*Due to the increase in COVID cases in Town, it is important to remind all Town boards and committees that wish to hold in-person meetings in the Town Hall Auditorium that they must follow all the State COVID requirements, including wearing face coverings at all times on Town property, including during public meetings. Face coverings must be worn even if someone is speaking during a meeting and even if the seats are spaced out socially-distanced. The only exceptions include a medical condition, with written documentation; hearing impairment condition; or specific conditions such as eating and drinking in a restaurant, receiving dental care, or swimming.*

*While these are challenging times to operate municipal government, we must all adapt to these requirements while participating in public meetings. Just a reminder, that all Town boards and committees have the option to hold remote meetings in accordance with the temporary COVID-19 revisions to the Open Meeting Law. Also, we are restricted to only having one meeting venue available to hold in-person meetings, and that is the Town Hall Auditorium, which, under the COVID requirements, has a room capacity limit of 16 persons.*

*Does the Board wish to have Debbie send a message to all the Town departments, boards and committees reminding them of the Face Covering requirements under Order #55, and of their ability to use a remote meeting option instead of live in-person meetings?*

Bob Snow made a motion to have Debbie send a message to all Town Departments, boards and committees reminding them of these requirements, Deana Ziev second, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

### **LIQUOR LICENSE RENEWALS**

- Brickle LLC, d/b/a Bradford Tavern 85 Haverhill Street
- Rowley Enterprises, Inc. d/b/a Skip's Country Store 801 Haverhill Street

Chairman Pierce read the following:

The Board did not renew the liquor licenses for The Bradford Tavern and Skip's Country store last Monday. Please see updates below on these liquor licenses:

#### ***Brickle LLC, d/b/a Bradford Tavern - 85 Haverhill Street***

*The Bradford Tavern has posted a notice on its website that it will close permanently on December 19, 2020. Natalie spoke with the owner last Monday after the Selectmen's*



*meeting and the owner said that they paid for their liquor license and want it renewed because “you never know what will happen.” The owner said they do not plan to “sell” the liquor license.*

*The ABCC said that the Selectmen could renew this license and said, “typically a licensee would be given an opportunity to transfer the license before a board would not renew/revoke the license. Your board can ask the licensee to clarify what they plan to do with the license so you have them on the record. Your board can also require they either surrender the license or transfer the license within a specific timeline.”*

*How does the Board wish to proceed with this liquor license renewal?*

Petersen said he has no problem renewing this license, and it is important in these times of COVID. He said this is a great location and hopefully knowing there is a liquor license at this location will help a new business to go there. He said maybe the license should be issued for a six month time period. Snow agreed and said we are in crazy times right now and a six month renewal won't be a problem. Perry, Ziev and Pierce agreed.

Dave Petersen made a motion to renew the license for the Bradford Tavern for six months only, Deana Ziev second, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Chairman Pierce read the following:

***Rowley Enterprises, Inc. d/b/a Skip's Country Store 801 Haverhill Street***

*As of last Monday, this applicant had an outstanding electric bill for \$5,862.18, and had broken the payment plan set up with the Light Department for this. The Light Department received a \$2,500 payment on Tuesday, and has said they are comfortable signing off on this renewal if an additional \$2,000 is paid on this account, which would leave a balance of \$1,362.18. The applicant told Amy that they would pay \$1,000 on Friday 12/11/2020, and \$1,000 by Thursday, 12/17/20.*

*Is the Board comfortable with renewing this license under this payment plan? If so, does the Board wish to renew this license and not release it until we confirm that these payments have been made, or does the Board wish to wait until the meeting on December 21st?*

Lydon updated the Board as follows:

*The Light Department has confirmed that Skip's has made an additional payment of \$2,000, and they have a remaining overdue balance of \$400. Light Manager Matt Brown is satisfied and said they have met the obligation of the payment plan with the Light Department and he does not wish to hold up the renewal of this liquor license.*

Joe Perry made a motion to renew the license for the Skip's Country Store, Bob Snow second, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

### **ANNOUNCEMENTS**

- Toys for Tots Box located at Town Hall
- There is an opening on the Parks and Recreation Committee. For more information, please call the Selectmen's Office at 948-2372

### **ADJOURN**

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Deana Ziev 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 1:54 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. Memo from Health Director Frank Marchegiani regarding Market Basket Meeting with Manager 12-11-202, 11:00 a.m.
3. Meeting memo regarding General Business #1: Letter of resignation from Council on Aging Board of Directors Member Jena Haag
4. Letter of resignation from Council on Aging Board of Directors Member Jena Haag
5. Meeting memo regarding New Business #1: Discuss Financial Policy Manual
6. Financial Policies Manual
7. Meeting memo regarding New Business #2: Request from Attorney Jill Mann to extend the Falcon Ridge Open Space Residential Density Bonus contribution
8. Email from Jill Mann regarding Falcon Ridge Estates, including attachment
9. Email from Tom Mullen regarding OSRD Density Bonuses in Return for Public Improvements
10. Open Space Residential Subdivision Special Permit for 430 Wethersfield Street
11. Meeting memo regarding Old Business #1: Discuss status of Pine Grove School closeout

12. Email from Larry Berger regarding Pine Grove School Furniture Quote, including attached documents
13. Email from Brian Forget regarding Important Chair Purchase
14. Email from Nicole LaPerriere regarding Important Chair Purchase
15. Meeting memo regarding Old Business #2: Request from Old Planters of Cape Ann for a letter regarding any impact from its operations on Town services.
16. Request from Old Planters of Cape Ann for a letter regarding any impact from its operations on Town services.
17. Email from Debbie Eagan forwarded to various department heads regarding Information required to update State CCC on our license renewal
18. Email response from Police Department to Eagan's forwarded email
19. Email response from Highway Department to Eagan's forwarded email
20. Email response from Council on Aging to Eagan's forwarded email
21. Email response from Town Clerk to Eagan's forwarded email
22. Email response from ZBA to Eagan's forwarded email
23. Email response from Assessors Department to Eagan's forwarded email
24. Email response from Planning Department to Eagan's forwarded email
25. Email response from Conservation Department to Eagan's forwarded email
26. Email response from Inspection Department to Eagan's forwarded email
27. Email response from Fire Department to Eagan's forwarded email
28. Email response from Health Department to Eagan's forwarded email
29. Email response from Water Department to Eagan's forwarded email
30. Meeting memo regarding Old Business #3: Discuss Town Hall Handicap Ramp
31. Agreement for Consulting Services from CBI regarding Town Hall Handicap Ramp
32. Meeting memo regarding Old Business #4: Discuss Governor's Order #55 – Face Coverings in Public Places
33. Governor's Order #55 – Face Coverings in Public Places
34. Meeting memo regarding Liquor License Renewals
35. Meeting memo regarding Announcements