

## MINUTES OF THE BOARD OF SELECTMEN

May 3, 2021

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 Amy Lydon)

### **CALL MEETING TO ORDER**

Chairman Pierce 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/959134013> or also dial in using your phone by calling +1 (571) 317-3122 and using access code 959-134-013. 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.

Chairman Pierce called the meeting to order at 1:02 p.m.

### **GENERAL BUSINESS**

1. Road Opening Permit Application from National Grid to open: 26 Warehouse Lane to install new gas service

There were no questions or concerns about this road opening permit.

2. Approve Contractor Signatory Form for Fire Chief James Broderick for the State Department of Fire Services Grant for firefighting equipment

Chairman Pierce read the following:

*Chief Broderick applied for and received a \$12,411 grant from the State Department of Fire Services to purchase firefighting equipment. (See attached letter.)*

*Because this is a State Grant, the Board of Selectmen needs to vote to authorize Chief Broderick to sign the grant contract form and to authorize Chairman Pierce to sign the Contractor Authorized Signatory Form, which requires a notarization.*

Bob Snow made a motion to authorize Chief Broderick to sign the grant contract form and to authorize Chairman Pierce to sign the Contractor Authorized Signatory Form, which requires a notarization, Joe Perry seconded, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

3. Request from RCM Director Janet Morrissey to appoint Stefan Jandrisevits to the position of Production Technician

Chairman Pierce read the letter from RCM Director Janet Morrissey to appoint Stefan Jandrisevits to the position of Production Technician.

Bob Snow made a motion to appoint Stefan Jandrisevits to the position of Production Technician, Deana Ziev seconded, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

### **NEW BUSINESS**

1. Request from Ryan Costigan of Woodland Catering for a one-day wine and malt beverages license for an event at the Bradstreet Farm

Eagan said this request has been withdrawn, and they will instead be using a caterer with the 12C catering license. She said Woodland Catering is in the process of obtaining their 12C catering license.

2. Review Zoning Board of Appeals Application filed by Cameron Kneeland for a Special Permit for an in-law apartment at 63 Hammond Street

Chairman Pierce read the following:

*The Zoning Board of Appeals has a public hearing scheduled on this application for Wednesday, May 19 at 4:00 p.m.*

*Does the Board have any comments on this application that they would like to submit to the ZBA for this hearing?*

The Board had no comments on this application.

3. Review Zoning Board of Appeals Application filed by Cole Landscaping for a Special Permit for a new non-conforming use per Section 5.2 of the Rowley Protective Zoning Bylaw at 244 Haverhill Street in the Residential District

Chairman Pierce read the following:

*The Zoning Board of Appeals has a public hearing scheduled on this application for Wednesday, May 19 at 4:00 p.m.*

*Does the Board have any comments on this application that they would like to submit to the ZBA for this hearing?*

The Board had no comments on this application.

4. Letter from Assistant General Counsel of the Department of Conservation and Recreation regarding an eminent domain taking of private property

Chairman Pierce read the following:

*Assistant General Counsel of the Department of Conservation and Recreation has sent the Board a letter (see attached) regarding an eminent domain taking of a 2.5 acre parcel of privately owned landlocked wood land off Newbury Road. The parcel is shown on the attached Assessors Map 1 Lot 40.*

*The DCR has been in discussions with the owner and they have agreed that an eminent domain taking is the best process to use for this transaction. This parcel is adjacent to the Willowdale State Forest. If the transaction goes through, the land will be owned by the DCR and will remain undeveloped open space. This process requires the Board of Selectmen to sign off on the taking. If the Selectmen do not sign off, then after 30 days, the State can proceed with the taking.*

*The Treasurer/Collector has informed us that there are no outstanding taxes due on this parcel*

*If the Board wishes to approve this, then the Board needs to vote as follows:*

*I move to approve the exercise of the power of eminent domain by the Commissioner of the Department of Conservation and Recreation, acting pursuant to and in accordance with Section 3 and 3A of Chapter 132A of the General Laws, to acquire in fee a parcel of land located off Newbury Road being shown on Assessors Map 1 Lot 40 in the Town of Rowley containing 2.5 acres, more or less, and shown on Exhibit A attached hereto, second, all in favor ROLL CALL vote. The Board will need to sign the "Approval of town of Rowley Under M.G.L. c.132A, s.3A" form in the Selectmen's Office.*

Joe Perry made a motion to approve the exercise of the power of eminent domain by the Commissioner of the Department of Conservation and Recreation, acting pursuant to and in accordance with Section 3 and 3A of Chapter 132A of the General Laws, to acquire in fee a parcel of land located off Newbury Road being shown on Assessors Map 1 Lot 40 in the Town of Rowley containing 2.5 acres, more or less, and shown on Exhibit A attached hereto, Deana Ziev seconded, all in favor, roll call vote— Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

### **OLD BUSINESS**

1. Extend the Town Highway Department Road Construction contracts

Chairman Pierce read the following:

*Highway Surveyor Pat Snow has requested that the Board of Selectmen extend the following contracts for the Highway Road Materials and Services vendors:*

*Item 1 Bituminous Concrete (In Place)- BitCon Corporation*

*Item 1A Bituminous Concrete Berm Curb – P.J. Albert*

*Item 2 Bituminous Concrete (FOB) At Plant – Brox Industries*

*Item 3 Bituminous Concrete Disposal – Brox Industries*

*Item 4 Bituminous Excavation by Cold Planer – P.J. Albert, Inc.*

*Item 5 Roadway Reclamation – Murray Paving & Reclamation, Inc.*

*Item 6 Crack Sealing – Superior Sealcoat Inc.*

*Item 7 Adjustment, Rebuild and Remodeling of Structures – BitCon Corp.*

*This will be year 2 out of 3 for the contracts.*

*Please vote by ROLL CALL to extend the Highway Road Materials and Services for year 2 of the contracts.*

Bob Snow made a motion to extend the Highway Road Materials and Services for year 2 of the contracts, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

## **FY 21 BUDGET TRANSFERS**

- Whittier Vocational Technical School to Essex Agricultural Technical School

Bob Snow made a motion to approve this FY21 Budget Transfer, Deana Ziev seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

- Call Fire Department wages to Fire Department expenses

Eagan said they need this money to purchase brackets and other items to outfit the new pumper truck. She said the Fire Department can't use the truck until the items listed in the meeting packet are purchased. She said these items weren't included in the application to purchase the truck.

Bob Snow made a motion to approve this FY21 Budget Transfer, Joe Perry seconded, all in favor, roll call vote– Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

## **ANNOUNCEMENTS**

- The May 3, 2021 Town Meeting will be held at Triton Regional High School Auditorium, 112 Elm Street, Byfield at 6:30 p.m.

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

Meeting adjourned at 1:14 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Meeting memo regarding General Business #1: Road Opening Permit Application from National Grid to open: 26 Warehouse Lane to install new gas service
2. Road Opening Permit Application from National Grid to open: 26 Warehouse Lane to install new gas service
3. Meeting memo regarding General Business #2: Approve Contractor Signatory Form for Fire Chief James Broderick for the State Department of Fire Services Grant for firefighting equipment
4. Letter from Fire Chief James Broderick regarding Department of Fire Services Fire Grant Awarded to the Rowley Fire Department for \$12,411.00, including attached grant documents
5. Request from RCM Director Janet Morrissey to appoint Stefan Jandrisevits to the position of Production Technician
6. Meeting memo regarding New Business #1: Request from Ryan Costigan of Woodland Catering for a one-day wine and malt beverages license for an event at the Bradstreet Farm
7. Application package from Ryan Costigan of Woodland Catering for a one-day wine and malt beverages license for an event at the Bradstreet Farm
8. Email from Frank Marchegiani regarding Bartending at Bradstreet Farm
9. Meeting memo regarding New Business #2: Review Zoning Board of Appeals Application filed by Cameron Kneeland for a Special Permit for an in-law apartment at 63 Hammond Street
10. Zoning Board of Appeals Application filed by Cameron Kneeland for a Special Permit for an in-law apartment at 63 Hammond Street
11. Meeting memo regarding New Business #3: Review Zoning Board of Appeals Application filed by Cole Landscaping for a Special Permit for a new non-conforming use per Section 5.2 of the Rowley Protective Zoning Bylaw at 244 Haverhill Street in the Residential District
12. Zoning Board of Appeals Application filed by Cole Landscaping for a Special Permit for a new non-conforming use per Section 5.2 of the Rowley Protective Zoning Bylaw at 244 Haverhill Street in the Residential District

13. Meeting memo regarding New Business #4: Letter from Assistant General Counsel of the Department of Conservation and Recreation regarding an eminent domain taking of private property
14. Letter from Assistant General Counsel of the Department of Conservation and Recreation regarding an eminent domain taking of private property, including enclosures
15. Town of Rowley Map 1 Lot 40
16. Assessors property card for Map 1 Lot 40
17. Meeting memo regarding Old Business #1: Extend the Town Highway Department Road Construction contracts
18. Meeting memo regarding FY21 Budget Transfers
19. FY21 Budget Transfer form from Whittier Vocational Technical School to Essex Agricultural Technical School
20. Annual Town Meeting Warrant from June 22, 2021 showing Whittier and Essex Agricultural Technical School budget lines
21. Accounting report dated April 6, 2021 showing Whittier and Essex Agricultural Technical School budget lines
22. Accounts payable warrant to pay Essex Agricultural Technical School assessment number 2, including attached invoice
23. Email from Kara Kosmes regarding Whittier Tech FY21 Revised Assessments
24. FY21 Budget Transfer form from Call Fire Department wages to Fire Department expenses
25. Quotation from C&S Specialty for Fire Pumper Truck equipment
26. Quotation from Industrial Protection Services, LLC for Fire Pumper Truck equipment
27. Sales Order from Fire Tech & Safety of New England, Inc. for Fire Pumper Truck equipment
28. Quotation #E140 for Fire Pumper Truck equipment
29. Accounting report dated April 21, 2021 for Fire Department Expenses
30. Accounting report dated April 21, 2021 for Call Firefighter Wages