

## **MINUTES OF THE BOARD OF SELECTMEN**

September 20, 2021

Town Hall Annex, 39 Central Street, Rowley, MA

6:30 p.m.

**MEMBERS PRESENT:** Chairman Cliff Pierce; Vice Chairman Deana M. P. Ziev; Clerk Robert Snow; David Petersen; Joe Perry (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** James Broderick – Fire Chief; Paul Chang – Plastic Bag Reduction Coalition; Bryan DiPersia – 500 Wethersfield Street; John Dalphin; Denise Dalphin; Nancy Miller – Plastic Bag Reduction Coalition; Bernard Cullen – 283 Wethersfield Street; Denzil Rice – Plastic Bag Reduction Coalition; Maggie Lemelin – Plastic Bag Reduction Coalition; Bradley Atkinson – Bradford Tavern; Ryan Cox – Bradford Tavern; Noah Goldstein – Bradford Tavern

### **CALL MEETING TO ORDER**

Chairman Pierce called the meeting to order at 6:30 p.m. He said the meeting is being video and audio recorded and will be televised by Rowley Community Media.

**EXECUTIVE SESSION** - To discuss strategy with respect to collective bargaining concerning the Teamsters Local 170 Fire pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3)

Bob Snow made a motion to go into Executive Session to discuss strategy with respect to collective bargaining pertaining to contract negotiations with Teamsters Local 170 Fire Union, pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) because an open meeting may have a detrimental effect on the bargaining position of the Town and to return to open session, Joe Perry second, all in favor- roll call vote: Cliff Pierce – aye; Joe Perry – aye; Bob Snow – aye; Dave Petersen – aye. Deana Ziev – aye.

Executive Session opened at 6:31 p.m., and open session resumed at 7:08 p.m.

### **7:05 P.M. TO 7:10 P.M. PUBLIC COMMENT**

There were no public comments.

### **GENERAL BUSINESS**

1. Request from Water Superintendent Robert Gray to appoint Christopher Germano to the position of Distribution Utility Maintenance Laborer

Bob Snow made a motion to appoint Christopher Germano to the position of Distribution Utility Maintenance Laborer, Deana Ziev seconded, all in favor – aye (5-0).

2. Letter of resignation from Call Firefighter Justin Graham

Joe Perry made a motion to accept the resignation with regrets, Bob Snow seconded, all in favor – aye (5-0).

3. Letter from Joseph Anderson requesting to be appointed to the Zoning Board of Appeals Associate Seat and letter of support from the Zoning Board of Appeals to appoint Joseph Anderson to the open seat

Chairman Pierce read the following:

*Joseph Anderson is requesting to be appointed as an Associate Member on the Zoning Board of Appeals. He met with the ZBA last week. ZBA Vice Chairman Tom Heigerd say that ZBA members all agreed that Joseph Anderson would be a great addition to the Board.*

*Could the Board please appoint Joseph Anderson to the ZBA Associate seat?*

Dave Petersen made a motion to appoint Joseph Anderson to the ZBA Associate seat, Deana Ziev seconded, all in favor – aye (5-0).

**NEW BUSINESS**

1. Discuss plastic bag reduction bylaw

Chairman Pierce read the following:

*The Board put a non-binding question on the May 11, 2021 Annual Town Election ballot asking the voters if the Board of Selectmen should propose a plastic bag reduction bylaw that would regulate and limit the type of bags offered at checkout by retail establishments in the Town.*

*The question received 337 Yes votes and 261 No votes. There were 12 blank votes.*

*In light of the ballot question passing, does the Board agree that we need to draft a plastic bag reduction bylaw for the May Town Meeting?*

*Chairman Pierce has submitted materials he received from Town resident Terri Davis that the Board should review to see if they can be used as a template for the bylaw that the Selectmen will be writing. Attached is a copy of a bill that was filed in the Legislature, House Docket #922, and a sample bylaw from the Massachusetts Sierra Club.*

*What are the Board's thoughts and how should we proceed?*

Pierce said the last time the Board discussed this it was agreed that if the ballot question passed, the Board would propose a bylaw, and he would like the Board to determine tonight if this is okay. He said he will assemble the bylaw based on the

sample from the Massachusetts Sierra Club, and will modify it based on bylaws from other towns. The consensus of the Board was to proceed with the bylaw.

Paul Chang asked if input from the community will be accepted to shape the bylaw. Pierce said yes, there will probably be a public hearing for this, and he will ask stakeholders such as Market Basket for comments. He said there will be plenty of opportunity for public input before Town Meeting. Ziev asked if paper bags will still be offered free of charge at Market Basket. Pierce said if Market Basket wishes to, but it is not a requirement.

Bob Snow made a motion to proceed with the bylaw, Joe Perry seconded, all in favor – aye (5-0).

Petersen said we should get copies of bylaws from surrounding towns.

## 2. Review Historic District Commission application for Annex backdoor replacement

Chairman Pierce read the following:

*At the August 23, 2021 meeting, the Board discussed filing an Application for Certificate with the Rowley Historic District Commission to replace the existing backdoor, which is made of wood, with a fiberglass replica door.*

*The Board feels that the fiberglass door is the right material for the back of the building which is shady and doesn't receive direct sunlight. Furthermore, this door faces the parking lot and has no street frontage. The existing door, which is original to the building, is difficult to open and lock, especially on warm and humid days. We received a report on September 2, from staff at the Annex that the door was not latching. The existing wooden door has all new hardware.*

*Attached is a draft of the HDC application. The Board needs to review it and approve it for filing with the HDC. The HDC meets on the first Thursday of each month. This application will be submitted for this meeting. We will need at a minimum, one Selectman to attend the meeting to present the application. Who is interested in attending with Debbie?*

Ziev said she cannot attend. Pierce said he can attend.

Petersen said the door has issues two or three times per year when it doesn't latch / lock. He said he has worked on the door. He said the door is not protected and is subject to rainstorms. He said the wooden door swells when it gets wet, and to replace the door with another wooden door is putting money at a bad project. He said the door has been shaved to help with the swelling, but there are large gaps during the winter that lets out heat and lets water in. He said it is time to replace the door with a fiberglass door, which looks fine and you can't see a difference, especially from the street. He said the HDC makes accommodations for homeowners and they should

make an accommodation for the Town. Snow said you can't tell the difference, especially from a distance. The Board didn't have comments on the application.

3. Request from Seacoast Youth Flag Football to hold practices on the Town Common

Chairman Pierce read the following:

*Seacoast Youth Flag Football League has submitted the attached request to use the Town Common to hold practices on Thursdays and Fridays from 4:30 p.m. until 6:30 p.m. through September and October.*

*Please note the following:*

- *The applicant did communicate with David Zizza of the Parks & Recreation Committee to see if Town athletic fields were available for the requested time. David Zizza informed her that the All Purpose field at Pine Grove School is available with a user fee of \$25 per player for the season. The applicant said they don't have a budget for this and asked if they could use the Town Common.*
  - *The Town Common was approved for use by the Selectmen for T-ball practices while there was a field shortage due to the Pine Grove School project. The Parks & Recreation Committee submitted this request. The Town Common has been a last resort option for athletic league use in the past.*
  - *We don't recall other sports groups being approved by the Selectmen to use the Town Common as an athletic field.*
  - *There are parking and safety issues at the Town Common that the Board may want to consider.*
1. *Does the Board wish to consider allowing the use of the Town Common for flag football practices per this request?*
  2. *If so, the request will need to be circulated to Town departments for review and the applicant will need to provide an updated insurance certificate with increased limits.*

The Board of Selectmen discussed the following concerns:

- using the Town Common for flag football practices would be a burden on the grass;
- the Town Common shouldn't be used as an athletic field;
- the \$25 per player fee to use a Town athletic field should have been incorporated as part of the registration fee;
- there are parking issues at the Town Common.

Joe Perry made a motion to disapprove this request, Bob Snow seconded, all in favor – aye (5-0).

4. Discuss legislation for Town Meeting Warrant posting

Chairman Pierce read the following:

*When the Attorney General's Office reviewed the zoning bylaw articles that were approved by the May 3, 2021 Special Town Meeting, they noticed that the Town Meeting warrants were posted on April 20, 2021 by the Constable, which is 13 days before the date of Town Meeting. Because the warrants were posted a day short of the 14-day requirement, we need to have special legislation approved.*

*Please vote to ratify the attached letter from Chairman Pierce.*

Dave Petersen made a motion to ratify the letter, Deana Ziev seconded, all in favor – aye (5-0).

5. Approve TruGreen contract amendment for seeding

Chairman Pierce read the following:

*Attached is the Agreement between the Town and TruGreen for Turf Maintenance services. The Parks & Recreation Committee has voted to add the following additional services to the contract:*

*Additional one-time services:*

<i>Pine Grove Elementary Fall 2021 Seeding</i>	<i>\$ 950.00</i>
<i>Upper Eiras Park Fall 2021 Seeding</i>	<i>\$1,950.00</i>
<i>Total:</i>	<i>\$2,900.00</i>

- The contract amendment is under review by Town Counsel for these additional services. Please vote to authorize Debbie to sign the contract amendment once the legal review is complete.*
- Please vote to issue a Purchase Order to TruGreen for the aeration and seeding services on the attached quote, for a total cost of \$3,800.00. These funds will be paid from the Parks & Recreation Committee accounts.*

Dave Petersen made a motion to authorize Debbie to sign the contract amendment once the legal review is complete and to issue a Purchase Order to TruGreen for aeration and seeding services for a total cost of \$3,800.00, Bob Snow seconded, all in favor – aye (5-0).

**OLD BUSINESS**

1. Update on police and fire station parking project

Chairman Pierce read the following:

*Debbie and Dave have been working with Bill Murray of Place Associates on creating parking spaces behind the Fire Station. This additional parking, including handicap parking space, is needed for both the fire station and police station, which have limited visitor parking spaces.*

*Bill Murray describes the work as follows:*

*The attached plan shows the creation of five new accessible spaces in the gravel lot behind the existing Police and Fire Station. The plan is to pave the access drive, as shown, as the gravel needs constant maintenance and the Town would like to reduce this need. We will then build the three accessible spaces on the easterly side of the parking lot. These three spaces will connect to a new concrete walkway that will create a fully accessible walk to the existing walk at the Fire Station. This will then allow for enhanced public use of the meeting room in the Fire Station.*

*A separate two accessible parking spaces will be built on the westerly side of the parking lot. These spaces will create an entry point for what will be a new playground through the striped area in the middle. The two new accessible spaces will have a wooden guardrail to prevent intrusion into the play area of the future.*

*Bill is checking with the Town Planner and the Conservation Agent to confirm that there is no need for Stormwater permits because the total area of disturbance is less than 10,000 square feet and the areas to be paved were considered gravel surface.*

*We are looking for authorization from the Board to issue bid documents for this project once they are complete.*

Petersen said we have been talking about this project since the building opened. He said the Fire Station has a large meeting room but there is a parking and handicap parking issue. He said there is money left from the building project because it came in under budget. He said this project will allow this meeting room to be used. He said the plan is to put in extra lighting, paved walkways and 2 handicap spaces for ADA access. He said the road between the lower and upper fields washes out and is in constant need of maintenance, so that road will be paved as well, which the users of the fields will also benefit from. He said if the Board approves this, Eagan will issue the bid documents and the work will hopefully be done before winter.

Dave Petersen made a motion to issue bid documents for this project once they are complete, Bob Snow seconded, all in favor – aye (5-0).

2. Update on War Memorial Project and discuss designation of contractor authorized signatory on State War Memorial Grant funds

Chairman Pierce read the following:

### **Project Update**

*Debbie has been working with Bob Breaker on Phase 1 of the War Memorial Project. Phase 1 included removing the overgrown shrubs flanking the existing memorial and the replacement and cleaning of the memorials including the following:*

- Replace the existing Vietnam Memorial stone with one of the same design but larger so that all the names can be placed on the front of the stone. The existing stone has names on the back.*
- Move the existing Vietnam Memorial to the back of the Cemetery Building. This memorial will be re-purposed used for a future war memorial*
- Install a new base behind the WWII Memorial to accept the re-purposed Vietnam Memorial*
- Clean the World War I, World War II, Korean War Memorials and the Star Garden Pieces*
- Replace the base of the Korean War Memorial to match the size of the new Vietnam Memorial*

*Attached is a draft of the Solicitation. Debbie and Bob are asking the Board for authorization to complete the solicitation and release it next week.*

### **Grant**

*The Town has received a \$25,000 award for war memorial restorations from the State. This is a reimbursable grant earmarked in the State's FY 22 budget.*

*Bob Breaker has offered to be the contract signatory for this grant. The Board of Selectmen needs to vote to designate him as the signatory. Chairman Pierce will need to sign the Contractor Authorized Signatory Form.*

*Bob Snow made a motion to designate Bob Breaker as the contract signatory for this grant, Deana Ziev seconded, all in favor – aye (5-0).*

- 3. Discuss status of Class II Dealer's License issued to Automotive Transport Service Inc. at 60 Main Street*

*Chairman Pierce read the following:*

*The Board of Selectmen needs to contact the owner of the used car business at 60 Main Street because the parking areas designated under his Class II license have been changed under a new site plan, which was recently approved by the Planning Board. The Selectmen were made aware of the new site plan through the recent liquor license application filed at this property.*

*Town Counsel Tom Mullen has opined on the situation. (His email message is attached.) He recommends that the Board of Selectmen invite the owner of the used car business to submit an application for an amendment of the Class II license that reflects how the business is actually run now and will be once the new site plan is implemented.*

*Tom says that if he fails to file for an amendment, he will be in breach of the terms of his Class II license and the used car business can be shutdown. His current license designates the areas where the used cars must be parked in accordance with a 1995 Zoning Board of Appeals approved site plan.*

*Does the Board wish to have us contact the owner of Automotive Transport Service Inc and request him to file an application for an amendment to his Class II license?*

Dave Petersen made a motion to ask the owner to file an amendment for his Class II license, Joe Perry seconded, all in favor – aye (5-0).

**7:30 p.m. LIQUOR LICENSE PUBLIC HEARING** BNR Rowley LLC d/b/a Bradford Tavern located 87 Haverhill Street, principals Ryan Cox, Noah Goldstein, and Bradley Atkinson for an All Alcohol Annual Restaurant Liquor License

Chairman Pierce read the notice of public hearing.

Chairman Pierce called for a motion to open the hearing. Bob Snow so moved, Joe Perry seconded, all in favor – aye (5-0).

Public Hearing opened at 7:34 p.m.

Chairman Pierce stated that the hearing was advertised in the September 8, 2021 edition of The Daily News. Chairman Pierce called the applicants forward and said the applicant has paid all taxes, water bills and electric bills and has submitted the required proof of mailing to the abutters.

Chairman Pierce read comments from the Department Heads into the record as follows:

*Comments were received from Conservation, Building Inspector / Zoning Review Officer, Health, Police, Fire and Planning.*

**CONSERVATION AGENT BRENT BAESLACK:**

*The Conservation Department offers no comments or concerns related to the On Premises All Alcohol liquor license submitted by BNR Rowley LLC d/b/a Bradford Tavern for 87 Haverhill Street (Map 15, Parcel/Lot 35). Note: Assessor's database in MIMAP lists the parcel as #89 but there are two structures on the property.*

**BUILDING INSPECTOR / ZONING REVIEW OFFICER KEN WARD:**

*Amy, I have no issues with the application.*

**HEALTH DIRECTOR FRANK MARCHEGIANI:**

*I have spoken to the applicant and he stated nothing will be changing as far as the operation of the restaurant. A food license has not been issued yet however the required paperwork is currently being filled out by the applicant.*

*The Health Department does not have any additional concerns.*

**POLICE CHIEF SCOTT DUMAS:**

*The application and rough floor plan seem to be roughly the same lay out as the previous occupants. The police department has no concerns.*

*One minor point, one of the managers listed, Bradley Atkinson gives a Londonderry NH address but checked the box that he is a Massachusetts resident. (page 2 on the license application)*

**FIRE CHIEF JAMES BRODERICK:**

*I have reviewed the paperwork and it also appears to me there is no changes to what was there with The Bradford Tavern. The fd has no concerns. As was the case with The Bradford Tavern, they will need an inspection from the building inspector and myself to renew their license.*

**TOWN PLANNER KIRK BAKER:**

*From a use perspective the property is in the Central Zoning district and is located with the historic district. However, the proposed use (which included a bar that serves alcoholic beverages) appears to be consistent with the use under the previous ownership. Therefore, I have no comments to offer from a Planning perspective.*

Chairman Pierce asked if there is anyone present at the meeting who would like to speak on the application.

Principal Brad Atkinson said it is a great restaurant, the previous owners retired, and they are keeping the same format. He said Janet Peabody has been a great help in locating some photos of Rowley that they are getting framed. He said they are giving the restaurant a facelift and trying to make it a cozy spot. He said they own several restaurants and the nearest one is the Fox Creek Tavern. He said they will be debuting sushi as an addition to the menu at Bradford Tavern, which will be typical homemade comfort food. Principal Ryan Cox said this restaurant will be a spin off of the Fox Creek Tavern, including sushi. Petersen said he has been to the Farmhouse in Essex, and it is great to see the Bradford Tavern being used again. Atkinson said they hope to open in mid to late October, and the second floor will have a library feel with tall cozy chairs. He said they are hoping to eventually add a patio area after they are open.

Bob Lassonde said he lives on the other side of the fence and wanted to say hello and welcome the new owners. He asked about the patio area. Atkinson said the patio won't be near the fence and they are looking to put it in the upper parking lot area away from neighbors.

Chairman Pierce asked the members of the Board of Selectmen if they have any further questions or comments. He read the following:

*The previous liquor license issued to Brickle LLC d/b/a Bradford Tavern has been surrendered, and a copy of it as well as the Certificate of Inspection is included at the end of this packet.*

*Note, the applicant has indicated that the hours of alcohol service he is requesting are:*

*11am-1am Monday through Saturday and 10am-midnight on Sundays*

*The previously issued license had hours of 11:30 a.m. – midnight Monday - Sunday*

*If the Board is satisfied with the application and there are no further questions of the applicant, the Chairman can call for a motion to close the public hearing. The Board of Selectmen has 30 days to act upon the application. It was filed on August 24, 2021.*

*After the Board closes the public hearing, the Board discusses the application and votes.*

*If the Board approves the application, Amy will prepare the Local Licensing Authority Summary Form, and will let the Board know when this is ready to be signed. The application, along with the Summary Form, needs to go to the ABCC for further review and approval.*

Atkinson said they requested hours up to the legal limit, but doesn't think they will always be serving until 1:00 a.m. or midnight.

Chairman Pierce called for a motion to open the hearing. Deana Ziev so moved, Bob Snow seconded, all in favor – aye (5-0).

Public hearing closed at 7:43 p.m.

Bob Snow made a motion to approve this license application, Deana Ziev seconded, all in favor – aye (5-0).

### **ANNOUNCEMENTS**

- The new fire engine will be dedicated in memory of G. Robert Merry on Saturday, September 25, at 2:00 p.m. at the Rowley Fire Station. All are welcome.
- There are openings on the Conservation Commission, Open Space Committee, and Board of Shellfish Commissioners. Please check the Town website under Board/Committee Vacancies for more information or call the Selectmen's Office at 948-2372.

### **ADJOURN**

Joe Perry made a motion to adjourn, Deana Ziev seconded, all in favor – aye (5-0).

Meeting adjourned at 7:45 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Written Executive Session motion
2. Request from Water Superintendent Robert Gray to appoint Christopher Germano to the position of Distribution Utility Maintenance Laborer
3. Letter of resignation from Call Firefighter Justin Graham
4. Meeting memo regarding General Business #3: Letter from Joseph Anderson requesting to be appointed to the Zoning Board of Appeals Associate Seat and letter of support from the Zoning Board of Appeals to appoint Joseph Anderson to the open seat
5. Letter of support from the Zoning Board of Appeals to appoint Joseph Anderson to the open seat Letter from Joseph Anderson requesting to be appointed to the Zoning Board of Appeals Associate Seat
6. Joseph Anderson's resume
7. Meeting memo regarding New Business #1: Discuss plastic bag reduction bylaw
8. Email from Terri Davidson including attached sample plastic bag reduction bylaws
9. Meeting memo regarding New Business #2: Review Historic District Commission application for Annex backdoor replacement
10. Draft application to HDC for Annex backdoor replacement
11. Meeting memo from August 23, 2021 regarding Update on Town Hall Annex back door replacement project
12. Photo of Annex back door
13. Internet print-out titled, "Fiberglass vs. Wood Doors: Your 5 Top Takeways"
14. Meeting memo regarding New Business #3: Request from Seacoast Youth Flag Football to hold practices on the Town Common
15. Application For the Use of the Town Common completed by Seacoast Youth Flag Football League
16. Certificate of Insurance from Seacoast Youth Flag Football League
17. Meeting memo regarding New Business #4: Discuss legislation for Town Meeting Warrant posting
18. Letter from Chairman Pierce to Governor Charles Baker regarding: Special Legislation – Rowley Town Meeting Warrant Posting Waiver, including two enclosures
19. Meeting memo regarding New Business #5: Approve TruGreen contract amendment for seeding
20. Draft contract amendment with TruGreen
21. Agreement between the Town and TruGreen for Turf Maintenance services
22. Quote from TruGreen for aeration and seeding work

23. Meeting memo regarding Old Business #1: Update on police and fire station parking project
24. Plan from Places Associates, Inc. for Accessible Parking and Walks for parking project
25. Meeting memo regarding Old Business #2: Update on War Memorial Project and discuss designation of contractor authorized signatory on State War Memorial Grant funds
26. Draft Request for Price Quotations for Town Hall War Memorial Project
27. Email from David Moore regarding Town of Rowley FY22 State Earmark, including attached contract documents
28. Meeting memo regarding Old Business #3: Discuss status of Class II Dealer's License issued to Automotive Transport Service Inc. at 60 Main Street
29. Email from Tom Mullen regarding 60 Main Street Site Plan
30. Class II License issued to Automotive Transport Service Inc., including attached ZBA approved site plan
31. Meeting memo regarding 7:30 p.m. Liquor License Public Hearing: BNR Rowley LLC d/b/a Bradford Tavern located 87 Haverhill Street, principals Ryan Cox, Noah Goldstein, and Bradley Atkinson for an All Alcohol Annual Restaurant Liquor License
32. Public Hearing Notice for Liquor License hearing
33. Email from Amy Lydon to Ryan Cox regarding Liquor License Application – BNR Rowley LLC D/B/A Bradford Tavern
34. Letter from Ryan Cox regarding patio at Bradford Tavern
35. Liquor License application packet filed by BNR Rowley LLC D/B/A Bradford Tavern
36. Affidavit of Notice to Abutters and Others for liquor license hearing, including Certified Abutters List, copy of newspaper publication and certified mail cards and receipt
37. Copy of previous liquor license and certificate of inspection surrendered by previous owners of Bradford Tavern