

MINUTES OF THE BOARD OF SELECTMEN

February 6, 2023

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

MEMBERS PRESENT: Chairman Robert Snow; Vice Chairman Joseph Perry; Clerk Deana M.P. Ziev; Cliff Pierce; Christine Kneeland (Assistant Town Administrator Amy Lydon) Town Administrator Deborah Eagan - ABSENT

CALL MEETING TO ORDER

Chairman Snow called the meeting to order at 6:00 p.m. He said the meeting is being audio and video recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

Christine Kneeland led the Pledge of Allegiance.

6:00 p.m. TO 6:05 p.m. PUBLIC COMMENT

There were no public comments.

GENERAL BUSINESS

1. Request from Rowley Youth Baseball to use the Town Common for T-ball

Chairman Snow read the following:

Rowley Youth Baseball has requested the use of the Town Common for the T-Ball season, which will start May 1st and runs until July 1st, Monday-Friday from 5-7:00.

The request has been reviewed by the Police Chief, Health Director, Fire Chief and Highway Surveyor and they have no comments / concerns.

Does the Board wish to approve this request conditional upon the following:

1. *Rowley Youth Baseball to provide an updated certificate of insurance - the current certificate provided expires on April 17, 2023.*

Cliff Pierce made a motion to approve the request with the condition as presented, Deana Ziev second, all in favor - aye (5-0).

2. Approve Library donation

Chairman Snow read the following:

Library Director Pamela Jacobson has provided the Board with the attached email detailing a monetary donation to the Library. In accordance with State law, G.L. c.44 §53A, the Board needs to vote to approve this donation.

Snow read the email detailing the donation. Perry said this is a very generous donation.

Joe Perry made a motion to approve this donation, Christine Kneeland second, all in favor - aye (5-0).

3. Letter of resignation from Reserve Dispatcher Pamela Lutes

Chairman Snow read the following:

Pamela Lutes has submitted her resignation. The Board needs to vote to accept her resignation.

Snow read the resignation letter.

Christine Kneeland made a motion to accept this resignation with regrets, Cliff Pierce second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

4. Letter of resignation from Firefighter Justin Haley

Chairman Snow read the following:

Justin Haley has submitted his resignation. The Board needs to vote to accept his resignation.

Snow read the resignation letter.

Joe Perry made a motion to accept this resignation with regrets, Cliff Pierce second, all in favor - aye (5-0).

NEW BUSINESS

1. Discuss Animal Control Officer/Animal Inspector work

Chairman Snow read the following:

Debbie has been working on a plan to address the Town's Animal Control and Inspector work.

Short-Term Plan

For the short-term, on November 7, 2022 the Board nominated Megan Sousa to serve as an additional Animal Inspector to the Massachusetts Department of Agricultural

Resources (MDAR). The State has approved this nomination. Megan has informed Debbie that there are 73 barns in Rowley that need to be inspected per State requirements for the Town's 2022 annual "Barn Book" filing with the MDAR. Megan has also been inspecting dog kennels.

Debbie is requesting the Board to approve setting Megan's rate for both Animal Inspector and Animal Control work at \$25.23/hr., which is Step 2 of Pay Grade #7 and that she be paid out of the Animal Inspector and Animal Control Officer wage lines. There are a number of tasks involved with barn inspections, such as: inspecting the structures, animals, taking inventory of the animals, inspecting for cleanliness, pest infestation, etc. (See attached Barn Inspection form.) Written reports are made of each barn and filed with MDAR. We estimate it could take approximately 1.5 – 2 hrs. per barn.

Long-Term Plan

Debbie, Amy, and Police Chief Scott Dumas have been meeting with their counterparts in the Towns of Boxford, Ipswich, and Newbury to come up with an inter-municipal agreement for animal control and animal inspection services. There is a lack of qualified individuals seeking to work in this field. Rowley, Newbury and Boxford are currently without permanent ACOs. We are working on an inter-municipal agreement (IMA) modeled after an IMA between the City of Newburyport and the Town of West Newbury. The IMA will provide ACO services to the four Towns and will be based out of Ipswich. The IMA will also cover animal shelter services for stray and animals. The Ipswich ACO currently operates a shelter with the assistance of the Ipswich Humane Group at 17 Fowlers Lane in Ipswich. Debbie has been keeping Chairman Snow informed on the progress of the IMA. More information will be brought before the Board soon.

Perry said he had no idea there were 73 barns in Rowley. Snow said he was stunned by this as well.

Joe Perry made a motion to approve the long-term plan. Ziev said she will second the short-term plan, which is already in motion. The vote was not completed. Lydon said the Board's vote should be to approve setting Megan's rate for this work at \$25.23/hr. She said Debbie was providing an update to the Board regarding the long-term plan, and that additional information would be forthcoming.

Deana Ziev made a motion to approve the short-term plan and to set Megan's rate for this work at \$25.23/hr., Joe Perry second, all in favor - aye (5-0).

6:00 p.m. APPOINTMENT – YMCA Director Chris Bevilacqua to provide update on Y camp

Chris Bevilacqua apologized for being late and provided an annual update as follows:

- This is year 8 of this partnership with them managing the property at 390 Wethersfield Street which is being used primarily as a summer camp, but they are working on other programming.

- 2022 Camp Cedar Mill: Rowley residents receive member pricing for camp. They served 180 kids per day, with 100 being from Rowley. They employed 15 teens. A third of which were from Rowley. They provide financial assistance to 120 families, 39 of which were from Rowley. They have been in touch with the Pine Grove School Principal, and the 2023 camp enrollment is at 90% full after being open for two to three weeks.
- They provided a social and emotional support program for about 10 Triton High School freshmen who were affected by COVID. They met for 8 weeks with a team and worked on communication skills, team and trust building.
- They have provided after school enrichment programs such as archery, rock climbing and survival skills and have hosted the move-up day from the elementary schools to middle school.
- They have family programming such as nature walks and smores events and are planning fireside musical performances in the lodge.
- In 2022 they made about a \$40,000 investment in the property through the removal of dead trees, a new heat and air conditioning unit for the Vicor building and an update to the archery section.
- Through \$218,000 funding from the CPC, they did the pool renovation which included the renovation of the outdoor deck, bath houses, filter houses. There is free community access to the pool on the weekends, and the number of attendees has been increasing. They also do swim lessons for kids at the pool.

Ziev said she and her children love the Y and asked what the counselor to camper ratio is. Bevilacqua said they are licensed under the Board of Health and said for kids 7 years and up it is 10 to 1, and for kids under 7 he believes it is 6 to 1. Ziev asked what they do for kids who need more support to have a successful camp experience. He said based on feedback from camp staff, they have been training the staff on how to offer more emotional and social issues. They have units on self care and how to utilize these specialists. Ziev asked how they work with kids that have a disability. Bevilacqua said they get a handle on what is needed to support the child and be honest about the resources they have to offer. He said if they don't have enough resources, their inclusion team works with the parents and gives information on State services that may be available, and they have worked to get donations as well. Ziev said the Y does an awesome job. Snow said he is a big advocate of the YMCA, he has been a member since he was 7 years old, and he learned to swim and went to camp at the YMCA. He said having 90% pre-registrations is incredible, and this is a great program that people should get involved in. Ziev said an idea is to offer water safety course for older kids about how to be safe at the pool and the beach and asked if the sports camp in Ipswich is still being offered. Bevilacqua said they stopped those due to declining enrollments. Bevilacqua said they can look at the water safety course for spring programming. Snow asked at what age the water safety class start. Bevilacqua said at the parent/child class age. Snow said this is important because we are a coastal community. Snow thanked Bevilacqua for coming in.

6:15 p.m. PUBLIC HEARING Application filed by New England Asian Restaurant Group, Inc. d/b/a Mandarin, Manager of Record Alvin Wong for the transfer of the on-premises all alcoholic beverages liquor license currently issued to 255 Newburyport Turnpike LLC

Chairman Snow apologized for running late and read the Public Hearing notice into the record.

Cliff Pierce made a motion to open the public hearing, Deana Ziev second, all in favor – roll call: Cliff Pierce – aye; Bob Snow – aye; Christine Kneeland – aye; Deana Ziev – aye; Joe Perry – aye.

Public hearing opened at 6:36 p.m.

Snow stated that the hearing was advertised in the January 25, 2023 edition of The Daily News and called the applicants forward to discuss their application. Snow read the following:

There are no overdue taxes, water bills or electric bills at this location.

The Police Chief, Fire Chief, Building Inspector, Town Planner and Conservation Agent did not have any comments or concerns on this application.

Gary Sanginario said he is the attorney for Alvin Wong and the New England Asian Restaurant Group. He said Wong is the Principal and the proposed manager. He said this is a family business with extensive experience as they have other restaurants throughout Massachusetts. He said the Purchase and Sales agreement is contingent upon the successful transfer of the liquor license, and there will be a lease with the purchasing entity. He said he reached out to Building Inspector Ken Ward and Health Director Frank Marchegiani regarding the seating and occupancy, and they both confirmed there are 181 seats. He said the current restaurant has had minimal operations over the past several years, and Wong and the group are looking forward to getting this up and running and introduce their Asian food to the area. He said they run other successful operations, so this should be well received by the community. He said they have no plans to alter the bar area, their servers and manager will be TIPS certified with in house training and the hours of operation will be 11:30 a.m. – 9:30 p.m. on weekdays and 11:30 a.m. – 10:30 p.m. on weekends. Perry asked if they have a target date for the opening. Sanginario said that depends on how long the ABCC approval takes, then they will have a closing and they will need to make minor repairs to get up and running. Wong said they are hoping for mid-summer. Kneeland asked what the name of the restaurant will be. Wong said Mandarin, and their closest location is in Reading. Pierce said the existing license allows service until midnight. Wong said they don't want to be open that late.

Snow asked if there is anyone present at the meeting who would like to speak on the application and if so that they clearly state their name and address. There were no comments. Wong said he has no further comments.

Snow read the following:

The Police Chief, Fire Chief, Building Inspector, Town Planner and Conservation Agent did not have any comments or concerns on this application. The comments from Health Director Frank Marchegiani are:

The Health Department has reviewed the application provided to the Board of Selectmen for a transfer of the liquor license. The septic system for this restaurant has been designed for a total of 181 seats which includes the dining room, lounge, bar area, and any proposed future outdoor seating if that is being considered. If the existing bar is to be altered in any way, a dedicated hand wash only sink for the staff must remain. If the above information is correct, the Health Department does not have any additional comments concerning the liquor license other than recommending servers and managers on each shift be TIPS certified. Please contact the Health Department with any questions.

Snow asked the members of the Board of Selectmen if they have any further questions or comments. There were none.

Snow read the following:

The Board may wish to ask the applicant:

- 1. Are there plans to alter the existing bar? If so, a dedicated hand wash only sink for the staff must remain per the Health Director.*

Sanginario said they are not changing the bar.

Snow asked if we have been provided with the job titles of the positions in this operation that will be TIPS certified. Sanginario said he will provide the names.

Snow asked what hours do they plan to serve alcohol? Sanginario said 11:30 a.m. – 9:30 p.m. on weekdays and 11:30 a.m. – 10:30 p.m. on weekends.

Snow read the following:

The Board may wish to notify the applicant of the following:

- **Food Licenses:** *Contact Health Department regarding Food License or the Food Establishment Plan Review applications.*

- **Future Modifications:** *If the applicant plans to have future modifications to the liquor license, such as a change of the floor plan, this would require another public hearing and approval by the Board in the future. Approval from other Town Boards may also be required, prior to any changes to the liquor license.*

If the Board is satisfied with the application and there are no further questions of the applicant, the Chairman can call for a motion to close the public hearing.

After the Board closes the public hearing, the Board discusses the application and votes.

Joe Perry made a motion to close the public hearing, Christine Kneeland second, all in favor – roll call: Cliff Pierce – aye; Bob Snow – aye; Christine Kneeland – aye; Deana Ziev – aye; Joe Perry – aye.

Public hearing closed at 6:46 p.m.

Deana Ziev made a motion to approve the applications with the conditions stated, Joe Perry second, all in favor - aye (5-0).

NEW BUSINESS

2. Open the May 1, 2023 Annual Town Meeting Warrant

Chairman Snow read the following:

The Board needs to vote to open the May 1, 2023 Annual Town Meeting and vote to close it on March 22, 2023 at 4:00 p.m.

Snow read the Town Meeting schedule.

Joe Perry made a motion to open the May 1, 2023 Annual Town Meeting, Cliff Pierce second, all in favor - aye (5-0).

Snow said the warrant be open until March 22nd.

OLD BUSINESS

1. Approve agreement with T. Ford Company for Renovation and New Construction of Eiras Park – Kid's Kingdom Playground

Chairman Snow read the following:

Debbie has the contracts from T. Ford Company for the playground project. She is asking the Board to vote to sign the contract.

Cliff Pierce made a motion to approve the agreement with T. Ford Company for Renovation and New Construction of Eiras Park – Kid’s Kingdom Playground, Christine Kneeland second, all in favor - aye (5-0).

MINUTES

- January 23, 2023

Christine Kneeland made a motion to approve the January 23, 2023 minutes, Cliff Pierce second, all in favor - aye (4-0). Joe Perry - ABSTAINED

- January 23, 2023 – Executive Session

Deana Ziev made a motion to approve the January 23, 2023 Executive Session minutes, Christine Kneeland second, all in favor - aye (4-0). Joe Perry - ABSTAINED

ANNOUNCEMENTS

1. The Town continues to be in a drought status. Please check the Town’s website for the latest information or call the Rowley Water Department at 978-948-2640 for more information.
2. The Board of Selectmen announces that a textile recycling bin has been placed in the rear parking lot of the Town Hall Annex at 39 Central Street. Residents can drop off clothing, shoes, linens, sheets, pillows, blankets, hats, duffle bags, belts, gloves, towels, draperies, handbags, tablecloths, bathrobes, and stuffed animals. All items must be dry, bagged, and placed into the bin. Please do not leave items on the ground.
3. The Town has the following board vacancies:
 - **Council on Aging**
 - **Conservation Commission**
 - **Open Space Committee**
 - **Rowley Cultural Council**
 - **Zoning Board of Appeals – Alternate member**Interested residents should send a letter of interest to the Board of Selectmen. Positions are open until filled.

EXECUTIVE SESSION

To conduct strategy sessions in preparation for negotiations with nonunion personnel, Mark Emery and to conduct contract negotiations with Mark Emery – G.L.c.30A §21(a)(2) and (3) as having the discussion in open meeting may have a detrimental effect on the negotiating position of the Town

Chairman Snow called for a motion to go into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel, Mark Emery, and to conduct negotiations with Mark Emery, because an open session will have a detrimental effect on the negotiating position of the Town pursuant to State Open Meeting Law G.L. c. 30A, Section 21(a)(2) and to not return to open session. Cliff Pierce so moved, Christine Kneeland second, all in favor – roll call vote: Bob Snow- aye; Deana Ziev – aye; Christine Kneeland – aye; Cliff Pierce – aye; Joe Perry – aye.

Open session adjourned at 6:55 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding General Business #1: Request from Rowley Youth Baseball to use the Town Common for T-ball
2. Comments from Police Chief regarding T-ball request
3. Comments from Health Director regarding T-ball request
4. Comments from Fire Chief regarding T-ball request
5. Comments from Highway Surveyor regarding T-ball request
6. Certificate of insurance from Rowley Youth Baseball
7. Email correspondence with Adam Schlesinger regarding Use of Common for upcoming Rowley Baseball Season.
8. Meeting memo regarding General Business #2: Approve Library donation
9. Email from Library Director Pam Jacobson regarding Donation to library
10. Meeting memo regarding General Business #3: Letter of resignation from Reserve Dispatcher Pamela Lutes
11. Letter of resignation from Reserve Dispatcher Pamela Lutes
12. Meeting memo regarding General Business #4: Letter of resignation from Firefighter Justin Haley
13. Letter of resignation from Firefighter Justin Haley
14. Meeting memo regarding New Business #1: Discuss Animal Control Officer/Animal Inspector work
15. Barn Inspection checklist
16. Information from mass.gov regarding Municipal Animal Inspector Qualifications and Duties
17. Sample Intermunicipal Agreement for Animal Control Services between Newburyport and West Newbury
18. Meeting memo regarding 6:00 p.m. Appointment – YMCA Director Chris Bevilacqua to provide update on Y camp
19. Meeting memo regarding 6:15 p.m. Public Hearing - Application filed by New England Asian Restaurant Group, Inc. d/b/a Mandarin, Manager of Record Alvin

Wong for the transfer of the on-premises all alcoholic beverages liquor license currently issued to 255 Newburyport Turnpike LLC, including listed attachments

20. Meeting memo regarding New Business #2: Open the May 1, 2023 Annual Town Meeting Warrant
21. 2023 Annual Town Meeting Schedule
22. Meeting memo regarding Old Business #1: Approve agreement with T. Ford Company for Renovation and New Construction of Eiras Park – Kid’s Kingdom Playground
23. Agreement with T. Ford Company for Renovation and New Construction of Eiras Park – Kid’s Kingdom Playground
24. Draft minutes of January 23, 2023
25. Written Executive Session motion