

MINUTES OF THE BOARD OF SELECTMEN MEETING

November 6, 2017

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, David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Frank Iovanello; Henry F. Rolfe; Bernard Cullen; Lawrence White – Finance Committee

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:00 p.m. Perry announced that the meeting is being video and audio recorded and televised live by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Request from Board of Water Commissioners to lift the hiring freeze for the position of Distribution Utility Maintenance Laborer 2

Dave Petersen made a motion to lift the hiring freeze for the position of Distribution Utility Maintenance Laborer 2, Bob Snow second, all in favor - aye (5-0).

OLD BUSINESS

1. Update on the Pine Grove School project

Chairman Perry read the following:

The project contractor, W.T. Rich, Inc., has filed a request with the Board of Selectmen to award three contracts, in accordance with the Early Release Package #1, for the following:

- *Roof top units;*
- *Boilers; and*
- *Main electrical switch*

Attached is the request. The Pine Grove School Building Committee unanimously voted on November 2, 2017 to approve the request. The Board of Selectmen will need to vote to approve this request and to authorize Chairman Perry to sign it. There are four originals (attached) for Chairman Perry to sign.

Dave Petersen made a motion to approve the request to award the three contracts detailed above, and to authorize Chairman Perry to sign the four original approval documents, Bob Snow second, all in favor - aye (5-0).

Perry continued:

The public hearings for the Stormwater Management Permit application and Notice of Intent application have been continued by the Conservation Commission to November 14, 2017 to 8:45 p.m. and 9:00 p.m., respectively. The site plan engineers from Nitsch Engineering are working with the Town's Technical Review Agent, Larry Graham, on these applications.

The leader of the Town's baseball and softball league has spoken with Selectman Dave Petersen about concerns over the plans for the ballfields during the site construction at the Pine Grove School. Dave and Recreation Committee member Tim Southall have discussed the ability to get the softball field ready for the spring 2020 season. Construction of the field, including the planting of grass in the outfield, would need to be completed by mid-September 2019, so that the grass will grow in time for the start of the season.

Petersen asked Perry to make sure that the softball field is included in the target date when he has the meeting. He said a request will be coming in to ask permission to use the Town Common for T-ball. Pierce said it seems very optimistic to plant the fields in mid-September and have them ready for the spring. Petersen said the infield is a skin, so the grass is just in the outfield. He said this is a goal and the smaller younger girls would be using these fields.

2. Update on the Fire Station and Police Station Addition project

Chairman Perry read the following:

We are currently out to bid on this project. Sub-trade bids are due this upcoming Thursday, November 9 at 2:00 p.m.

General bids are due the following Thursday, November 16 at 2:00 p.m.

We have received the Stormwater Management Permit from the Conservation Commission. That has been incorporated into the bid documents as an addendum.

A total of four addenda have been issued.

7:05 – 7:10 p.m. PUBLIC COMMENT

There were no Public Comments.

NEW BUSINESS

1. Request from Spud's Restaurant to amend liquor license for Sunday morning opening

Chairman Perry read the following:

Spud's Restaurant is requesting to modify their Sunday alcohol serving hours from noon to 11:00 a.m. Other restaurants in Town currently have licenses allowing them to serve alcohol at 11:00 a.m.

If the Board votes to approve this modification in the current license, the Selectmen will need to sign on the bottom left corner of the Local Licensing Authority Review Record. Amy will type up a new replacement license for the Board to sign.

Cliff Pierce made a motion to approve the request from Spud's Restaurant to modify their Sunday alcohol serving hours from noon to 11:00 a.m., Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the Local Licensing Authority Review Record.

2. Authorize Chairman Perry to sign the Mass Cultural Council grant form

Chairman Perry read the following:

The Town has been awarded a \$4,500 grant from the Massachusetts Cultural Council. The Board of Selectmen needs to vote to authorize Chairman Perry to sign the State grant contract form.

Dave Petersen made a motion to authorize Joe Perry to sign the State grant contract form, Bob Snow second, all in favor - aye (5-0).

Perry signed the grant contract form.

3. Review Zoning Board of Appeals application for a variance filed by Timothy R. Collier for the construction of a barn for the purpose of personal storage at 32 Ocean Avenue.

Chairman Perry read the following:

The Zoning Board of Appeals has sent the Board of Selectmen a copy of an application for a variance filed by Timothy R. Collier for the construction of a barn for personal storage at 32 Ocean Avenue. The public hearing is scheduled for November 16, 2017 at 7:40 p.m. at the Town Hall Annex.

Does the Board have any comments on this application that they wish to send to the Zoning Board of Appeals?

Pierce said he has no comments. Petersen said he believes this is a lot without a house on it and the ZBA should be clear that this is for personal storage, and not for a business or motor vehicle repairs. Merry said this location is not suitable for that type of operation, and the lot has been on the market for many years.

Dave Petersen made a motion to send the ZBA notice that this barn would be for personal use only, and no business can be conducted out of it, Cliff Pierce second, all in favor - aye (5-0).

7:15 p.m. APPOINTMENT - Frank Iovanella of James S. Price, Inc. to discuss Class II Dealer's License vehicle limit increase at 185 Newburyport Turnpike

Chairman Perry read the following:

Chairman Perry will read the letter from Mr. Iovanella into the record. Mr. Iovanella is requesting an increase in the vehicle limit from two vehicles to 42 vehicles because his tenant, D & D Auto Sales, has moved to a new location. D & D Auto has returned the Class II Dealers license previously issued for 185 Newburyport Turnpike to the Board of Selectmen. Regulatory Compliance Officer Frank Marchegiani has reported that all of D & D Auto Sales vehicles have been removed from this property.

If the Board agrees to Mr. Iovanella's request, the Board will need to vote to amend the 2017 Class II Dealer's License for James S. Price, Inc. (An amended license has been prepared and is attached.)

Chairman Perry read the letter from Mr. Iovanella into the record.

Iovanella said they are painting the inside and outside, cleaning up the yard and the locks have been changed. He said Dana left on good terms, and he is glad to see that Gino got a tenant. He said he hopes the Selectmen will increase the car limit on his license so that he can get the business operational again.

Dave Petersen made a motion to approve the vehicle limit increase from 2 vehicles to 42 vehicles for Frank Iovanella of James S. Price, Inc. at 185 Newburyport Turnpike, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the revised license.

NEW BUSINESS

4. Review Zoning Board of Appeals application for a variance filed by George and Wendy Antonucci for a conversion to a two family dwelling at 146 Daniels Road.

Chairman Perry read the following:

The Zoning Board of Appeals has sent the Board of Selectmen a copy of an application for a variance filed by George and Wendy Antonucci for the conversion of a single family dwelling to a two-family dwelling. The public hearing is scheduled for November 16, 2017 at 8:15 p.m. at the Town Hall Annex.

Does the Board have any comments on this application that they wish to send to the Zoning Board of Appeals?

Pierce said there is little information about what they are proposing to do. He said it is unclear if this is an existing single family going to a two family, and if the floorplan provided is for the existing structure or the proposed structure. He said this property is in the outlying district which is zoned for single families, not multi-families, so generally the ZBA is not authorized to grant relief for this type of application through a variation process. He said the exception is under an old provision in the by-law relating to dwellings in existence prior to 1981, where the ZBA is allowed to grant relief. He said are they expanding the foot print or adding a second floor? Petersen said it looks more like an in-law apartment. Pierce said there is a separate by-law for in-law apartments. Eagan said the ZBA hearing is on November 16th, and we can ask the ZBA for more information about this for the next Selectmen's meeting. Petersen said there is not enough information on this to make a valid judgement.

Cliff Pierce made a motion to ask the ZBA for more information to answer the questions raised before the Selectmen's next meeting, Bob Snow second, all in favor - aye (5-0).

5. Review State Ethics Financial Interest Disclosure Form for Town Accountant Susan Bailey for septic loan and appoint Assistant Town Accountant Heather Torres to administer septic related invoices

Chairman Perry read the following:

Town Accountant Susan Bailey has filed the attached State Ethics Commission Section 19 Disclosure form with the Board of Selectmen for review. She is seeking to participate in the Town's Septic Loan Betterment program. She is asking that Assistant Town

Accountant Heather Torres be appointed to administer septic-related invoices in Sue Bailey's place.

The Board of Selectmen needs to review the disclosure form. If the Board determines that the financial interest is not so substantial as to be deemed to affect the integrity of the services which the Town may expect from Susan Bailey, the Board then should vote to approve the form and to authorize Chairman Perry to sign on behalf of the appointing authority. The Board will also need to vote to direct Assistant Town Accountant Heather Torres to administer the septic loan related invoices.

Dave Petersen made a motion to authorize Chairman Perry to sign the disclosure form on behalf of the Board of Selectmen, Cliff Pierce second, all in favor - aye (5-0).

Perry signed the disclosure form.

Dave Petersen made a motion to direct Heather Torres to administer the septic loan related invoices, Bob Snow second, all in favor - aye (5-0).

MINUTES

- October 16, 2017

Bob Snow made a motion to approve the October 16, 2017 minutes, Cliff Pierce second, all in favor - aye (5-0).

- October 23, 2017

Dave Petersen made a motion to approve the October 23, 2017 minutes, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSTAINED.

ANNOUNCEMENTS

- Rowley Veterans are invited to a dinner on November 9, 2017 at 4:00 p.m. at the Town Hall Annex. Please RVSP by November 7, 2017 to the Council on Aging at 948-7637.
- Residents are advised that the Rowley Highway Department is doing road work on Route 133, Haverhill Street through November 10, 2017 and to expect traffic delays
- Town Offices will be closed on Friday November 10, 2017 due to the Veterans Day holiday
- Pine Grove School Project Community Public Hearing is scheduled for Thursday, November 16, 2017 at 7:00 p.m. in the All Purpose Room at the Pine Grove School

- Household Hazardous Waste Day for Rowley residents is scheduled for Saturday, November 18, 2017 from 8:30 a.m. to 11:30 a.m. at the Highway Department facility at 40 Independent Street
- Friends of the Rowley Public Library 6th Annual Holiday Basket Raffle – The Friends are seeking donations of gift baskets of a retail value of at least \$50 and raffle tickets will be sold at the Library starting on November 18. The drawing will be held at 1:00 p.m. on December 16.
- 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. **Open Space Committee** – one seat;
 - b. **Fence Viewer** – three positions;
 - c. **Wood, Lumber & Bark Inspector**;
 - d. **Zoning Board of Appeals Associate** – three seats;
 - e. **Parks and Recreation Committee** – one seat;
 - f. **Deputy Shellfish Constables** – two positionsFor 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.

7:30 p.m. LIQUOR LICENSE HEARING - Steven Morris, President, Rowley Veterans Association and Michele Moon, applicant for manager position

- Change of Beneficial Interest/Transfer or Issuance of Stock (Change of Board members)
- Change of Manager

Chairman Perry read the following:

This application appears to be complete. The applicant is current on all taxes, light and water bills. Chairman Joseph Perry reads the notice of public hearing on the application from Rowley Veterans Association for their Change of Beneficial Interest/Transfer or Issuance of Stock (Change of Board members); and Change of Manager.

Perry read the notice of public hearing.

Chairman Perry called for a motion to open the hearing. Chairman Perry stated that the hearing was advertised in the October 26, 2017 edition of The Daily News.

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

Public Hearing opened at 7:33 p.m.

Chairman Perry called Steven Morris forward and asked him to discuss the application. Morris said they were late last month, there are a lot of problems which are continuing at the Club that they are trying to smooth out. He said this is a place for Veterans, they are working hard to keep it up and running. He said there are interior problems from the last manager. Michele Moon said she is working with Police Chief Dumas on a criminal investigation. Pierce asked Moon if she is going to be the new manager. Moon said yes, she has been a bartender for 23 years, and her step-father Scott Leavitt brought her back to work there when Charlie Hardy was the manager.

Perry asked if there was anyone else present who wished to speak on the application.

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

Public Hearing closed at 7:35 p.m.

Perry continued:

After the Board closes the public hearing, the Board discusses the application and votes to either approve it, approve it with modifications or to deny it.

Petersen asked if they are getting the problems straightened out. Morris said it will be a process, and they have their bills on tap. He said the problems are not theirs, but are more from the past bar management.

Dave Petersen made a motion to approve the application from Rowley Veterans Association for their Change of Beneficial Interest/Transfer or Issuance of Stock (Change of Board members); and Change of Manager, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the Local Licensing Authority Summary Form.

Moon submitted additional paperwork. Morris said they are working to get everything up to code. He said they have a new ice machine and are working on getting a new dishwasher. Perry said he hopes everything goes well.

ADJOURN

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

Open meeting adjourned at 7:39 p.m.

Respectfully submitted,

Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 7:15 p.m. Appointment - Frank Iovanella of James S. Price, Inc. to discuss Class II Dealer's License vehicle limit increase at 185 Newburyport Turnpike
2. Letter from Frank Iovanella of James S. Price, Inc. regarding Class II Dealer's License vehicle limit increase at 185 Newburyport Turnpike
3. Draft Class II Dealer's License for Frank Iovanella of James S. Price, Inc. for vehicle limit increase at 185 Newburyport Turnpike
4. Meeting memo regarding 7:30 p.m. Liquor License Hearing – Rowley Veterans Association, Inc.
5. Application package from Rowley Veterans Association, Inc. for Change in Manager and Change in Beneficial Interest
6. Request from Mark Emery to lift the hiring freeze for an additional Distribution Utility Maintenance Laborer 2 position
7. Meeting memo regarding Old Business #1: Update on Pine Grove School Project
8. Four contracts with W.T. Rich, Inc. for roof top units; boilers and main electrical switch
9. Meeting memo regarding Old Business #2: Update on the Fire Station and Police Station Addition project
10. Meeting memo regarding New Business #1: Request from Spud's Restaurant to amend liquor license for Sunday morning opening
11. Copy of current liquor license issued to Spud's
12. Application package from Spud's for Change of Hours
13. Meeting memo regarding New Business #2: Authorize Chairman Perry to sign the Mass Cultural Council grant form
14. Mass Cultural Council grant form
15. Meeting memo regarding New Business #3: Review Zoning Board of Appeals application for a variance filed by Timothy R. Collier for the construction of a barn for the purpose of personal storage at 32 Ocean Avenue
16. Zoning Board of Appeals application for a variance filed by Timothy R. Collier for the construction of a barn for the purpose of personal storage at 32 Ocean Avenue
17. Meeting memo regarding 7:15 p.m. Appointment: Frank Iovanella of James S. Price, Inc. to discuss Class II Dealer's License vehicle limit increase at 185 Newburyport Turnpike
18. Letter from Frank Iovanella of James S. Price, Inc. regarding Class II Dealer's License vehicle limit increase at 185 Newburyport Turnpike
19. New Class II Dealer's license issued to Frank Iovanella of James S. Price, Inc. with vehicle limit increase at 185 Newburyport Turnpike

20. Meeting memo regarding New Business #4: Review Zoning Board of Appeals application for a variance filed by George and Wendy Antonucci for a conversion to a two family dwelling at 146 Daniels Road.
21. Zoning Board of Appeals application for a variance filed by George and Wendy Antonucci for a conversion to a two family dwelling at 146 Daniels Road.
22. Meeting memo regarding New Business #5: Review State Ethics Financial Interest Disclosure Form for Town Accountant Susan Bailey for septic loan and appoint Assistant Town Accountant Heather Torres to administer septic related invoices
23. State Ethics Financial Interest Disclosure Form for Town Accountant Susan Bailey for septic loan
24. October 16, 2017 draft minutes
25. October 23, 2017 draft minutes
26. Meeting memo regarding 7:30 p.m. Liquor License Hearing
27. Liquor License application package from Steven Morris, President, Rowley Veterans Association and Michele Moon, applicant for manager position for: Change of Beneficial Interest/Transfer or Issuance of Stock (Change of Board members) and Change of Manager