

MINUTES OF THE BOARD OF SELECTMEN MEETING

June 4, 2018

Meeting held at Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

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

PUBLIC ATTENDEES: Bernie Cullen – 283 Wethersfield Street; Arthur Corben – 58 Kittery Avenue; Ursula Corben – 58 Kittery Avenue; Jamie Martel; Eric Giordano – Rowley Police Department; Tara Bernard – Rowley Police Department; Mike Sabatini – 239 Main Street; Brent Baeslack – Conservation Agent; Vanessa Johnson-Hall – Essex County Greenbelt Association; Bonnie Berkowitz – 623 Wethersfield Street; Barbara Berkowitz – 623 Wethersfield Street; Bryan DiPersia – 500 Wethersfield Street; David Miller – Nature's Remedy; Bob Carr – Nature's Remedy

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:59 p.m. He said the meeting is being audio and video recorded digitally and broadcast live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

Chief Dumas the Pledge of Allegiance.

Bob Snow arrived at 7:01 p.m.

7:00 p.m. APPOINTMENT Police Chief Scott Dumas to present Eric Giordano and Tara Bernard for appointment as Reserve Police Officers

Chief Dumas presented Eric Giordano and Tara Bernard for appointment as Reserve Police Officers. He summarized their backgrounds for the Board.

Joe Perry made a motion to appoint Eric Giordano and Tara Bernard as Reserve Police Officers, Bob Snow second, all in favor - aye (5-0).

GENERAL BUSINESS

1. Lift the hiring freeze for the position of alternate electrical and wiring inspector

Chairman Pierce read the request to lift the hiring freeze.

Dave Petersen made a motion to lift the hiring freeze for the position of alternate electrical and wiring inspector, Bob Snow second, all in favor - aye (5-0).

2. Invitation from Girl Scouts Troop 75124 to attend the 2018 Bridging Ceremony

Chairman Pierce read the invitation. Pierce and Petersen said they cannot make it. Perry said he will attend but will not make any remarks.

3. Invitation from Barn at Bradstreet to attend a ribbon cutting ceremony

Chairman Pierce read the email invitation. Pierce, Petersen and Snow said they cannot make it. Perry said he will try to make it.

7:10 – 7:15 p.m. PUBLIC COMMENT

There were no Public Comments.

NEW BUSINESS

1. Discuss proposal from ArchiveSocial services for the archiving of Town Department social media records

Chairman Pierce read the following:

The Board of Selectmen included a new line in the FY 19 budget for website social media archiving services at the request of Police Chief Scott Dumas and other Town Department Heads.

Several Town Departments have expressed an interest in having departmental “Facebook” pages. Records created on website and social media sites fall under the same requirements under the State Public Records Law, G.L. c.66 as “paper documents.”

IT Coordinator Karen Summit obtained a quote from ArchiveSocial for these services. Debbie is asking for authorization to proceed with contracting ArchiveSocial to provide this service. The quote is substantially less than our original estimates.

Eagan said the economy package covers up to 1,000 records per month for 10 accounts. She said we need to maintain these records and several Town departments use Facebook accounts.

Dave Petersen made a motion to authorize Debbie to proceed with contracting ArchiveSocial, Bob Snow second, all in favor - aye (5-0).

2. Authorize Town Administrator to renew FY 19 MIIA Police and Fire Accident Insurance Policies

Chairman Pierce read the following:

Debbie is seeking authorization from the Board to renew the Town's Police and Fire Accident Insurance Policies for next fiscal year. Could the Board please authorize Debbie to renew the policy?

Eagan said the increase is less than \$1,000.

Joe Perry made a motion to authorize Debbie to renew the Police and Fire Accident Insurance Policies, Dave Petersen second, all in favor - aye (5-0).

7:15 p.m. APPOINTMENT Conservation Agent Brent Baeslack for signing of Mehaffey Farm Conservation Restriction documents

Brent Baeslack said the Mehaffey Farm Conservation Restriction documents have been reviewed by Town Counsel, the Conservation Department, the Essex Country Greenbelt Association and the EEA Division of Conservation Services. He said the Conservation Commission voted to sign the documents and recommends that the Board of Selectmen sign them. He said then the Secretary for Environmental Affairs is the final signatory. Vanessa Johnson-Hall said the documents have undergone an extensive review with multiples sets of eyes. She expressed her appreciation for this wonderful project. Pierce said this is a great project and he commended Greenbelt and Brent Baeslack.

Dave Petersen made a motion to sign the Mehaffey Farm Conservation Restriction documents, Bob Merry second, all in favor - aye (5-0).

The Selectmen signed the documents, Baeslack notarized the signatures.

7:20 APPOINTMENT Bob Carr from Nature's Remedy for signing of Host Agreement for a licensed Medical Marijuana Treatment Center and Recreational Marijuana Establishment at 264 Newburyport Turnpike

Chairman Pierce read the following:

Bob Carr of Nature's Remedy has signed the Host Agreement. The next action in this process is for the Board of Selectmen to vote to approve the Host Agreement and to authorize Chairman Pierce to sign.

Debbie needed to update the signatory page and insert the name and title of the Town's signatory, which is the Cliff Pierce, the current Chairman of the Board of Selectmen. Town Counsel Tom Mullen suggested that Debbie update the signatory page, print two originals and have the Board authorize Cliff to sign the two originals. Since Mr. Carr is here tonight, he can also sign the two originals.

Then, after the Agreement is signed, Mr. Carr will give the Board an update on his business plans.

Joe Perry made a motion to authorize Chairman Pierce to sign the Host Agreement, Bob Merry second, all in favor - aye (5-0).

Bob Carr said they are using the 2,000 square foot building in the back of 246 Newburyport Turnpike rather than the one in the front of the parcel which would have needed an addition. He said parking will still be in the front. He said the Board is welcome to tour their state-of-the-art growing facility in Lakeville, which is off the grid. He said they plan to still utilize the building in the front of the property in some capacity and will still go before the Planning Board for a Site Plan Review for a Special Permit. He said they expect to file within 4 weeks.

7:30 p.m. PUBLIC HEARING Diane Manahan of Night Shade Events to discuss Entertainment License and One-Day Liquor License Application for a music event and permit on August 25, 2018 at 239 Main Street

Chairman Pierce read the Notice of Public Hearing.

Bob Snow made a motion to open the Public Hearing, Joe Perry second, all in favor - aye (5-0).

Public Hearing opened at 7:32 p.m.

Chairman Pierce read the email from Diane Manahan regarding the cancellation from the main performer, and her withdrawal of her request for the license and permit.

Bob Snow made a motion to close the Public Hearing, Joe Perry second, all in favor - aye (5-0).

Public Hearing closed at 7:33 p.m.

Bob Snow made a motion to allow the applicant to withdraw her requests, Joe Perry second, all in favor - aye (5-0).

NEW BUSINESS

3. Discuss Atlantic Auto Solutions Class II Dealer's License

Chairman Pierce read the following:

We received the attached report from the State Police about Atlantic Auto Solutions, located at 185 Newburyport Turnpike. Would the Board like to request the license holder to attend an upcoming meeting to discuss this?

Pierce read the report from the State Police. Petersen said he would prefer to have a hearing on this as these are serious allegations that warrant looking at revoking their license. Eagan said it is the Board's discretion to hold a public hearing. Pierce said this is serious, it can't be ignored, and we should have the hearing on the 18th.

Joe Perry made a motion to invite this license holder to the meeting on the 18th to discuss these issues, Bob Snow second, all in favor - aye (5-0).

4. Request from the Zoning Board of Appeals to review Marion Way, LLC revised 40B Application

Chairman Pierce said this application has been going on for a long time. Petersen said he thought this was all rejected. Pierce said at first the Selectmen provided extensive comments, and he is not sure to what extent they are applicable for this application. Pierce said there are wetlands in that area, and Phase I would be a 40 house development. He said the full development could be 140 houses. Pierce said the ZBA has the initial comments from the Board of Selectmen on file.

5. Review Zoning Board of Appeal Special Permit Application filed by O.N.G. Construction & Design relating to the following section of the Rowley Protective Zoning Bylaws: 4.11.3, 4.11.4, and 7.6.1 for the construction of a nine lot open space residential subdivision at 50 Newbury Road

Chairman Pierce read the Public Hearing Notice published by the ZBA. He said this has already been, or is about to be, approved by the Planning Board, and this is before the ZBA since it is in a watershed district. Petersen said he is a neighbor of this project, and there has been little opposition.

7:45 p.m. APPOINTMENT Spencer Walker, President of Old Planters of Cape Ann, Inc. to discuss the following:

- A request for a non-opposition letter to operate a medical marijuana dispensary at 300 Newburyport Turnpike
- A request to enter into a Host Agreement for an adult use retail marijuana establishment at 300 Newburyport Turnpike

Chairman Pierce read the following:

Town Planner Kirk Baker has reported that he met with a representative from Old Planters of Cape Ann and discussed the zoning and permitting requirements for his proposed marijuana facility. It is unclear if representatives from Old Planters have met with the Police Chief yet to discuss security plans.

He is requesting the Board of Selectmen to provide him with a "Letter of Non-Opposition" to operate a medical marijuana dispensary at 300 Newburyport Turnpike Unit 1, and a Host Agreement to operate an adult use retail marijuana business at 300 Newburyport Turnpike Unit 1.

Mr. Kalkner will provide the Board with an overview of his proposed business plans involving a medical marijuana facility and an adult use marijuana retail establishment.

Kalkner said they have a growing facility in Ipswich with medical marijuana retail space, which is state-of-the-art and off the grid. He said 300 Newburyport Turnpike is a great location for a retail store, and is a beautiful facility next to the Mexican restaurant. He said he is negotiating a deal with the landlord. Chairman Pierce said he is aware of two other applications for retail marijuana businesses in Rowley. Kalkner said at best one will last, and this is a great location. He said he will meet with the Police Chief, he has good business and management experience, and will hire six people. He said there will be a 3% community impact fee and they will focus on the health aspects and what is good for the community. Pierce said he will need to get a Special Permit from the Planning Board. Petersen said he is concerned that Rowley is becoming the mecca for cannabis sales with three establishments. Kalkner said this will be no different than liquor stores. Perry said this is practically next door from Nature's Remedy. Kalkner said he prefers his location and there is good parking. Petersen said we need to hear from the Police Chief before voting on this.

OLD BUSINESS

1. Update on Fire Station and Police Station Addition Project

Chairman Pierce read the following:

Construction is moving along at a good pace. Framing of both buildings is under way. The framing on the Police Station Addition may be completed this week. Framing of the Fire Station will continue through next week. Electrical boxes and conduits are being installed in the Fire Station.

Petersen said the Police Station is framed in and the roof will be shingled by the end of the week. He said they are starting the framing on the Fire Station. He said the project is coming together and there have been minimal problems so far.

2. Pine Grove School project update

Chairman Pierce read the following:

Things are moving along well with this project. Joe Perry will give an update on the on the project.

Perry said in the All Purpose Room, they are trenching for the new wiring, new plumbing and are installing the new lights. He said all the windows for the entire project have been delivered. He said the access road used for the April 30th Town Meeting is no longer accessible and the doorway near the Nurse's Office will need to be used for handicap access. He said they are well into Phase I which should be completed by the end of the school year.

3. Discuss June 18, 2018 Special Town Meeting

Chairman Pierce read the following:

The Board of Selectmen scheduled a Town Meeting for Monday, June 18 at 7:00 p.m. to address the revised Triton School Budget. The Town Meeting will be held in the gymnasium at the Pine Grove School. There are five articles on the warrant.

Pierce said the warrant will be mailed and is on the Town's website. Petersen said the warrant shows where the \$314,000 is coming from and they encourage people to come and pass these articles so we can move on. He said extra attention needs to be paid on the next Triton budget and we can't keep getting these huge increases.

Bernie Cullen of 283 Wethersfield Street said at this point, this is the solution for the budget problem, and if it doesn't pass there will be a huge burden on the Town. He said the next round of budgets needs to start now, and there needs to be more open discussion about what the Town can afford.

Bonnie Berkowitz of 623 Wethersfield Street said she doesn't believe next year will be better based on demographics. She asked what other revenue sources are there besides cannabis. Petersen said the Town is allowed to increase taxes by 2.5% plus

new growth from future housing developments. He said each house pays \$5,000 to \$6,000 in taxes, so if that house has two or three children in school, we are losing a lot of money. Pierce said we are limited about how we can speed up commercial growth and the Town has done quite well. He said the Planning Board is receptive to growth and works with developers to make zoning changes where appropriate.

Bryan DiPersia asked about the status of the Master Plan and how it is followed. Snow suggested that DiPersia read the Master Plan and said it looks way down the road at items like water tanks and roads. Pierce said this was the first Master Plan the Town ever did, it was a worthwhile exercise, and half of the recommendations have been implemented. He said it should be updated. He said he was the co-chair on the project, and it requires a lot of community engagement. He said without community engagement, it will not represent the will of the Town. Petersen said we will have to hire a company to do this. Pierce said a State grant paid for half of it, and it cost about \$70,000. DiPersia said based on demographics this may be an opportune time to revisit this. Eagan said the Town just finished the Open Space Plan. She said the volunteers couldn't finish the project and it fell to the Conservation Agent for completion. She said the Town would have to follow procurement law and there is a lot of footwork to do to hire a consultant for this work.

FY 19 RE-APPOINTMENTS

1. Discuss FY 19 Selectmen Re-appointments for the following:
 - Community Preservation Committee

Chairman Pierce said he would like to be reappointed to the CPC.

Bob Snow made a motion to appoint Cliff Pierce as the Selectmen's representative to the CPC, Joe Perry second, all in favor - aye (4-0). Cliff Pierce – ABSTAINED.

<u>Position or Board/Commission Member</u>	<u>Appointee</u>	<u>Expiration</u>
Conservation Commission – 3 year term	Curtis Turner	6/30/2021
Conservation Commission – 3 year term	Robert Garner	6/30/2021

Chairman Pierce read the letters of support from the Conservation Commission for Curtis Turner and Robert Garner.

Joe Perry made a motion to appoint Curtis Turner and Robert Garner to the Conservation Commission through June 30, 2021, Bob Snow second, all in favor - aye (5-0).

Town Counsel Thomas A. Mullen & Judy Pickett 6/30/2019

Bob Snow made a motion to appoint Thomas A. Mullen and Judy Pickett as Town Counsel through June 30, 2019, Joe Perry second, all in favor - aye (5-0).

Animal Control Officer – 1 year term Reed Wilson 6/30/2019

Animal Control Officer– 1 year term Carol Laroque-Alternate 6/30/2019

Joe Perry made a motion to appoint Reed Wilson as Animal Control Officer and Carol Laroque as Alternate Animal Control Officer through June 30, 2019, Cliff Pierce second, all in favor - aye (5-0).

Personnel Advisory Committee – 1 year term MaryAnn Levasseur 6/30/2019

Bob Snow made a motion to appoint MaryAnn Levasseur to the Personnel Advisory Committee through June 30, 2019, Bob Merry second, all in favor - aye (5-0).

Keeper of the Rowley Police Station Lockup facility as required under MGL Ch. 40,

Sec 35 one year term Scott Dumas 6/30/2019

Bob Snow made a motion to appoint Scott Dumas as the Keeper of the Rowley Police Station Lockup facility through June 30, 2019, Bob Merry second, all in favor - aye (5-0).

Police Department – 3 year term R. Perry Collins, Patrolman 6/30/2021

Police Department – 3 year term Scott P. Hirtle, Patrolman 6/30/2021

Police Department – 3 year term Andrew Lawrence, Patrolman 6/30/2021

Police Department – 3 year term Jessie Mazzie, Res. Patrolman 6/30/2021

Police Department – 3 year term Mark Smith, Res. Patrolman 6/30/2021

Police Department – 3 year term Pamela Lutes FT Dispatcher 6/30/2021

Bob Snow made a motion to appoint Patrolmen: R. Perry Collins; Scott P. Hirtle; Andrew Lawrence Reserve Patrolmen: Jessie Mazzie; Mark Smith and Full Time Dispatcher Pamela Lutes – all through June 30, 2021, Joe Perry second, all in favor - aye (5-0).

Police Department Melissa Stasiak, Res. Dispatcher 6/30/2019

Joe Perry made a motion to appoint Melissa Stasiak as Reserve Dispatcher through June 30, 2019, Bob Snow second, all in favor - aye (5-0).

Police Chaplain

Robert M.J. Hagopian

6/30/2021

Bob Snow made a motion to appoint Robert Hagopian as Police Chaplain through June 30, 2021, Bob Merry second, all in favor - aye (5-0).

FY 18 MGL Ch. 44 § 33B(b) Budget Transfers

- 1) Request from Town Accountant to transfer funds from Assistant Town Accountant Wages to Accounting Department Expenses

Joe Perry made a motion to approve the budget transfer for the Accounting Department, Bob Snow second, all in favor - aye (5-0).

ANNOUNCEMENTS

- Special Town Meeting will be held on Monday, June 18, 2018 at 7:00 p.m. in the Pine Grove School Gymnasium
- The Rowley Highway Department is conducting road work on Christopher Road and Intervale Circle starting May 21 and running through the end of June
- Annual Independence Day Celebration on the Town Common to be held on Saturday, June 30. The Children's Parade starts at 8:30 a.m. from the VFW parking lot followed by races, food and music on the Town Common
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- The Town has the following vacancies:
 - a. **Planning Board Associate**
 - b. **Agricultural Commission Associate**
 - c. **Fence Viewer** – three positions;
 - d. **Wood, Lumber & Bark Inspector**;
 - e. **Zoning Board of Appeals Associate** – three seats;
 - f. **Parks and Recreation Committee** – one seat; and
 - g. **Deputy Shellfish Constables** – two positions.For more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

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

Open meeting adjourned at 8:44 p.m.

Respectfully submitted,

Amy Lydon

Assistant Town Administrator

ATTACHMENTS

1. Request from Police Chief Scott Dumas to appoint Eric Giordano and Tara Bernard as Reserve Police Officers
2. Request to lift the hiring freeze for the position of alternate electrical and wiring inspector
3. Invitation from Girl Scouts Troop 75124 to attend the 2018 Bridging Ceremony
4. Invitation from Barn at Bradstreet to attend a ribbon cutting ceremony
5. Board of Selectmen Public Comment Policy
6. Meeting memo regarding New Business #1: Discuss proposal from ArchiveSocial services for the archiving of Town Department social media records
7. Quote from ArchiveSocial
8. Page 2 of the Annual Town Meeting Warrant – April 30, 2018
9. Meeting memo regarding New Business #2: Authorize Town Administrator to renew FY 19 MIIA Police and Fire Accident Insurance Policies
10. Proposal from MIIA for FY 19 MIIA Police and Fire Accident Insurance Policies
11. Meeting memo regarding 7:15 p.m. Appointment: Conservation Agent Brent Baeslack for signing of Mehaffey Farm Conservation Restriction documents
12. Mehaffey Farm Conservation Restriction
13. Mehaffey Farm Amendment to Conservation Restriction
14. Meeting memo regarding 7:20 p.m. Appointment: Bob Carr from Nature's Remedy for signing of Host Agreement for a licensed Medical Marijuana Treatment Center and Recreational Marijuana Establishment at 264 Newburyport Turnpike
15. Host Agreement for a licensed Medical Marijuana Treatment Center and Recreational Marijuana Establishment at 264 Newburyport Turnpike
16. Meeting memo regarding 7:30 p.m. Public Hearing: Diane Manahan of Night Shade Events to discuss Entertainment License and One-Day Liquor License Application for a music event and permit on August 25, 2018 at 239 Main Street
17. Notice of Public Hearing
18. Email from Diane Manahan regarding Public Hearing Notice & Liquor License Application
19. Meeting memo regarding New Business #3: Discuss Atlantic Auto Solutions Class II Dealer's License
20. Class II Dealer's License issued to Atlantic Auto Solutions
21. Email from State Trooper Charles A. Luise regarding Atlantic Auto Solutions, including attached report
22. Zoning Board of Appeals revised 40 B application for Marion Way, LLC
23. Zoning Board of Appeal Special Permit Application filed by O.N.G. Construction & Design relating to the following section of the Rowley Protective Zoning

- Bylaws: 4.11.3, 4.11.4, and 7.6.1 for the construction of a nine lot open space residential subdivision at 50 Newbury Road
24. Meeting memo regarding 7:45 p.m. Appointment: Spencer Walker, President of Old Planters of Cape Ann, Inc. to discuss the following: A request for a non-opposition letter to operate a medical marijuana dispensary at 300 Newburyport Turnpike; A request to enter into a Host Agreement for an adult use retail marijuana establishment at 300 Newburyport Turnpike
 25. Email from Stephen Chaisson of American Cannabis regarding Marijuana Establishment
 26. Meeting memo regarding Old Business #1: Update on Fire Station and Police Station Addition Project
 27. Meeting memo regarding Old Business #2: Pine Grove School project update
 28. Meeting memo regarding Old Business #3: Discuss June 18, 2018 Special Town Meeting
 29. June 18, 2018 Special Town Meeting Warrant
 30. Meeting memo regarding FY 19 Re-appointments
 31. Community Preservation Bylaw
 32. FY 19 Re-appointments excel listing
 33. Letter from Conservation Commission regarding Conservation Commission Reappointments
 34. Request from Town Accountant to transfer funds from Assistant Town Accountant Wages to Accounting Department Expenses