

MINUTES OF THE BOARD OF SELECTMEN MEETING

October 15, 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: David Zizza – 29 Bradford Street; Henry Rolfe – 13 Plantation Drive; Steven Morris – RVA; Dan LaRoche – RVA; Bernard Cullen – 283 Wethersfield Street; Larry White - FINCOM

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded and broadcast live via Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Sign November 6, 2018 State Election Warrants

Bob Snow made a motion to sign the November 6, 2018 State Election Warrants, Joe Perry second, all in favor - aye (5-0).

The Selectmen signed the warrants.

NEW BUSINESS

1. Letter from Sharon Hydren requesting to be appointed to the Cultural Council

Chairman Pierce read the following:

According to Local Cultural Council regulations, the Rowley Cultural Council must have a minimum of five members, but can have up to 22 members. Rowley Cultural Council currently has four members.

Please see the attached letter of interest for appointment to the Rowley Cultural Council from Sharon Hydren. If appointed, she would be the fifth member, and this would be a three year appointment, beginning on October 16, 2018, and expiring on June 30, 2021.

Pierce read Sharon Hydren's letter.

Bob Snow made a motion to appoint Sharon Hydren to the Cultural Council, Joe Perry second, all in favor - aye (5-0).

2. Review Zoning Board of Appeals Permit Application filed by Nancy Miller for a variance to modify the lot line at 526 Wethersfield Street

Chairman Pierce said the description says the application is for a variance to modify a lot line, which doesn't make sense. He said this appears to be an under sized lot that doesn't meet Zoning requirements, and they are requesting to change the lot line to add square footage to the lot, but the lot is still not conforming if the variance is granted. He said it is unclear what this is really about.

The Board has no comments on this application.

3. Discuss FY 2020 Triton Budget

Perry said this is typically the time that the Board puts together a letter to the School Committee regarding the upcoming school budget. He said Rowley is the only Town of the three in the district to send a letter. He asked if the Board would like to send a letter with the standard approach of offering 50% of the Town's proposition 2.5% increase and new growth.

Pierce said he thinks a letter is premature at this point. He said we haven't been presented with a budget from Triton, and Triton will present a budget with as much information as they have in November. He said the letter should wait until November.

Larry White said he disagrees with waiting, and we need to come up with a budget number that we can live with along with the other two Towns, and Triton should work towards that number. White reviewed his estimated numbers on the Triton increase, and the Town's proposition 2.5% increase and new growth. He said to fund last year's Triton budget, the Town delayed the hiring of a Police Sergeant and Firemen, and used a lot of free cash. He said we don't want to go down that road again. He said we need to know how many students there are at Triton, and if enrollment is still dropping, Triton needs to do something to control costs. He said the Rowley taxpayer will be getting hit with tax increases from the Police and Fire project and the Pine grove School project.

Bernie Cullen said if a letter is sent to Triton, it should come from all three towns, and it should let them know there are limits. Petersen said Salisbury is voting this month on this year's Triton budget. He said he thinks we should meet with the other two towns and have a combined effort. He said he is in favor of sending the letter since we know what the 2.5% increase will be over last year, and new growth can be guesstimated. He said we should also ask for the October 1, 2018 count from Triton. He said if we wait

until November or December it will be too late. Snow said he agrees that a non-adversarial letter should be sent. He said the upcoming tax bills will be sticker shock for Rowley residents, and we need to make Triton aware of this situation. He said the letter should be copied to the other two towns.

Joe Perry made a motion to send a non-adversarial letter to Triton, with new revenue shown as phrased to say that they are estimates and subject to change, and to copy the other two towns, Bob Snow second, all in favor - aye (5-0).

Henry Rolfe asked Pierce why not show up in person instead of the letter. Cliff said he will attend the meeting.

7:10 to 7:15 p.m. PUBLIC COMMENT

There were no Public Comments.

7:15 p.m. APPOINTMENT Town Clerk Susan Hazen to discuss early voting schedule for the November 6, 2018 State Election

Susan Hazen gave the early voting hours schedule to the Board and said there will be early voting 10 days prior to the election as federally mandated. She said they are required to allow voting during the regular office hours. She said the first week, early voting will be allowed just during the regular Town Clerk office hours, there will be 6 hours for early voting on Saturday the 27th, which the State reimburses for. She said the following week, early voting will be allowed during the regular Town Clerk office hours, and six hours were added on Thursday, rather than on Friday due to the carpet replacement project taking place in the Selectmen's Office starting on Friday. She said notices have been published in the Daily News, on the website, on RCM and at the COA and the Library. She said there will be a handicap booth and machine, along with six voting booths, set up in the hallway of Town Hall. She said during early voting, residents are given a ballot, they make their selections, then put the ballot in an envelope which they sign. She said in 2016, there were 1,300 early voters, which is about one third of the total voters.

NEW BUSINESS

4. Discuss Triton District Communications Committee meetings

Chairman Pierce said he and the other two Chairs of Newbury and Salisbury have been meeting informally with Triton Superintendent Brian Forget and School Committee Chair Nerissa Wallen about ways to improve the District Communication Committee (DCC) meetings. He said one idea is for each Town to post each DCC meeting which would enable all of the Selectmen to attend the meeting without violating the Open Meeting

Law. He said he discussed this with Eagan and they don't feel this is necessary. He said if three Rowley Selectmen showed up to a DCC meeting and participated in the discussion, there would potentially be an Open Meeting Law violation. He said normally he and Perry go to the DCC meetings, and if another Selectman goes, but doesn't deliberate, there isn't a problem with the Open Meeting Law. Eagan asked if the DCC meetings are played on Rowley Community Media. Pierce said yes. Eagan said if the Selectmen posted each DCC meeting, it would be a joint meeting, and Selectmen meeting minutes would need to be taken. Pierce said if three or more Selectmen wish to go to and participate in a DCC meeting, then the Selectmen can post a meeting. Perry said the first DCC meeting will be held at the Salisbury Town Hall in November.

5. Discuss historical tax bill dated November 1, 1901

Chairman Pierce read the following:

We were sent anonymously a Town of Rowley tax bill for William M. Hale dated November 1, 1901.

What would the Selectmen like to do with this historic artifact?

Dave Petersen made a motion to turn the historical tax bill over to the Rowley Historical Commission, Joe Perry second, all in favor - aye (5-0).

6. Letter from Attorney Jill Mann regarding the intersection of Taylor Lane and Wethersfield Street

Chairman Pierce said this letter was sent on behalf of developer Rob Nixon regarding his development where Taylor Lane will intersection Wethersfield Street. He read the second paragraph of the letter. He said this was discussed in detail at the Planning Board meeting. He said the original proposed access to the new Taylor Lane from Wethersfield Street was problematic, and would exacerbate an already bad and dangerous section of Wethersfield Street. He said they are now proposing the creation of a three way stop, or a "T" stop. He said this proposal would slow traffic down and create a safer intersection. He said because much of the work under the new proposal would need to be done in the Town's right of way, they are looking for permission from the Selectmen to propose this idea during the permitting process. Petersen said he likes the idea of the "T" stop, but doesn't know how effective the stop signs will be on Wethersfield Street.

Dave Petersen made a motion to authorize the developer, Taylor Lane LLC, to propose work on the public right of way at the intersection of Taylor Lane and Wethersfield Street in Rowley, for a proposed three-way stop; that the authorization is for the

permitting phase only, and is subject to the approval of the Planning Board and the Board of Selectmen, Bob Snow second, all in favor - aye (5-0).

7. Authorize Chairman Cliff Pierce to sign the Massachusetts Cultural Council Grant form.

Chairman Pierce read the following:

The Town has been awarded a \$4,700 Grant from the Massachusetts Cultural Council. The Board of Selectmen needs to vote to authorize Chairman Pierce to sign the State Grant contract form.

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

Pierce signed the form.

OLD BUSINESS

1. Pine Grove School Project Update

Perry said at the last construction meeting, representatives from Dore & Whittier, Highway Surveyor Patrick Snow, Brian Forget and Larry Berger discussed the problems with the curbing and with the entrance to Pine Grove School. He said Patrick Snow was not asked to go to the planning meetings, and he is disappointed that Dore & Whittier and Pinck didn't include him. He said there is no resolution yet, and they are still looking into it. Petersen said they should discuss at the next construction meeting the basketball court, which was typically used as the emergency meeting area, which can't be accessed for plowing due to the curbing. Perry said they did discuss that, and there is a 2.5 foot height difference between the sidewalk and the basketball court, so there is a safety issue. He said Brian Forget suggested that the Town purchase a Bobcat for the snow removal in this area. He said Patrick Snow said that if we get a Bobcat, he doesn't have a person to operate it. Petersen said if the snow cannot be pushed off the parking spaces, then parking spaces will be lost. Henry Rolfe asked if parking spaces were included for pick-up trucks. Pierce said he doesn't think so.

2. Fire Station and Police Station Addition Project Update

Chairman Pierce read the following:

Work continues to progress on this project. The interior trim in the Police Station starts this week. Flooring is being installed this week in the Police Station. The installation of drywall is continuing this week through next week in both the Police Station and Fire

Station. The prep work for the asphalt paving is ongoing. Work is starting on the septic leaching field.

Petersen said he met with the Police Chief and a variety of other people this morning, and the paving base coat will be installed at the end of the week or early next week. He outlined the following schedule:

- October 23: Castagna will be finished with the interior of the Police Station
- October 25: Punchlist created
- October 26/27: New furniture moved in. Punchlist items to be completed by the 31st.
- October 31: Move dispatch center to new area in Police Station temporarily. By November 1st the State will move the 911 equipment.
- November 2: Police Department staff will move into new building
- November 3: old building will be vacated and turned over to the contractor

He said the prisoners are being processed elsewhere and the project is on time and within budget.

3. Discuss bid results for the Rowley Town Hall and Town Hall Annex Accessibility Improvements Project

Chairman Pierce read the following:

On October 4, bids were due for the Rowley Town Hall and Town Hall Annex Accessibility Improvements project. The Town received one bid, from GVW Inc., in the amount of \$578,000 (please see attached memo from CBI Consulting). This amount greatly exceeds the funds appropriated for the project. We recommend that the Board of Selectmen votes to reject this bid.

We are working with the architect, CBI Consulting, to prioritize the scope of work at the Annex. The highest priority is to replace the Annex handicap ramp and door. CBI Consulting will work to put together a new bid for just the ramp and door. They anticipate that they can have this project ready to bid within the next couple of weeks.

Eagan said the full budget for the project is \$283,700.

Bob Snow made a motion to reject the bid from GVW Inc., Joe Perry second, all in favor - aye (5-0).

4. Update on Town Hall Second Floor heating system

Chairman Pierce read the following:

We are prepared to move forward with the original scope of this project which included removing the large old oil-fired boiler from the basement and replacing it with a new oil-fired boiler to provide heat on the second floor of Town Hall.

Other options were discussed by the Board:

- *Convert system to gas – Note the boiler that heats the first floor of Town Hall is an oil-fired boiler, so if the new boiler was converted to gas, we would have two different heating fuels for the same building.*
- *Add air conditioning – Note, we do not have funds in the Town Hall budget to pay for the energy required to cool the auditorium during the summer months.*

Unless there is further discussion on the other options, the staff would like to move forward with the original scope of the project.

Joe Perry made a motion move forward with the original scope of the project, Bob Snow second, all in favor - aye (5-0).

5. Discuss status of Rowley Veterans Association Liquor License

Chairman Pierce read the following:

The RVA was requested to submit the Change of Manager and Change of Board of Directors application by Friday, October 5, 2018. Nothing has been filed and there has not been a response to the most recent letter sent on September 27, 2018.

ABCC-Licensed Manager on record, Michelle Moon, informed us on July 26, 2018 that she had resigned her position at the RVA. The Board of Selectmen was informed during a meeting on August 13 that there was a new member to the RVA Board of Directors, Dan LaRochelle. Both of these changes require a filing of a "Multiple Amendments Application" with the Board of Selectmen as soon as possible. The Board has repeatedly requested the RVA to file this application. (Copies of 4 letters sent to the RVA between July 30, 2018 to September 27, 2018 are attached.) The ABCC says on its website, the following:

"The licensee is required to petition the LLA and the ABCC for a change of manager immediately."

The RVA has been operating without a licensed manager since July 26, 2018.

The Board of Selectmen also advised the RVA that there could be no serving of alcohol outside of the building under the current license and that any outside seating area would need to be approved by the Planning Board/Building Inspector. Furthermore, the Building Inspector informed the RVA that the second floor of the RVA cannot be used because a stairway was removed. The current license allows the serving of alcohol in the second floor assembly hall, but since it is no longer accessible in accordance with the building code, the Board of Selectmen may need to discuss modifying the current license. Each November the Building Inspector and Fire Chief inspect each Section 12 Pouring License establishment as part of the ABCC license renewal process to ensure the site is maintained under the current codes.

Pierce read the memo dated October 15, 2018 from Building Inspector Ken Ward into the record.

Pierce continued reading:

Does the Board believe that the liquor licensee, the RVA, has failed to maintain compliance with the State liquor law, G.L. c.138. If so, does the Board wish to notify the RVA that the Board may modify, suspend, revoke or cancel the license pursuant to G.L. c.138 §23?

If so when does the Board wish to hold such hearing? The Board meets on October 22 or October 29.

Petersen said we have been stone-walled by the RVA on this issue for a number of months, and every time we request RVA President Steve Morris to come in, he hasn't made it in. He said the RVA is not allowed to use the upstairs hall because there are not two means of egress. He said if there is a fire or an emergency there, fingers will point to the Town to blame. He said we have bent over backwards for the RVA, and there has been no information or cooperation since Michelle Moon quit in July. He suggested that the Board hold a hearing to revoke the license, and said if something happens there it is a liability to the Board of Selectmen and to the Town. He said last weekend there were three different events scheduled for the second floor, and he guesses that they have been holding events on the second floor all along, despite the order from the Building Inspector not to. He said they can appeal a revocation of their license to the ABCC.

Dan LaRochelle and Steve Morris said they are here tonight on behalf of the RVA. Morris said it is unfair to say they aren't here, and he hasn't received any letters from the Town. Petersen said the last time he was requested to be here, the acting manager said Morris couldn't be here. He said he has the impression that Morris doesn't care.

Morris said they filled out old paperwork, and they are working on the new paperwork. He said they were given one year to fix the stairway, and there is more paperwork to fill out for the Building Permit. Morris said there are two accesses into and out of the second floor. Petersen said those two accesses do not meet the requirements of the Building Inspector, and this has been going on for months. Morris said they have no money and are relying on volunteers to do the work. He said they are picking up the pieces from the past management and are trying to get their feet on the ground. Petersen said he recommended that they have an attorney help them with the paperwork, and he recommends holding a hearing, and there has been enough letter writing.

LaRochelle said they are considering putting the license in his name, and he is a Rowley resident. Petersen said they need to come to the hearing with the paperwork. He said this has carried on for a long time, and they were allowing drinking outside even though the license doesn't allow that. Morris said they cancelled the outside drinking once they knew it was not allowed. He said they were given the wrong information. He said they now have tables outside for smoking, and there used to be benches. Petersen said we haven't heard anything from the RVA, other than hearing about violations on the limits of the liquor license, and that they have had functions upstairs in an unsafe room. Morris said they appreciate all the Board has done, they are doing the best they can and they are learning as they go. He said they appreciate the leniency. He said he has been President for one year, the money is extremely tight and they are relying on volunteers.

Pierce said the Board has bent over backwards, and in the absence of the paperwork, we don't know who the manager is or the Board of Directors are, and there are issues with the use of the upstairs. Snow said Cormak O'Neil was introduced as the manager in August. LaRochelle said O'Neil is not a US citizen, even though he has lived in this country since he was twelve. Snow said since August, nothing has been submitted to the Board, and the onus is on the RVA to get this done.

Eagan outlined the issues as follows:

- Initially notified that there was a change in manager, and the application to change this should have been filed immediately.
- Discovered that there was a change on the Board of Directors, which needs to be filed with the Secretary of State and an application to change this with the ABCC also needs to be filed.
- The Building Inspector has issued an order that the second floor of the RVA cannot be used.

Eagan said under Massachusetts law, the Building Inspector and the Fire Chief inspect establishments with a pouring license. She said the license says where the alcohol can be poured, and it says the second floor of the RVA. She said the RVA has demolished the stairway and starting working on a new one, both without getting a building permit, and they are using the second floor despite the Building Inspector's order not to. She said the Building Inspector won't sign off on the renewal for the calendar year 2019 liquor license for the RVA.

Dave Petersen made a motion to have a revocation hearing for the RVA liquor license on October 29, 2018, Bob Snow second, all in favor - aye (5-0).

Eagan said even if the paperwork comes in for the Change of Manager and the Change of Board of Directors, it won't be part of the hearing on October 29th, since there are deadlines and procedures that apply to new applications. Snow asked if the RVA has functions planned for the next two weeks. Morris said no, all functions have been cancelled.

6. Sign Cannabis Control Commission Host Community Agreement Certification Form for Nature's Remedy of Massachusetts, Inc.

Chairman Pierce read the following:

The Cannabis Control Commission has asked Nature's Remedy of Massachusetts, Inc. to complete the CCC Host Community Agreement Certification Form. The Board of Selectmen voted and signed the Host Agreement with Nature's Remedy of Massachusetts, Inc. on June 4, 2018.

The Board needs to vote to authorize Cliff Pierce to certify that Nature's Remedy of Massachusetts, Inc. has executed a host agreement with the Town of Rowley and to sign the form as the authorized representative.

Dave Petersen made a motion to authorize Cliff Pierce to sign the Cannabis Control Commission Host Community Agreement Certification Form for Nature's Remedy of Massachusetts, Inc., Joe Perry second, all in favor - aye (5-0).

7. Review Triton Landlord/Tenant Agreement document for the Pine Grove School

Chairman Pierce said this is the latest draft of the Landlord/Tenant Agreement, and the School Committee would like the Board of Selectmen of each of the three towns to vote on this contingent upon final review by each town's counsel. He read the section on page three, regarding the emergency elementary school repair. He said he has concerns about this section because it says Triton will notify one member of the Board

of Selectmen about an emergency repair, and the Town will proceed with the repair within three hours of receiving notification. He said this is unrealistic. Eagan said there are bidding laws, insurance company notifications and budgetary issues that need to be considered. Pierce said it could be three days before the Town determines how it will proceed with the repair. Pierce said we need to tell them that this is a provision that we cannot agree to.

Bernie Cullen said a third set of eyes needs to review this, and Triton needs to have a plan in place on when there is an emergency and the school is not usable. Eagan said Town Counsel Judy Pickett and Tom Mullen looked at an earlier version of this agreement about a year ago. Perry agreed and said he doesn't remember this provision. Eagan said Tom Mullen should review this before the Board makes a recommendation.

Bob Snow made a motion to have Town Counsel review this draft agreement, Joe Perry second, all in favor - aye (5-0).

MINUTES

- October 1, 2018

Bob Snow made a motion to approve the October 1, 2018 minutes, Joe Perry second, all in favor - aye (5-0).

ANNOUNCEMENTS

- The YMCA is inviting Rowley residents for a tour of Camp Cedar Mill, dinner, and a discussion on the types of year round programs residents are interested in having at Camp Cedar Mill. Three sessions will be held in October that residents can attend:
 - 1) Tuesday, October 16 at 5:00 p.m.
 - 2) Tuesday, October 23 at 5:00 p.m.
 - 3) Thursday, October 25 at 5:00 p.m.Please RSVP to Farrah Dube-Parent at dubef@northshoreymca.org
- The Town has the following vacancies:
 - a. Agricultural Commission Associate
 - b. Cultural Council
 - c. Fence Viewer – three positions;
 - d. Wood, Lumber & Bark Inspector;
 - e. Zoning Board of Appeals Associate – three seats; and
 - f. 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

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Joe Perry second, all in favor - aye (5-0).

Open meeting adjourned at 8:33 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS

1. November 6, 2018 State Election Warrants
2. Meeting memo regarding New Business #1: Letter from Sharon Hydren requesting to be appointed to the Cultural Council
3. Letter from Sharon Hydren requesting to be appointed to the Cultural Council
4. Zoning Board of Appeals Permit Application filed by Nancy Miller for a variance to modify the lot line at 526 Wethersfield Street
5. Meeting memo regarding New Business #3: Discuss FY 2020 Triton Budget
6. Board of Selectmen Public Comment Policy for Public Meetings
7. Early Voting Schedule submitted by Town Clerk
8. Meeting memo regarding New Business #4: Discuss Triton District Communications Committee meetings
9. Meeting memo regarding New Business #5: Discuss historical tax bill dated November 1, 1901
10. Copy of historical tax bill dated November 1, 1901
11. Letter from Attorney Jill Mann regarding the intersection of Taylor Lane and Wethersfield Street
12. Meeting memo regarding New Business #7: Authorize Chairman Cliff Pierce to sign the Massachusetts Cultural Council Grant form
13. Massachusetts Cultural Council Grant form
14. Meeting memo regarding Old Business #1: Pine Grove School Project Update
15. Meeting memo regarding Old Business #2: Fire Station and Police Station Addition Project Update
16. Meeting memo regarding Old Business #3: Discuss bid results for the Rowley Town Hall and Town Hall Annex Accessibility Improvements Project
17. Memo from CBI Consulting regarding bid results for the Rowley Town Hall and Town Hall Annex Accessibility Improvements Project

18. Meeting memo regarding Old Business #4: Update on Town Hall Second Floor heating system
19. Excerpt from Annual Town Meeting Warrant – May 1, 2017 – Article 23 highlighted
20. Meeting memo regarding Old Business #5: Discuss status of Rowley Veterans Association Liquor License
21. Memo from Building Inspector Ken Ward regarding Rowley Veterans Association Building
22. Photo of outdoor seating at RVA
23. Copy of liquor license issued to RVA
24. Letter sent to Steve Morris of the RVA dated September 27, 2018
25. Letter sent to Steve Morris of the RVA dated August 9, 2018
26. Letter sent to Steve Morris of the RVA dated August 21, 2018, including attachments
27. Letter sent to Steve Morris of the RVA dated July 30, 2018
28. Meeting memo regarding Old Business #6: Sign Cannabis Control Commission Host Community Agreement Certification Form for Nature's Remedy of Massachusetts, Inc.
29. Signed Cannabis Control Commission Host Community Agreement Certification Form for Nature's Remedy of Massachusetts, Inc.
30. Email from Brian Forget dated October 9, 2018, including attached Draft Triton Landlord/Tenant Agreement document for the Pine Grove School
31. Draft minutes of October 1, 2018