

MINUTES OF THE BOARD OF SELECTMEN MEETING

October 23, 2017

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

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

PUBLIC ATTENDEES: Joan C. Petersen – Moderator; Henry F. Rolfe; Bernard Cullen; Mary Bright; Arthur Corbell; George Gallant; Tim Toomey; Michael Sabatini – Bradstreet Farm; Lawrence White – Finance Committee; Michelle Faulkner – Bradstreet Farm; Barrett Bacall – Bradstreet Farm; Tiffany Learned – Bradstreet Farm; John Clarke – Bradstreet Farm

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Dave Petersen said he and his wife were honored to represent the Board of Selectmen and the Town at the Korean Ambassador for Peace Medal ceremony. He said it was well done and there were about sixty Veterans and family members that were honored. He said the Korean War Veterans that were present were in their eighties and nineties, and he thanked them for their service. He said Senator Tarr and Representative Hill were present at the ceremony. He said he doesn't have an official list, but he read the names of the Veterans that he recognized as being from Rowley as follows:

Hazen Boyd
Arthur Page Sr.
Gordon Densmore
Jack Grundstrom
Nick George
Diane Lally
Robert Graffum

He said the Korean War Veterans deserve this award, and they often get left in the dust.

7:05 – 7:10 p.m. CITIZEN QUERY

Chairman Perry said, “I would like the Board of Selectmen to know that effective next week, I am planning to change the Citizen Query section of the Meeting Agenda to Public Comment. I will be drafting a policy that covers the Public Comment portion of the meeting agenda. We’ll discuss this policy next week.”

Perry said the Merrimack Valley Planning Commission uses a Public Comment. He said the Citizen Query policy allows up to five minutes for the public to comment, but the Board does not respond to it.

GENERAL BUSINESS

1. Review Road Opening Permit from T.W. Excavating for the following:
 - to open Walnut Drive to install a new water main and water services to the houses on the Walnut Drive

Chairman Perry read the following:

The Road Opening Permit was signed off on by the staff for the location listed above. A copy of the permit is in the Chairman’s folder.

2. Request from Christina Carmody of Rowley Girl Scouts Troop 79123 to hold the Annual Caroling on the Common event on the Town Common on Sunday, December 3, 2017 at 4:00 p.m.

Chairman Perry read the following:

Christina Carmody from Junior Rowley Girl Scout Troop 79123 has requested permission to use the Town Common for their annual Caroling on the Common on Sunday, December 3, 2017 at 4:00 p.m.

The Police Chief, Fire Chief, Highway Surveyor and Health Agent do not have any comments or concerns about this event.

Dave Petersen made a motion to approve Carmody’s request to use the Town Common, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

3. Appoint Barry White to the position of Water Department Distribution Utility Maintenance Laborer 2

Chairman Perry read the recommendation from Mark Emery.

Dave Petersen made a motion to appoint Barry White to the position of Water Department Distribution Utility Maintenance Laborer 2, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

OLD BUSINESS

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

Chairman Perry read the following:

We have been working on the site permit applications.

We met with the Zoning Board of Appeals last Thursday evening and they voted to approve our application and the site plan.

We have a continued hearing with the Conservation Commission tomorrow. The Project Engineer has been working closely with the Planning Board's Technical Review Agent in answering questions and updating the plans as requested. We're hopeful that this permit will be approved tomorrow.

We are currently out to bid on the project and we will be meeting with the bidders this upcoming Friday. Filed sub bids are due on November 2 and general bids are due November 16.

Dave Petersen thanked the Planning Board and the ZBA for their approval of this project. He congratulated the architect and the OPM for their submittals which created minimal comments from the Boards. He said he hopes the Conservation Commission approval goes as well as these did.

2. Discuss the Didax Building, 395 Main Street

Chairman Perry read the following:

Debbie would like to hire DeRosa Environmental to do the site assessment of the Didax property at 395 Main Street.

Didax did a Phase II Environmental Site Assessment when they purchased the property in 1993. Debbie has provided DeRosa with a copy of that report. Mike DeRosa has given Debbie a quote of \$2,500 to do a Phase 1 Site investigation. Debbie is asking the Board of Selectmen if she should file a request for a Reserve Fund Transfer from the Finance Committee to cover this cost. Town Counsel advised the Board of Selectmen that we should have a licensed site professional do the assessment prior to accepting the donation of this property.

Petersen said he has been speaking with Eagan and about this and he agrees that the site assessment should be done. He said he feels strongly that we should request a Reserve Fund Transfer from the Finance Committee for this as it could leave the Selectmen's expense line short if it is used to cover this cost. He said we may need to ask for more money as the project moves along, and the funds can be replaced at the Spring Special Town Meeting.

Dave Petersen made a motion to ask the Finance Committee for a Reserve Fund Transfer for \$2,500 to cover the site assessment cost, Cliff Pierce second, all in favor - aye (4-0). Bob Snow - ABSENT

7:15 p.m. APPOINTMENT Council on Aging Chairwoman Mary Bright and Arthur Corben to discuss Council on Aging Board vacancy

Chairman Perry read the following:

Arthur Corben submitted a letter to the Board of Selectmen on September 28, 2017 expressing his interest in filling the vacancy on the Council on Aging Board. Chairman Perry will read the letter into the record. Arthur met with the COA Board last week to discuss his interest.

Perry read Corben's letter of interest.

Perry asked Corben, "Why are you interested in serving on the Council on Aging Board?" Corben said he sees this as a chance to give back a little.

Perry asked Corben, "Are you familiar with the programs and the services that the Council on Aging provides to our seniors?" Corben said yes, he has read the guidelines that he was given.

Petersen asked Corben, "The Council on Aging Board typically meets on the third Wednesday of each month at 10:00 a.m. Are you available at this time?" Corben said yes.

Pierce asked Corben, "If you are appointed to the Council on Aging Board, you will need to be sworn in by Town Clerk Susan Hazen. As a newly-appointed Town official you will be required to take an online ethics test in accordance with the State Ethics Law, Chapter 268A. Will you agree to take this test?" Corben said absolutely.

Merry asked Corben, “Also as a Town official you will be required to comply with the State Open Meeting Law, Chapter 30A section 18 to 25. Town Clerk Susan Hazen will provide you with an Open Meeting Law Guide book, printed by Attorney General Maura Healey. You will need to familiarize yourself with this law because you will be a member of a public body. Do you have any questions or concerns about this?” Corben said he doesn’t have any comments or concerns about this.

Corben did not have any questions for the Board of Selectmen. He said he has read the literature and he understands the programs. Mary Bright said she thinks Corben will be a good fit for the COA Board, and she spoke to him for quite a while. George Gallant said Corben will be a good addition, he likes to participate, and it is great to get new blood onto the Board. Perry said this appointment will be through June 30, 2018, then Corben will need to be reappointed.

Dave Petersen made a motion to appoint Arthur Corben to the Council on Aging Board through June 30, 2018, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Tim Toomey asked if there will be Citizen Query tonight. Perry said Citizen Query was already held tonight. Toomey gave Perry an Open Meeting Law complaint about last week’s meeting.

7:30 p.m. APPOINTMENT John Richardson and Brad Dore of Dore & Whittier Architects to discuss the following:

- Pine Grove School construction start date and impact on the use of the All Purpose Room for the 2018 Annual Town Meeting
- Pine Grove School project proprietary specifications
- Update on the Pine Grove School project

Pine Grove School construction start date and impact on the use of the All Purpose Room for the 2018 Annual Town Meeting

John Richardson said Brad Dore could not make it to tonight’s meeting. Richardson showed the Board a plan, and said they need to build a new electrical and boiler room simultaneously with the existing boiler remaining active. He said Phase 1 of the project will include the All Purpose Room, kitchen, and front desk area. He said the Phase 1 areas will get heat from the new system. He said they would like to start in the spring, the administration has been very accommodating, and it is tight timing to do this work in eight weeks. He said the district would provide cold lunches for the kids, and lunch would be served in the gymnasium. He said this would continue for two months after April vacation.

Dave Petersen said we need the Town Clerk to be present for this discussion.

Pine Grove School project proprietary specifications

Eagan said the Board of Selectmen are required to approve the proprietary items. Richardson said under Chapter 149A, the designer/engineer must specify all products unless there is a vote by the elected body to approve proprietary items. He said there are four proprietary items they are looking to use:

- 1) Glazing Product: School Guard Glass SG4 – Richardson said this is a bullet-resistant glazing proposed for the main entrances, which is more cost effective than bullet proof glass.
- 2) Glazing Product: Okalux Plus – Richardson said this glazing diffuses light, and will be used in the All Purpose Room on the south side only. He said this will provide the maximum amount of light, while diffusing the light, and they have used this product before.
- 3) Washroom Accessories: Product Dyson “Airblade V” electric hand dryer – Richardson said this is an efficient and quiet unit. He said warm air shoots out in a “V” shaped pattern, and Dyson is a quality manufacturer.
- 4) Knox Box-Rapid Entry System – Richardson said the Rowley Fire Department uses this system, and it will allow their keys to open Pine Grove School the same way they are used to open other commercial buildings.

Pine Grove School construction start date and impact on the use of the All Purpose Room for the 2018 Annual Town Meeting

Richardson said Phase 1 of the project was reviewed with Rowley Municipal Light Plant and the Construction Manager, and there is too much work to complete over the eight week summer break. He said this is crucial enabling work including re-doing the kitchen and All Purpose Room, and installing a new electrical and boiler room. He said there have been discussions to start this work over the spring, and the students will be provided with cold lunches in the gym starting after April vacation. He said this will allow for two extra months to complete this work. He said the school is moving activities off-site, and the question to be discussed is whether the date of Town Meeting should be shifted, or if should be moved to a different location. Town Clerk Susan Hazen said we cannot use Triton for Town Meeting since it is not physically in Rowley. Moderator Joan Petersen said this is a one-time deal, and we can ask the Water and Light Departments to put notice in the outgoing bills that Town Meeting will not be televised, and it will be held in the back gym due to construction work being done in the school. She said if the date changes, the Town Clerk will need to change many dates in different places. Pierce said this is an important project that needs to get off to a good start. He said not having a live feed is not a sufficient reason not to hold Town Meeting in the gym. He said people can watch the meeting at a later date if they wish to see it.

Perry said he spoke to Superintendent Forget, and they will prep the gym, and set up a stage. Hazen asked if there will be limitations in the gym, such as a requirement to take your shoes off. Richardson said no, the flooring is being replaced. Eagan said we will need to make arrangements for hand-held microphones and asked if there is a requirement to have an overflow room. Hazen said we would need to know that we are having a large meeting, and an overflow room would have to provide equal access. She said this is not something that can be set up on the run, and we probably won't need one as we were able to accommodate 375 people at the last meeting.

Larry White said he is all for moving the construction schedule up by eight weeks, but if Town Meeting is also moved up, all the budgets will need to be submitted early, and he doesn't think that will work. He said Saint Mary's Church isn't a viable location, and people are used to going to Town Meeting at Pine Grove School. Hazen said we can give people a heads up that the meeting will not be televised live. Dave Petersen asked if the parking will be impacted. Richardson said no, the work is happening 15 feet off the driveway, and the basketball court is not getting touched. Perry said Triton is always looking for an extension for the budget submittal, and if we move Town Meeting, that will throw off our ability to grant an extension. Hazen said she would like to see the gym ahead of time. Joan Petersen said Chris Kneeland, Chris Walsh, Susan Hazen and herself should do a walk-through first. Richardson said there is poor lighting in the gym as well, and temporary additional lighting can be provided as well.

Dave Petersen made a motion to approve the four proprietary items, Cliff Pierce second, all in favor – aye (4-0). Bob Snow – ABSENT

Bernie Cullen asked what the warranty is on the Dyson hand dryer. Richardson said he believes it is a five year warranty from Dyson, and the glass products he believes have a ten year warranty. He said he is not aware of degradation issues on the glass products.

Dave Petersen made a motion to hold Town Meeting on April 30th at the Pine Grove School gym, which will not be televised live, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – ABSENT

Update on the Pine Grove School project

Chairman Perry read the following:

We've been making good progress with the Pine Grove School Project.

- *The Massachusetts School Building Authority has signed the Project Funding Agreement.*
- *The construction documents are 60% percent complete, which is on target for our timeline.*

- *We're currently going through the site plan permitting process. We have permit applications with the Conservation Commission for a Notice of Intent under the Wetlands Protection Act and a Stormwater Permit Application. We're also filing an application with the Board of Health for a Septic System Upgrade. We plan to give an overview of the proposed site work to the Planning Board at one of their upcoming meetings.*
- *A Community Public Meeting is scheduled for Thursday, November 16, 2017 at 7:30 p.m. in the All Purpose Room at the Pine Grove School. We plan to give the public an update on the project during the hearing.*

Richardson said they are in the process of estimating the project at 60%, which they will reconcile on Friday and bring back to the working group. He said this will be submitted to the MSBA and the Board will receive a new set of binders. He said the Construction Manager (general contractor) is on board, and 9 sub-contractors will be hired after a public bid opening. He said they are pre-qualifying them now, then the qualified sub-bidders will submit bids.

MINUTES

- September 18, 2017 Executive Session

This minutes could not be voted on since a quorum present at the September 18, 2017 meeting was not present at this meeting.

ANNOUNCEMENTS

- Residents need to be advised that the Rowley Highway Department is doing road work on Route 133 Haverhill through November 10, 2017 and to expect traffic delays
- Halloween Trick or Treat Hours of 5:00 p.m. to 7:00 p.m. on Tuesday, October 31, 2017
- Rowley Public Library is hosting a discussion on "American Philosophy" with author Dr. John Kaag on Monday, November 6, 2017 at 7:00 p.m. in the Rowley Public Library
- Pine Grove School Project Community Project 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
- 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 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.

8:00 p.m. APPOINTMENT Michael Sabatini to discuss the Town's driveway at 239 Main Street

Chairman Perry read the following:

Michael Sabatini has requested to meet with the Board of Selectmen to discuss the driveway at 239 Main Street. He sent the Board the attached email message.

Perry read Sabatini's email message. Perry asked that people wishing to speak be recognized by the Chairman before they speak. Petersen asked everyone to sign the attendance sheet that is circulating. Perry asked Mike Sabatini to begin. Sabatini's attorney stepped forward to start a presentation. Perry said Mr. Sabatini is the one he has recognized to speak. Sabatini's attorney asked, "not his attorney?" Perry said no, the Town's attorney is not here, you're not speaking tonight. Sabatini's attorney said, "So I cannot speak on behalf of my client?" Perry said no. Sabatini's attorney said that is highly unusual, and turned the materials that he had over to Sabatini.

Sabatini distributed materials to the Board and said this is the original subdivision plan signed by the Town from 2009. He said the plan assumed that the affordable housing contractor would install a bona fide road, but this hasn't been done. He said the Fire Chief has determined that the road is unsatisfactory, since it is 12 to 14 feet wide, but needs to be 20 feet wide. He said he met with the Conservation Agent, Highway Surveyor, Fire Chief and Building Inspector to review the driveway. He said his section is exempt from being 20 feet wide, but the Town's section is not exempt. He said the sides of the hot top slant down, and the Fire Chief said he would be happy with gravel being added. He showed the Board a photo. He said the Town used to have the Department of Corrections inmates trim the brush along the road, but haven't for the past couple of years. He said he and the Conservation Agent have been clearing this so there is a clear line of sight, but the Fire Chief would still like the gravel to be installed. He said Ron Pearson gave him a quote of \$7,000 to \$10,000 for the gravel. He said there is also a pipe running underground to an open culvert, which is six to

seven feet deep. He said there should be a wooden guardrail around the culvert. He said the DPW said this needs to be fixed since it is a huge liability for the Town.

Petersen said he has a number of concerns and asked what the distance between the pillars at the start of the driveway is. Sabatini said 14 feet. Petersen said the Planning Board approved plan shows a separate exit to be created when the new road is built, and asked Sabatini if he is requesting that the Town create a separate exit now. Sabatini said no, the Fire Chief said he would be happy with just gravel on both sides of the road. Pierce asked how you will get a 20 foot wide entrance with those pillars. Sabatini said the pillars would not be touched. He said the Fire Chief's issue is when someone comes down the driveway, he wants the car to be able to pull over off the driveway. Petersen said when the subdivision plan was created, there was no argument about the driveway, and the plan was to have the contractor for the future affordable housing project build the road. He said adding gravel does not make it a road, and the Fire Chief doesn't tell the Town how the road needs to be built, he is just saying that it needs to be 20 feet wide. Pierce said when the Planning Board allowed the temporary use of this driveway, the current 20 foot requirement for roads was not a requirement. He said the Town does not have to go back and now widen all the roads that are not 20 feet wide. He said when there is a change in use, the Planning Board and the Fire Chief would consider the new requirements. He said just because the driveway is not 20 feet wide, it doesn't mean that it is not safe, and there are many roads in Town that are not 20 feet wide. He said if a new development is put at the end of a road that will generate more traffic, various Town boards will need to determine if that road needs to be widened, before that development begins operating. Perry said based on his reading of the agreement, this is a driveway, not a road, to provide access to the Community Gardens and Sabatini's property.

Petersen said if the road is going to be 20 feet wide, it needs to be fully paved, and he will not vote for it to be half pavement and half gravel. He said the road needs to be built to the specifications. Pierce said it needs to be built to the specifications already outlined, and if not, it would have to go back before the Planning Board so that the decision could be modified. Petersen said if we make exceptions, others will question why they have to build a 20 foot wide road. He said we do not have the money to do this; he won't vote for this unless the plan is that the road is entirely paved; you can't have a 20 foot wide road with a 12 foot wide entrance, and the plan is to do this with the affordable housing project. He said with a function hall, this will be very congested, and you Sabatini can be denied a permit based on this, but the Fire Chief cannot dictate how the road needs to be constructed. He said this is a band aid for a problem in order for Sabatini to open his function hall. He said he won't vote for this unless the Planning Board modifies the specifications, and this needs to be done right the first time. Sabatini said the Town's section has been deemed unsafe by the Fire Chief. Eagan said we have not received any communication from the Fire Chief or the Highway Surveyor regarding the driveway. Pierce said he was on the Planning Board when the

subdivision was approved, and he signed it. He said the feeling of the Board at that time was that if there was not going to be any significant change in the use, or an activity beyond the Community Gardens, that the existing driveway could be used for access. He said the road was to be upgraded when the level of activity increased, for example when the affordable housing was built, or, although it wasn't discussed at the time, with the operation of a function hall. He said this was the plan that the Board came up with, using professional input, and he agrees with Petersen, that if anything less than what was approved, it would need to go back to the Planning Board. He said it is not worth pursuing band aids. Sabatini said he is pursuing his rights under agriculture as a 61A farm, and this has no bearing on him, he can easily go forward. He said he doesn't need to do the Town's road over, and the Fire Chief asked him to come before the Board of Selectmen. Pierce said Sabatini needs to have adequate access to operate his business. Sabatini said he is not sure about that. Sabatini said his property is legal, the Fire Chief has determined that the Town's property is illegal. He said the Fire Chief put this in writing twice, and he provided a copy to the Board. Pierce read from the Fire Chief's letter, "The width of the current road is acceptable as a driveway for the pre-existing conditions for a residential house, and out buildings." He said the Chief is saying that it is fine now, but with the addition of a function hall it is no longer acceptable. Sabatini said in his first letter the Fire Chief told him the whole driveway needed to be upgraded when he thought Sabatini owned all of it. Sabatini said he responded to the Fire Chief saying that the Town sold him a house on an illegal unsafe road. He said the Fire Chief back-pedaled to the second letter saying it is good enough just for Sabatini, but nobody else, so in essence, the Town spent \$2,750,000 for the Bradstreet Farm property, and only Sabatini is allowed to use it. Pierce said the Fire Chief is not saying what Sabatini just said. Perry said we are in agreement that this is a driveway for access to the Community Garden and the Sabatini property. Petersen said Sabatini will need to convince the taxpayers to spend \$50,000 to \$60,000 for the Town to pay for the development of the road as specified, with a separate entrance and exit. Eagan said a modification to this plan would need to be requested by the Board of Selectmen since the Town is the owner of the road. She said the Board of Selectmen would have to propose a modification to the sub-division plan. She said Sabatini is not the owner of the road, he just has the right of passage. Pierce said this is correct.

Sabatini's attorney said he takes serious exception to not being allowed to speak. He said an attorney is always able to represent a client in front of any administrative board in the Commonwealth of Massachusetts. He requested that this matter be continued to another date.

Sabatini said he will use it as a driveway and not a road. Petersen said if that works for you, fine. He said they are not telling Sabatini that he cannot do agritourism, but Sabatini's issue is that he needs to meet the requirements for the permits from Town departments. Sabatini said he will talk further with the Fire Chief, but in the paperwork there is another law, that if the Town property is not wide enough, a second way in is

needed. He said the Town will have to build the second way in if it doesn't want to modify its' road. He said we still need a second way in, and it is the law. Pierce said he doesn't think so, but he will read through the letters Sabatini provided. Petersen said if there is a new regulation that wasn't in effect when the subdivision was approved, we don't need to go back and retroactively change the driveway. He said the Fire Chief doesn't have a problem with the driveway. Pierce said he believes the Fire Chief signed off on the sub-division plan like he normally does.

Sabatini thanked the Board.

8:15 p.m. APPOINTMENT Joseph McCarthy to discuss letter of support or non-opposition for state approval for adult use marijuana license.

Chairman Perry read the following:

Joseph McCarthy is requesting a letter of support or non-opposition for his adult use marijuana license. Attached is his email request. In the first email he indicates that he is interested in opening the facility in the Adams Mall site and the most recent email message he indicates that he would like to operate out of the Gino's Auto Body site.

Town Planner Kirk Baker has sent an email message (attached) to Debbie regarding the most recent proposed location, 274 Newburyport Turnpike, Gino's Auto.

Mr. McCarthy also left two green binders with copies of letters from the Town of Ipswich and a filing with the State for his business in Ipswich.

The Board of Selectmen needs to confirm the address for the proposed adult use marijuana site. Mr. McCarthy's attorney, Philip Silverman, informed Town Planner Kirk Baker that the proposed site is 274 Newburyport Turnpike. However, in his email message (attached) he states that the location is at the All State Auto Sales building in front of the JR Reyes Transportation and Truck Center. The address for All State Auto Sales and JR Reyes is 264 Newburyport Turnpike, not 274 Newburyport Turnpike. The Board of Selectmen has just issued a Class II Dealer's license with an 80 car limit to D & D Auto Sale for 274 Newburyport Turnpike.

Perry read McCarthy's email. McCarthy confirmed that the proposed address is 264 Newburyport Turnpike, not 274 Newburyport Turnpike. Adam Vita said he represents Ipswich Pharmaceuticals and works with Phillip Silverman. He tried to provide a handout to the Board, but Perry said we would rather hear from Mr. McCarthy. Vita asked if he could provide an introduction and said they are seeking a letter of non-opposition for a medical marijuana facility first, and then would like to discuss if the Town is open to an adult use facility. He said they would like to talk about the benefits to the community, which include payment of 6% of sales. Perry said on August 12,

2017, the Town provided a letter of support to Nature's Remedy. Eagan said McCarthy did not indicate on his letter that he would be bringing counsel, and that is why Mr. Vita is not listed on the agenda. Perry said based on the previous appointment he is not going to allow Mr. Vita to speak, but he will allow Mr. McCarthy to speak.

McCarthy thanked the Board for the opportunity to present this. He said their mission is to provide consistent medicine for those in need. He outlined the progression of their business and said they received their provisional license from the Commonwealth of Massachusetts in August of 2016. He said they have a letter from the Selectmen of the Town of Hinsdale for a cultivation facility in Western Massachusetts. He said he is the CEO and founder, and is working with North Shore communities, western Massachusetts and Boston. He said Kevin McTige is his security director who has three decades of police work experience with the New Jersey State Police. He said he will reach out to the Rowley Police Chief. He outlined the security requirements by the State of Massachusetts. He said their cultivation site is 13.5 acres, soon to be 30 acres. He said the Research and Development, as well as the seeding, will take place in western Massachusetts, 190 miles away. He said their systems will be monitored by the Chiefs of Police. He said they have a seed to sale system where the product is tracked until it is sold through a barcode system. He said their focus is medicinal, with a focus on Vietnam Veterans. He said to remain competitive, they will look to get involved with the recreational marijuana. He said with a host agreement there is a 3% maximum that the Town could get on the gross sales. He said there will be an opportunity for the Town to view the sales records.

Petersen asked how many locations they are opening. McCarthy said Ipswich, Rowley and western Massachusetts. He said if they are unable to open western Massachusetts, they would look to open a location in Boston. He said they will use a dual security system to monitor transportation of the product. He said typical pharmacies hold \$500,000 in inventory, and liquor stores hold \$300,000 in inventory, and their Rowley facility would hold \$100,000 in inventory. He said this will be less of a target with the higher security requirements. He said he will ask the Police Chief if they can supply a police detail. Petersen said with their planned Ipswich location, and another location that the Selectmen have already approved a half mile away, another one would be overkill. He said there would be many within a one mile stretch. He said he has no problem with medical marijuana, and he agreed to give a letter of support to another facility. He said he is reluctant to approve another one next door to the one already supported. He said McCarthy needs to talk to the Police Chief and get his support and provide a plan in light of another facility being next door. He said there is another facility in Georgetown near the Rowley line. He said before he votes on this, he wants to hear that McCarthy has spoken to the Police Chief and has his support. Pierce said at a minimum McCarthy needs to speak to the Police Chief and other towns are

changing their by-laws to exclude this use. He said he doesn't want to see Rowley become a mecca for people to come get their marijuana. Perry said there is no guarantee that Nature's Remedy will come to Rowley, but he is concerned about having two facilities back to back. He said he doesn't want the community to become a haven for marijuana shops.

Petersen asked for the timeframe that the State makes its decision once they get the letter from the Town. McCarthy said thirty days, but he wants to talk to the Police Chief first. McCarthy said they will first have to sign a lease for the location; then apply for a new license in Rowley, which takes roughly three months; and then go before the Planning Board to request a Special Permit.

Petersen said go to the Police Chief, get his support, and outline a plan of action. He said then the Board of Selectmen will take a vote on this. He said McCarthy needs to come back to the Board with a written plan, with details such as who they will be hiring, beyond a verbal presentation, that the parties can agree upon. McCarthy said the green booklet outlines information. Petersen said the information needs to be customized for Rowley. Pierce said even if McCarthy does all that, he may decide not to go along with this due to the issues he brought up. He said he thinks it is reasonable for the Town to proceed slowly with this, and the State is giving us the power to proceed slowly. Petersen said he would like them to come back in two to three weeks with some serious documentation. It was agreed that they would come back on November 13th.

ADJOURN

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

Open meeting adjourned at 9:02 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Chairman's Comments regarding Citizen Query
2. Meeting memo regarding General Business #1: Review Road Opening Permit from T.W. Excavating for the following:
 - to open Walnut Drive to install a new water main and water services to the houses on the Walnut Drive
3. Road Opening Permit from T.W. Excavating to open Walnut Drive to install a new water main and water services to the houses on the Walnut Drive

4. Meeting memo regarding General Business #2: Request from Christina Carmody of Rowley Girl Scouts Troop 79123 to hold the Annual Caroling on the Common event on the Town Common on Sunday, December 3, 2017 at 4:00 p.m.
5. Request from Christina Carmody of Rowley Girl Scouts Troop 79123 to hold the Annual Caroling on the Common event on the Town Common on Sunday, December 3, 2017 at 4:00 p.m.
6. Request to appoint Barry White to the position of Water Department Distribution Utility Maintenance Laborer 2
7. Meeting memo regarding Old Business #1: Update on the Fire Station and Police Station Addition project
8. Meeting memo regarding Old Business #2: Discuss the Didax Building, 395 Main Street
9. Email from Michael DeRosa regarding quote for site assessment
10. Phase II Environmental Site Assessment Report for 395 Main Street dated February 10, 1993
11. Meeting memo regarding 7:15 p.m. Appointment: Council on Aging Chairwoman Mary Bright and Arthur Corben to discuss Council on Aging Board vacancy
12. Letter of interest from Arthur Corben for Council on Aging Board vacancy
13. Council on Aging Board vacancy notice
14. Open Meeting Law complaint delivered by Tim Toomey during the meeting
15. Meeting memo regarding 7:30 p.m. Appointment: John Richardson and Brad Dore of Dore & Whittier Architects to discuss the following:
 - Pine Grove School construction start date and impact on the use of the All Purpose Room for the 2018 Annual Town Meeting
 - Pine Grove School project proprietary specifications
 - Update on the Pine Grove School project
16. Pine Grove School Proprietary Specification Items sheet
17. Descriptions of proprietary items
18. Meeting memo regarding 8:00 p.m. Appointment: Michael Sabatini to discuss the Town's driveway at 239 Main Street
19. Email from Michael Sabatini regarding 239 Main Street
20. Letter submitted by Michael Sabatini from Fire Chief Broderick, including attachments
21. Definitive Subdivision Plan for Bradstreet land
22. Meeting memo regarding 8:15 p.m. Appointment: Joseph McCarthy to discuss letter of support or non-opposition for state approval for adult use marijuana license
23. Email from Jodie Mccarthy regarding letter of support
24. Email from Kirk Baker regarding Ipswich Pharmaceutical Associates
25. Information from binder provided by Ipswich Pharmaceutical Associates