

MINUTES OF THE BOARD OF SELECTMEN MEETING

September 25, 2017

Meeting held at Town Hall, 139 Main Street, Rowley, MA
7:00 p.m.

MEMBERS PRESENT: Chairman Joseph Perry, Vice Chairman Robert Snow, David Petersen, Robert Merry (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) Clerk Cliff Pierce- ABSENT

PUBLIC ATTENDEES: Josephine Bornstein; Joseph McCarthy – Ipswich Pharmaceutical Associates; Fred Hardy; Steve Morris; Michelle Moon

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded digitally.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Review Road Opening Permit from National Grid for the following:
 - to open 37 Bennett Hill Road to install a new gas service

Chairman Perry read the following:

We are still waiting for a couple of required Town signatures for this permit. Once the sign-offs are complete, we will add this to the next Selectmen's agenda.

2. Notice from the Northeast Mosquito Control District on aerial application to control mosquito larvae on coastal salt marshes

Chairman Perry read the press release from Northeast Mosquito Control District.

NEW BUSINESS

1. Request from Pine Grove School PTA to hold Annual Fall Fest on the Town Common on October 29, 2017 from 4:00 p.m. to 6:00 p.m. with rain date of November 5, 2017

Dave Petersen made a motion to authorize the Pine Grove School PTA to hold the Annual Fall Fest on the Town Common on October 29, 2017 from 4:00 p.m. to 6:00

p.m. with a rain date of November 5, 2017; set-up for the event to begin at 1:00 p.m., Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

2. Request from Pine Grove School PTA to hold Road Race and Kids Fun Run on April 7, 2018

Chairman Perry read the following:

The PTA has requested approval for their annual 5k Road Race and Kids Fun Run. The event will be held on April 7, 2018 between 8:00 a.m. and 12:00 p.m. The race will start and finish at Pine Grove School and the following roads will be used: Route 1A, Pleasant Street, Cross Street, Central Street, Bennett Hill Road, Wethersfield Street and Church Street.

They have indicated that they will provide the Town with the required insurance certificate before the event.

The request has been circulated to the following individuals: Police Chief, Fire Chief, Health Agent, and Highway Surveyor. There were no comments or concerns about this event.

They are also requesting permission to hang a banner on the Town Common backstop to publicize this event from the beginning of March until the day after the race. They have provided contact information for the person responsible for the banner in case there is an issue with it while it is hung.

Dave Petersen made a motion to authorize the Pine Grove School PTA to hold the Road Race and Kids Fun Run on April 7, 2018, and to hang a banner on the Town Common backstop to publicize the event, pending the receipt of the required insurance certificate, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

3. Review Planning Board Special Permit and Site Plan Application submitted by Douglas Stone for the construction of a 4,000 square foot accessory barn pursuant to Zoning Bylaw Section 4.8.1(h) on property owned by William Herrick located at Lot 5 Dodge Road as shown on Assessors Map 5 Lots 104 and 105

Chairman Perry read the following:

The Board of Selectmen has received a copy of a Planning Board Special Permit and Site Plan Application for the construction of a 4,000 square foot accessory barn at Lot 5 Dodge Road.

Attached are the following:

- *A rendering of what the barn will look like.*
- *Assessors' Map showing the lot.*
- *Copy of the Application.*

The barn structure, though the lot's actual frontage is on Mill Road, will be accessed from Dodge Road, over a 240-foot long Common Driveway. The driveway will be 18 feet wide and will be accessed over two new house lots on Dodge Road.

The application says that the structure will be used to store vehicles and the estimated number of vehicle trips per day is 10 during the peak hours of 6:00 a.m. to 6:00 p.m.

Does the Board have any comments they wish to send to the Planning Board on this application?

The Board did not have any comments on this application.

7:10 – 7:15 p.m. CITIZEN QUERY

Joseph McCarthy of Ipswich said he is from Ipswich Pharmaceutical Associates in the medical marijuana business. He said he has spoken to Town Planner Kirk Baker about a retail location in Rowley at Adams Mall. He said with the nearby ice cream store location he is unsure this is an appropriate locations and looked elsewhere. He said they have a lease at Adams Mall and as a compromise they would like to close their business while the ice cream store is open. He said there would be a host agreement starting at \$50,000 not to exceed \$250,000 annually plus 3%. He said they want to be a part of the community and they will work around the ice cream store's hours.

Chairman Perry said in Citizen Query, the Board cannot respond. He asked Mr. McCarthy to submit paperwork about this to the Town Administrator. Eagan said Mr. McCarthy submitted paperwork in the past that was forwarded to the Planning Board. She said we haven't heard back from the Planning Board about this.

7:15 p.m. APPOINTMENT Josephine Bornstein of D & D to discuss Class II Dealer License transfer from Mimi Tzortzis d/b/a Rowley Auto Mall

Chairman Perry read the following:

Josephine Bornstein is leasing the business located at 274 Newburyport Turnpike from Gino Tzortzis. This location currently has a Class II Dealer's license issued to Mimi Tzortzis for an 80 vehicle limit.

Petersen asked if this is the location in front of Gino's repair. Gino said yes, the location where the campers and then Reinhart was located. David Bornstein said they have

been made aware that the landlord at their current location, 185 Newburyport Turnpike, is taking the space back. He said they are looking to move and they will not retain their current location, where they have been in business since July of 2012. Mimi Tzortis said she will turn in her license tomorrow. Petersen said he has no objections to this.

Bob Snow made a motion to authorize Joe Perry to sign the letter to the Department of Transportation Registry of Motor Vehicles regarding Mimi's license, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT

Dave Petersen made a motion to issue the license to D&D Auto, and request that Josephine Bornstein turn in her existing license once the current location is vacated, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

OLD BUSINESS

1. Update on Pine Grove School Project

Chairman Perry read the following:

The Massachusetts School Building Authority has submitted the Project Funding Agreement.

The Board of Selectmen needs to vote to approve Chairman Joseph Perry to the sign the document as the "Chief Executive Officer."

There are three originals that Chairman Perry needs to sign. Please do not write the date on the documents (pages 1 and 31). The MSBA will insert the date when the MSBA's executive director signs the document.

Town Counsel Tom Mullen will provide the requested "Certification of Legal Counsel" document.

Bob Snow made a motion to authorize Joe Perry to sign the Project Funding Agreement as CEO, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce - ABSENT

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

Chairman Perry read the following:

We're in the technical permitting phase of the project. Permits have been filed with the Conservation Commission, Planning Board and Zoning Board of Appeals.

The hearing dates are as follows:

- *September 27 – Planning Board – informal presentation on the site plan*

- October 2 – Conservation Commission for Stormwater Permit
- October 11 – Planning Board for formal presentation on the Site Plan Permit
- October 19 – Zoning Board of Appeals for set back
- October 24 – Conservation Commission for continued Stormwater Permit discussion and approval

The timetable for the bidding has been set as follows:

- Bids released October 12
- Pre-bid meeting October 27 at 1:00 p.m.
- Sub-bids due November 2 at 2:00 p.m.
- General bids due November 16 at 2:00 p.m.

We're planning to issue an addendum with any of the orders of conditions issued with the technical permits from the Planning Board, Conservation Commission and Zoning Board of Appeals.

There will be three alternates included in the bid documents, which will be taken up in the following order:

- 1) Radiant heated floors at the Fire Station
- 2) Lightning Protection System for the Fire Station and Police Station
- 3) Portico for the Police Station

Eagan said there was a typo in the meeting memo and that the Conservation Commission meeting is October 3, not October 2.

3. Update on the purchase of the rear of 221 Main Street

Chairman Perry read the following:

Debbie and Bob Merry are meeting with the Planning Board this upcoming Wednesday evening. The Planning Board needs to sign the plan, which subdivides the rear section of 221 Main Street. This land will be used to expand the Town's playing fields.

MINUTES

- September 11, 2017

Dave Petersen made a motion to approve the September 11, 2017 minutes, Bob Snow second, all in favor - aye (4-0). Cliff Pierce - ABSENT

7:30 p.m. APPOINTMENT Rowley Veterans Association Board member Steven Morris to discuss status of Rowley Veterans Association Liquor License

Chairman Perry read the following:

Chairman Joe Perry will read the attached letter into the record.

Also attached is the 2016 list of “Approved” Board members who we’ve just found out are not on the board:

- *David Leavitt, President*
- *William Gaynor, Treasurer/Clerk*
- *Lisa Edwards, Member*
- *Dana Perkins, Member*

The ABCC has advised Debbie that the single remaining Board member, Steven Morris, is responsible for the operation of the license. The Board of Selectmen needs to ask Mr. Morris how the establishment is operating in the absence of an approved manager and approved Board members. Is the Board of Selectmen satisfied with the way that Mr. Morris is managing the establishment?

The Board of Selectmen needs to vote to set a timeframe for the filing of new applications for the Change of Manager and Change of Board of Directors. The ABCC also advises that the Selectmen reach out to Town Counsel as well, if needed.

Chairman Perry read the letter from Vice Chairman Snow requesting Mr. Morris’s attendance tonight.

Mr. Morris said he is the new President of the RVA, and he listed the new Directors. He said all of the new Directors voted Ms. Moon to be the new bar manager. Eagan said the ABCC advised the Board to be diligent in setting up timeframes for the RVA to submit their paperwork for the Change in Officers/ Directors and for the Change in Manager. Moon said they need two weeks to prepare this paperwork. Petersen said they should get the paperwork to us as soon as possible. Morris said there are a lot of items missing, and they are trying to catch up. Petersen said until the new paperwork is filed, Morris is responsible for the operation as the sole Director approved by the ABCC. Fred Hardy, a new Director, said one good thing is that all of the new directors are veterans and they are all striving to make the RVA better than it was. He said they understand and get what they are doing. Morris said they are all learning, and if we see any mistakes, to please let them know. Eagan said once the paperwork is filed, a hearing will be set up for a Monday night which will require their attendance. Petersen said we just went through this paperwork with the RVA and we are not happy to be doing it again, but we will do what we have to do.

ANNOUNCEMENTS

- The Rowley Police vs. Rowley Fire Softball Game will be held at Eiras Park on Saturday, September 30, 2017 at 10:00 a.m. This event has four goals: it is a community event for children; it is intended to bring awareness to the Solace for Stephanie Charity; showcase the beautiful Kids Kingdom Playground; and to watch the Police and Fire departments play a friendly game of softball
- The Friends of the Rowley Public Library is holding the Rowley Chili Cookoff on the Town Common on Saturday, September 30, 2017 from 2:00 p.m. to 6:00 p.m. In addition to the chili contest, the event will feature the following: music from the Orville Giddings Band, music from the youth performers from the Be Imagine music studio; children's activities; 50-50 raffle, hot dogs, cornbread, popcorn, vegetables and desserts; and a German style beer garden featuring ales from Mercury Brewing
- Halloween Trick or Treat Hours of 5:00 p.m. to 7:00 p.m. on Tuesday, October 31, 2017
- Attention all Korean War Veterans who served in Korea. The Eastern Essex Veterans Services District is issuing the Korean Ambassador for Peace Medal. Please contact the Veterans Office at 978-356-3915
- 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. **Council on Aging** – one seat
 - b. **Cultural Council**- two seats
 - c. **Open Space Committee** – one seat
 - d. **Fence Viewer** – three positions;
 - e. **Wood, Lumber & Bark Inspector**;
 - f. **Zoning Board of Appeals Associate** – three seats
 - g. **Parks and Recreation Committee** – one seat;
 - h. **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.

ADJOURN

There being no further business before the Board, Chairman Perry called for a motion to adjourn. Dave Petersen so moved, Bob Snow second, all in favor - (4-0). Cliff Pierce - ABSENT

Open meeting adjourned at 7:40 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding General Business #1: Review Road Opening Permit from National Grid to open 37 Bennett Hill Road to install a new gas service
2. Notice from the Northeast Mosquito Control District on aerial application to control mosquito larvae on coastal salt marshes
3. Meeting memo regarding New Business #1: Request from Pine Grove School PTA to hold Annual Fall Fest on the Town Common on October 29, 2017 from 4:00 p.m. to 6:00 p.m. with rain date of November 5, 2017
4. Request from Pine Grove School PTA to hold Annual Fall Fest on the Town Common on October 29, 2017 from 4:00 p.m. to 6:00 p.m. with rain date of November 5, 2017
5. Application for the Use of the Town Common completed by PGS PTA
6. Meeting memo regarding New Business #2: Request from Pine Grove School PTA to hold Road Race and Kids Fun Run on April 7, 2018
7. Request from Pine Grove School PTA to hold Road Race and Kids Fun Run on April 7, 2018
8. Meeting memo regarding New Business #3: Review Planning Board Special Permit and Site Plan Application submitted by Douglas Stone for the construction of a 4,000 square foot accessory barn pursuant to Zoning Bylaw Section 4.8.1(h) on property owned by William Herrick located at Lot 5 Dodge Road as shown on Assessors Map 5 Lots 104 and 105
9. Planning Board Special Permit and Site Plan Application submitted by Douglas Stone for the construction of a 4,000 square foot accessory barn pursuant to Zoning Bylaw Section 4.8.1(h) on property owned by William Herrick located at Lot 5 Dodge Road as shown on Assessors Map 5 Lots 104 and 105
10. Rendering of what proposed barn would look like
11. Assessors' Map showing Lots 104 and 105 on Map 5
12. Meeting memo regarding 7:15 p.m. Appointment: Josephine Bornstein of D & D to discuss Class II Dealer License transfer from Mimi Tzortzis d/b/a Rowley Auto Mall
13. Copy of license issued to Mimi Tzortzis at 274 Newburyport Turnpike
14. Copy of license issued to Josephine Bornstein at 185 Newburyport Turnpike
15. Letter from Mimi Tzortzis regarding transfer of Class II license
16. Letter from D&D Auto Sales regarding transfer of Class II license
17. Application package from D&D Auto for Class II license at 274 Newburyport Turnpike
18. Letter to MASSDOT regarding Mimi Tzortzis' Class II license
19. Meeting memo regarding Old Business #1: Update on Pine Grove School Project
20. Letter from MSBA regarding Project Funding Agreement
21. Project Funding Agreement signed by Chairman Perry

22. Meeting memo regarding Old Business #2: Update on the Fire Station and Police Station Addition project
23. Meeting memo regarding Old Business #3: Update on the purchase of the rear of 221 Main Street
24. Planning Board meeting agenda for September 27, 2017
25. Draft September 11, 2017 minutes
26. Meeting memo regarding 7:30 p.m. Appointment: Rowley Veterans Association Board member Steven Morris to discuss status of Rowley Veterans Association Liquor License
27. Letter from Vice Chairman Snow requesting Mr. Morris's attendance tonight
28. Approved list of Board of Directors for RVA from August 2016