

MINUTES OF THE BOARD OF SELECTMEN MEETING

May 7, 2018

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

7:00 p.m.

MEMBERS PRESENT: Chairman Joseph Perry, Vice Chairman Robert Snow, Clerk Cliff Pierce, Robert Merry (ABSENT until 7:05 p.m.), David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Lawrence White – Finance Committee; Bernard Cullen – 283 Wethersfield Street; Larry Berger – Pinck & Co.; Chip Heitkamp – Dore & Whittier; David Zizza; John Surpitski; Elizabeth McCarthy - Ispwich Pharmaceuticals; JF McCarthy- Ispwich Pharmaceuticals

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:01 p.m. He said the meeting is being video and audio recorded and televised live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

7:00 p.m. APPOINTMENT Agricultural Commission Chairwoman Libby Tucker to discuss the following:

- Draft Community Garden Rules
- Draft Farmer's Market Vendor Policy
- Request to use the Town Common for the 2018 Farmers' Market Season

Chairman Perry read the following:

Libby Tucker is here tonight to update the Board on the Agricultural Commission's draft rules on the Community Garden and the Farmer's Market.

The rules for the Community Garden will need to be approved by the Conservation Commission, because the garden is located on ConCom land.

The Board of Selectmen needs to approve the proposed Farmer's Market Vendor Policy.

The Agricultural Commission is also requesting to use the Town Common for the upcoming Farmer's Market season. Enclosed is a letter from Dianne Short.

Libby Tucker said the draft Farmer's Market Vendor Policy is in the packet. She said when the Farmer's Market started 13 years ago, there was an understanding that there would be a variety of various types of activities taking place during the Farmer's Market, but it wouldn't be like a flea market or a carnival. She said they kept the vendors local with minimal arts and crafts.

Bob Merry arrived at 7:05 p.m.

Tucker said they have developed a policy to be inclusive of the types of vendors they have been allowing, such as for-profit solar companies, which fit the agricultural / environmental policy. She said they have never had vendors sign waivers, but she is happy to include them. She said vendors receive the Rules and Regulations.

Dave Petersen made a motion to approve the draft Farmer's Market Policy and the Rules and Regulations, Bob Snow second, all in favor - aye (5-0).

Eagan said the Community Gardens are located on Article 97 Conservation land, with a conservation restriction administered by Mass. Audubon. Tucker said she has provided the draft operating policies for the Community Garden and she will meet with the Conservation Commission about this. Perry said this is a great program. Eagan said there is a list of proposed Farmer's Market dates which are in line with past years, with the tractor show on September 16th with a rain date of September 23rd. Perry read the request letter with the dates.

Bob Snow made a motion to approve the dates for the Farmer's Market, the date for the tractor show, and hanging the banner, Dave Petersen second, all in favor - aye (5-0).

7:10 – 7:15 p.m. PUBLIC COMMENT

There were no public comments.

7:15 p.m. APPOINTMENT* Larry Berger of Pinck & Company to discuss the following Pine Grove School Building Project Items

- Letter of Recommendations for furniture purchases
- Subcontractor release update for shoring
- Update on placing approximately 10 40-foot storage containers on Town property near the school
- Update on the project

Letter of Recommendations for furniture purchases

Berger said there are two Letters of Recommendation for furniture purchases as follows:

1. Red Thread contract amount \$127,274.53. All items in the RFP are included except for some stools.
2. Creative Office Pavillion contract amount \$1,906.56 for the stools.

He said they are slightly over the budget of \$125,000 for this phase, but the bid includes set-up and delivery.

Petersen asked during phased construction, when are the portions turned over to the school? He asked what happens if we discover something isn't right? Berger said when the equipment comes on site, it is checked against the order and specifications, then put into use. He said if there are problems they would go through the recourse of the warranty and make adjustments. Berger said each phase is closed out, so there will be five different punch lists.

Dave Petersen made a motion to approve the furniture bids as submitted, Bob Snow second, all in favor - aye (5-0).

Subcontractor release update for shoring

Berger said the GMP is still in place and there are still items being bought out. He said there is a line item in the GMP for shoring, and WT Rich let the first contract out for shoring. He said there is still money remaining, they are not done with the line item, but the allowance is holding as presented.

Update on placing approximately 10 40-foot storage containers on Town property near the school

Berger said the location proposed off of 239 Main Street will work, and if this is available, they would like to use the space for one to one and half years. Petersen said this is the affordable housing parcel, next to the dirt piles.

Dave Petersen made a motion to approve the placement of ten forty foot long storage containers in this location, Bob Snow second, all in favor - aye (5-0).

Update on the project

Berger said they are working in the All Purpose Room and kitchen and are wrapping up the demo work. He said they are starting to install the underground and overhead utilities, and the area is fenced in. He said there is no easy way for students, parents or residents to get into the construction area. He said the site will be taken over 100% by the contractor in the summer.

GENERAL BUSINESS

1. Accept a donation of U.S. Flags for the Town Hall from Sean McFadden

Chairman Perry read the email regarding this donation.

Dave Petersen made a motion to accept this donation and to send a letter of thanks, Bob Snow second, all in favor - aye (5-0).

2. Request from Neurofibromatosis Northeast to hold Annual Coast to the Cure Bike Race through Rowley on September 8, 2018

Chairman Perry read the following:

Please see the attached request from Neurofibromatosis Northeast for their Annual Coast to the Cure Bike Ride to come through Rowley on September 8, 2018, and to set up a rest stop on the Town Common. The Rowley roads included are Cross Street, Central Street, Bennett Hill Road, Wethersfield Street, Independent Street, Summer Street and Main Street.

Although the request indicates that they are requesting to use the Town Common as a rest stop, the event organizer informed us today that the rest stop will be moved to a different town.

The Police Chief, Fire Chief, Health Agent and Highway Surveyor have reviewed this request and do not have any questions or concerns.

Dave Petersen made a motion to approve this race, Cliff Pierce second, all in favor - aye (4-0). Bob Merry – RECUSED as Director of Historical Society

3. Letter from Dianne P. Short regarding her appointment to the Agricultural Commission

Chairman Perry read the letter from Dianne Short.

Dave Petersen made a motion to accept the resignation and to send a letter of thanks, Cliff Pierce second, all in favor - aye (5-0).

7:30 p.m. PUBLIC HEARING Michelle Moon, Manager, Rowley Veterans Association for an Alteration of Premises Liquor License Application

Chairman Perry read the public hearing notice.

Bob Snow made a motion to open the public hearing, Cliff Pierce second, all in favor - aye (5-0).

Public Hearing opened at 7:31 p.m.

Perry read the following:

Chairman Perry stated that the hearing was advertised in the April 25, 2018 edition of The Daily News. Perry read the withdrawal letter from the applicant into the record.

Eagan said the letter indicates that this is a seasonal application, but in fact the application is for an alteration of premises, so there is a discrepancy in the letter.

Dave Petersen made a motion to accept the withdrawal letter, Bob Snow second, all in favor - aye (5-0).

Cliff Pierce made a motion to close the public hearing, Dave Petersen second, all in favor - aye (5-0).

Public Hearing closed at 7:33 p.m.

Eagan said the application will need to be refiled. She said the legal ad needs to be published, the notice needs to be mailed to the abutters, and it needs to be reviewed by Department Heads. Petersen said the abutters will receive registered letters of the public hearing once it is rescheduled.

7:40 p.m. APPOINTMENT Joseph McCarthy, President, Ipswich Pharmaceutical Associates to discuss Ipswich Pharmaceutical Associates, Inc. Host Agreement for the Siting of a Medical Marijuana Treatment Center and an Adult-Use Marijuana Establishment in the Town of Rowley

Chairman Perry read the following:

Joseph McCarthy has signed the Host Agreement that was reviewed and edited by Town Counsel Tom Mullen. Mr. McCarthy is seeking the Board's approval of the Host Agreement. If the Board is in agreement, the Board needs to vote to sign the Host Agreement. There are six originals in the Chairman's Folder.

His next steps will be to meet with the Planning Board to start the permitting process.

McCarthy said the host agreement is for both medicinal and recreational marijuana. He said the product for medical patients is totally different, and payment to the Town would be 3% on gross sales and the local impact fee. He said for recreational, there will be a separate counter and check-out area, and there will be 3% on top of the 3% tax, and

10% goes to the State. He said payments will be delivered 14 months after they open. He said there is a community outreach meeting being held tomorrow night at their facility from 6:00 p.m. to 8:00 p.m., and all are welcome to attend. He said they will be answering the five questions as required by the CCC. Eagan said the last page in the packet shows their certification number from the CCC. Pierce said their next step is to apply for a Special Permit from the Planning Board. McCarthy said they have done a traffic study, but haven't done the site plan yet. He said they are going to see if the Planning Board would issue them a waiver since it is the same use and there is ample parking. He said this would save them 6 weeks, and Rowley would be the first store they get up and running. Petersen said they agreed not to be open after 1:00 p.m. in July and August while the ice cream shop next door is open. McCarthy said yes, and they will come back and show an impact study once they are established.

Dave Petersen made a motion to sign and accept the host agreement as presented, Cliff Pierce second, all in favor - aye (5-0).

GENERAL BUSINESS

4. Request from the Rowley Historical Society to use the Margaret Scott Green on May 19, 2018 for Annual Plant Sale

Chairman Perry read the request.

Bob Snow made a motion to approve this request, Cliff Pierce second, all in favor - aye (4-0). Bob Merry – RECUSED as Director of the Historical Society

OLD BUSINESS

1. Update on Fire Station and Police Station Addition Project

Petersen said the steel is up at the Police Station, and will be up in the Fire Station next week. He said they are getting ready to pour the floors and the weather has been cooperating.

2. Recap of April 30, 2018 Annual and Special Town Meetings

Chairman Perry read the following:

Town Meeting was held in the gymnasium due to the Pine Grove School construction. The space was large enough to hold the Town Meeting. We didn't have the ability to show it live on local access cable television, but it was video-recorded and shown on Rowley Community Media.

Chairman Perry will ask the Board members for their thoughts.

Pierce said it went fine and he preferred being on the same level with the audience. Petersen said the new stage will have railings and a handicapped ramp. He said the Moderator received complaints that people couldn't see, and it was a good sized crowd. He said the school did a nice job setting up for the meeting. Perry said Principal Kneeland and others set this up, and there were 308 people in attendance. He said in the past it has been tough to get a quorum, and he thought it went well. Petersen said there is a Citizens Guide to Town Meeting available from the Secretary of State, which is 10 to 14 pages long. He said it is free online.

NEW BUSINESS

1. Review Zoning Board of Appeals Special Permit Application filed by David Jaquith for variances to reconstruct a single family residence at 77 Railroad Avenue

Chairman Perry read ZBA Administrative Assistant Lisa Lozzi's email. Pierce said it is unclear what zoning relief the applicant is looking for. He said the application indicates the applicant is looking for a variance for requirements and cites a zoning bylaw, but that bylaw establishes set-back requirements in the retail district, and doesn't apply to the outlying district. He said it could be a side set-back variance request, but that was not indicated in the application.

Cliff Pierce made a motion to send Pierce's comments to the ZBA, Bob Snow second, all in favor - aye (5-0).

2. Review Planning Board Special Permit/Site Plan Application filed by Reed Granite to allow wholesale sales and grant fabrication in the Retail District and Business Light Industry District and Outlying District

Chairman Perry read the email from Town Planner Kirk Baker. Pierce said the Planning Board met informally with Reed Granite and was told the business repurposes old granite, whereas Swenson Granite uses new granite. He said they are proposing to restore an old barn on the property. He said the machinery used will have the same decibel level as a chainsaw, and will be operated at the back of the property. He said there is a resident close by and a business next door, and he is not sure how long or often the machines would be used during the day. He said they are located in Wakefield and want to move to Rowley. Petersen said the two granite businesses next to each other may attract business. The Board had no comments on this application.

3. Discuss adding additional handicap parking spaces at the Town Hall Annex Parking lot.

Chairman Perry read the following:

There has been an increase in the number of visitors to the Town Hall Annex with handicap placards. There are currently two handicap parking spaces which are consistently being used. Would the Board consider increasing the number of handicap parking spaces?

Petersen said he has gotten requests for more handicap parking spaces at the Town Hall Annex.

Dave Petersen made a motion to approve up to five spaces, adding two now and allowing one more to be added without coming back to the Board of Selectmen for approval, Bob Snow second, all in favor - aye (5-0).

Petersen asked the staff to call the Highway Surveyor to order and install the additional signs.

4. Authorize Town Administrator to renew FY 19 MIIA Property Liability & Workers' Compensation Insurance Policies

Chairman Perry read the following:

Debbie is working on the Town's insurance policy renewals. She is asking the Board of Selectmen to authorize her to renew the policies for the upcoming fiscal year.

Dave Petersen made a motion to authorize Eagan to renew the FY 19 MIIA Property Liability and Workers' Compensation Insurance Policies, Bob Snow second, all in favor - aye (5-0).

5. Request from Crown Castle to approve the modification of T. Mobil's equipment at the cell tower at 124 Haverhill Street

Chairman Perry read the following:

This item needs to be tabled. Crown Castle is still working on obtaining the requisite approvals from the Planning Board.

MINUTES

- March 5, 2018

Dave Petersen made a motion to approve the March 5, 2018 minutes, Bob Merry second, all in favor - aye (4-0). Cliff Pierce - ABSTAINED

- April 5, 2018

Dave Petersen made a motion to approve the April 5, 2018 minutes, Cliff Pierce second, all in favor - aye (5-0).

- April 9, 2018

Dave Petersen made a motion to approve the April 9, 2018 minutes, Bob Merry second, all in favor - aye (5-0).

ANNOUNCEMENTS

- Town Election is scheduled for Tuesday, May 8, 2018 from noon to 8:00 p.m. at St. Mary's Church Hall
- The Friends of the Council on Aging is sponsoring a Shoe Drive from mid-April to mid-May at the Town Hall Annex, 39 Central Street. Paired footwear, such as the following may be deposited in the container at the Annex Parking lot: shoes, boots, work boots, sandals, slippers, flip flops, heels, sneakers, pocket books, purses, backpacks and belts.
- Friends of the Council on Aging to hold Annual Bake Sale and Craft Fair at the Town Hall Annex parking lot on May 19, 2018
- 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 Perry called for a motion to adjourn. Bob Merry so moved, Cliff Pierce second, all in favor - (5-0).

Open meeting adjourned at 8:17 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS

1. Meeting memo regarding 7:00 p.m. appointment: Agricultural Commission Chairwoman Libby Tucker to discuss the following: Draft Community Garden Rules; Draft Farmer's Market Vendor Policy; Request to use the Town Common for the 2018 Farmers' Market Season
2. Email from Deborah Eagan regarding Ag Com
3. Draft Rowley Farmer's Market Vendor Policy
4. Community Garden Rules and Regulations
5. Request from Agricultural Committee for Farmer's Market on Town Common
6. Farmer's Market Rules and Regulations
7. Meeting memo regarding 7:15 p.m. appointment: Larry Berger of Pinck & Company to discuss the following Pine Grove School Building Project Items: Letter of Recommendations for furniture purchases; Subcontractor release update for shoring; Update on placing approximately 10 40-foot storage containers on Town property near the school; Update on the project
8. Recommendation of Furniture Award for Red Thread, and attached quotes
9. Email from Amy Lydon regarding Flag Donation
10. Meeting memo regarding General Business #2: Request from Neurofibromatosis Northeast to hold Annual Coast to the Cure Bike Race through Rowley on September 8, 2018
11. Email request from Neurofibromatosis Northeast to hold Annual Cost to the Cure Bike Race through Rowley on September 8, 2018
12. Letter from Dianne P. Short regarding her appointment to the Agricultural Commission
13. Meeting memo regarding 7:30 p.m. Public Hearing: Michelle Moon, Manager, Rowley Veterans Association for an Alteration of Premises Liquor License Application
14. Public Hearing Notice published April 25, 2018
15. Withdrawal letter from Michele Moon
16. Alteration of Premises Liquor License Application submitted by Michelle Moon, Manager, Rowley Veterans Association
17. Meeting memo regarding 7:40 p.m. Appointment: Joseph McCarthy, President, Ipswich Pharmaceutical Associates to discuss Ipswich Pharmaceutical Associates, Inc. Host Agreement for the Siting of a Medical Marijuana Treatment Center and an Adult-Use Marijuana Establishment in the Town of Rowley
18. Email from Deborah Eagan regarding Host Agreement, including attached agreement
19. Traffic Impact Study for 116 Newburyport Turnpike
20. Email from Jodi McCarthy regarding Ipswich Pharmaceuticals Associates certification from the CCC
21. Copy of Ipswich Pharmaceuticals Associates certification from the CCC

22. Request from the Rowley Historical Society to use the Margaret Scott Green on May 19, 2018 for Annual Plant Sale
23. Meeting memo regarding Old Business #1: Update on Fire Station and Police Station Addition Project
24. Meeting memo regarding Old Business #2: Recap of April 30, 2018 Annual and Special Town Meetings
25. Email from ZBA Administrative Assistant Lisa Lozzi regarding Special Permit Application filed by David Jaquith for variances to reconstruct a single family residence at 77 Railroad Avenue
26. Zoning Board of Appeals Special Permit Application filed by David Jaquith for variances to reconstruct a single family residence at 77 Railroad Avenue
27. Email from Kirk Baker regarding Planning Board Special Permit/Site Plan Application filed by Reed Granite to allow wholesale sales and grant fabrication in the Retail District and Business Light Industry District and Outlying District
28. Planning Board Special Permit/Site Plan Application filed by Reed Granite to allow wholesale sales and grant fabrication in the Retail District and Business Light Industry District and Outlying District
29. Meeting memo regarding New Business #3: Discuss adding additional handicap parking spaces at the Town Hall Annex Parking lot.
30. Meeting memo regarding New Business #4: Authorize Town Administrator to renew FY 19 MIIA Property Liability & Workers' Compensation Insurance Policies
31. FY 19 MIIA Property Liability & Workers' Compensation Insurance Policies Renewal agreement
32. Meeting memo regarding New Business #5: Request from Crown Castle to approve the modification of T. Mobil's equipment at the cell tower at 124 Haverhill Street
33. Draft minutes of March 5, 2018
34. Draft minutes of April 5, 2018
35. Draft minutes of April 9, 2018