

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

November 13, 2017

Meeting held at Town Hall, 139 Main Street, Rowley, MA

7:00 p.m.

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

**PUBLIC ATTENDEES:** Bernard Cullen; Sean McFadden – Principal Assessor; Donald Thurston – Assessor; Diane D’Angeli - Assessor

### **CALL MEETING TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **GENERAL BUSINESS**

1. Authorize Police Chief Scott Dumas to sign the FY 18 Training Grant and EMD/Regulatory Compliance state grant contract form

Chairman Perry read the following:

*The Police Chief has received the State FY 18 Training Grant and EMD/Regulatory Compliance State grant package.*

*To authorize Chief Dumas to sign the grant package, the Board of Selectmen needs to vote authorize Police Chief Scott Dumas to sign the grant documents. Chairman Joseph Perry will then need to sign the Contractor Authorized Signatory Listing sheet.*

Dave Petersen made a motion to authorize Police Chief Scott Dumas to sign the grant documents, Bob Snow second, all in favor - aye (5-0).

Perry signed the Contractor Authorized Signatory Listing sheet.

2. Letter of resignation from Reserve Dispatcher Rachel Enaire

Chairman Perry read the resignation letter.

Dave Petersen made a motion to accept this resignation and to send a letter of regret, Bob Snow second, all in favor - aye (5-0).

3. Letter of resignation from Reserve Patrolman Noah Merrow

Chairman Perry read the resignation letter.

Dave Petersen made a motion to accept this resignation and to send a letter of regret, Cliff Pierce second, all in favor - aye (5-0).

4. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Reserve Patrolman

Chairman Perry read the request from Chief Dumas.

Bob Snow made a motion to lift the hiring freeze for the position of Reserve Patrolman, Dave Petersen second, all in favor - aye (5-0).

### **7:05 – 7:10 p.m. PUBLIC COMMENT**

There were no Public Comments.

### **OLD BUSINESS**

1. Update on the Pine Grove School project

Chairman Perry read the following:

*The Pine Grove School Building Committee is holding a Community Public Meeting on Thursday, November 16 at 7:00 p.m. in the All Purpose Room at the Pine Grove School. The project architects from Dore & Whittier and representatives from W.T. Rich, the general contractor, will be updating the community on the progress of the project. Members of the public are invited to attend.*

*On other project news, the site plan permitting is progressing. The project civil engineers from Nitsch Engineering have been working closely with Conservation Agent Brent Baeslack and the Town's Technical Review Agent, Larry Graham, on the Notice of Intent and the Stormwater Management Permit. The project engineers have asked the Conservation Commission to continue the "continued" public hearing scheduled for tomorrow evening to their next meeting on December 5 because they need more time to work on the materials requested by the Technical Review Agent.*

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

Chairman Perry read the following:

*Sub-trade bids were due this past Thursday, November 9. We had 12 subtrade categories and multiple responses for each category. General bids are due this Thursday, November 16 at 2:00 p.m. A total of six addenda have been issued.*

Petersen said the sub-bid opening went well, and there were a lot of people at the opening. He said we are relatively pleased with the numbers, and the general bids will be opened this Thursday.

3. Discuss Verizon cable license renewal

Chairman Perry read the following:

*The public hearing for the Verizon cable license is set for Monday, December 4, 2017 at 7:15 p.m.*

*Debbie and Janet Morrissey have been working with Town Counsel Tom Mullen on the renewal in preparation for the hearing. Tom asked Debbie to let the Selectmen know that the revisions to the Verizon license agreement are in line with the provisions in other towns' Verizon license agreements, such as the five-year license term; HD local access channel; and Verizon will continue to maintain their equipment. Debbie, Janet and Tom will continue to work with Verizon over the next couple of weeks.*

Petersen asked if Verizon is paying the Town 4% or 5%. Eagan said it is co-mingled with Comcast and is in the draft contract distributed to the Board. Petersen asked Eagan to check into this before next week.

**NEW BUSINESS**

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

Chairman Perry read the following:

*The Board of Selectmen reviewed this application during last week's meeting. The Board found that the application was lacking pertinent information.*

*We have received a response from the ZBA administrative assistant. The email message is attached.*

*Copies of the Assessors' property card is attached. The records show that the single family dwelling was built in 1991, has an in-law apartment in the basement and is in the Outlying District.*

*It is unclear as to how this application is before the ZBA for a conversion of a single family dwelling to a two-family in the Outlying District if two-family dwellings are not permitted under Section 4.4 of the Zoning Bylaws. The Assessors record shows that the house was built in 1991, so 4.3.2(b) and 6.3 of the Zoning Bylaws don't apply. These sections of the bylaws are attached.*

Petersen said a letter from the neighbors indicates that there are two families living in the house now that don't appear to be in-laws. He said it is important for the ZBA to have this information. Pierce said Eagan has outlined the issues clearly, and the ZBA is not authorized to allow this.

Cliff Pierce made a motion to notify the ZBA that they do not have the authority to grant this relief, and to ask them to dismiss the application, Dave Petersen second, all in favor - aye (5-0).

2. Request from Marine Corps to have Town Hall serve as a Toys for Tots drop off site

Chairman Perry read the request. He said the collection box is in the hallway, but the Board should take a formal vote to approve participating in this.

Bob Snow made a motion to participate in the Marine Corps Toys for Tots program, Cliff Pierce second, all in favor - aye (5-0).

### **OLD BUSINESS**

3. Discuss Verizon cable license renewal

Eagan said under Old Business 3, page 19 of the draft contract shows that Verizon is giving 5% of their total gross revenue to the Town. She said this is unchanged from the initial contract. Petersen said Salisbury is getting 4% and they are asking for 5%.

**7:15 P.M. JOINT MEETING BOARD OF ASSESSORS** – Tax Classification Hearing

Chairman Perry called the Joint Meeting with the Board of Assessors to order by calling for a motion to open the joint meeting by a roll call vote. Dave Petersen so moved, Cliff Pierce second, all in favor – roll call vote: Joseph Perry - aye, Robert Snow - aye; Cliff Pierce - aye, Robert Merry - aye, David Petersen – aye; Diane D’Angeli – aye; Don Thurston – aye. Bill DiMento – ABSENT.

Joint Meeting opened at 7:18 p.m.

Chairman Perry read the Tax Classification Hearing Notice into the record.

Chairman Perry called for a motion to open the tax classification hearing, by a roll call vote. Cliff Pierce so moved, Bob Snow second, all in favor – roll call vote: Joseph Perry - aye, Robert Snow - aye; Cliff Pierce - aye, Robert Merry - aye, David Petersen – aye; Diane D’Angeli – aye; Don Thurston – aye. Bill DiMento – ABSENT.

Tax Classification Hearing opened at 7:20 p.m.

Eagan stated that notice of this public hearing was published in the November 2, 2017 edition of The Daily News.

Chairman Perry called upon the Board of Assessors to make a presentation on the classification of tax rates and a recommendation for fiscal year 2018.

Principal Assessor Sean McFadden said the Board of Assessors has asked him to make the presentation tonight. He said at their 6:00 p.m. meeting, they decided on a factor of one, with a single tax rate. McFadden reviewed the Board of Assessors Tax Classification package. He said there is a 1% change in the value of the single family class of homes from \$426,000 in FY 17 to \$429,000 in FY 18. He said the tax rate is increasing from 14.14 to 14.58, so for the average single family home valued at \$429,000, there will be a \$239 increase in the tax bill. He said some tax bills will increase more and others will increase less. He said the condo class had a 7% increase in value. He said it is now difficult to move into town, and the lower priced condos accelerated more than others. He said there was little change in commercial/industrial compared to the 15% increase in the class last year. McFadden said the listing of sample properties is the same list used in prior years. He said the final page shows the effect of shifting the tax rate higher for Commercial, Industrial properties. He said a 5% shift saves homeowners only \$47.27, and increases commercial by \$474.54. He said if we shifted, we would want to shift more than 5%, but the impact to the businesses would be so severe that he doesn’t think it would benefit anyone. He said if we did shift, the 25% level would be reasonable. He said we lost \$90,000 in taxes from the building that the Peabody Essex Museum took over in Town as a non-profit. He said our growth is more than that. He said regarding the large projects in town that have not yet hit the tax bill, people may see Rowley as a Town that is investing in itself, and maybe others will invest in it as well. Pierce asked if there is

anything we can do about the Peabody Essex property. McFadden said he spoke to the City of Salem about what they do with the museum, but unfortunately there is nothing we can do. He said the Selectmen can ask them to give Rowley residents free access to the Peabody Essex Museum.

Perry said the Board of Assessors is recommending a flat rate of 14.58. Perry asked if any of the audience members have any questions. Bernie Cullen asked if there will be a 3% tax increase across the board. McFadden said the valuations increased by 1%, and he doesn't look at tax bill increases across the board. He said the tax increase depends on how the property is valued. Cullen said the rate per \$1000 is increasing by 3%. McFadden said yes, but each individual tax bill won't necessarily increase by 3%. Snow said there have been significant tax increases over the past few years. He asked if there is any way Rowley can invite more commercial businesses into town. McFadden said the Selectmen can work with the Planning Board to change zoning, and expand the business district up further on Route 1 towards Newbury. He said the Town can expand the limited retail district. He said the residents need to want this. He said the Town has a lot of vacant land that could be developed. Snow said we should look at this now since the large projects being undertaken by the Town are going to hit the taxpayers in the next four to five years. Pierce said there is a lot of area in the business district that can be developed. He said the district could be expanded towards Newbury, but it will likely be small businesses moving towards Newbury which don't generate a lot of money. He said businesses are coming into Town at a steady pace, and the new hotel was just approved. He said he doesn't think re-zoning is the answer. He said we have a lot of high quality businesses, and it is tough to get more of them. McFadden said Ipswich Bay Glass wanted to add three new buildings, but Town Meeting voted down the zoning change to allow this. He said instead there are three house lots on that land, and the tax revenue is much smaller than it would have been with Ipswich Bay Glass. Snow said we should look at the commercial retail area. He said development is a double edged sword, but it is needed with the cost of the Town projects that will hit the tax bills. He said each year Triton also has large increases. Petersen said Triton has already sent a letter outlining a \$2,000,000 increase before they even start the budget. He said there are few houses available in Town for less than \$500,000. He said higher income people are moving into Town, and older people with lower incomes can't afford to live here. McFadden said investing in the infrastructure will make the Town more attractive. Petersen said we can ask the Planning Board to take a look at the Zoning structure to see if changes can be presented to taxpayers. He said if people's tax bills increase by \$1,000 per year, they may be willing to make changes to the zoning structure.

Bob Snow made a motion to send a letter to the Planning Board to ask them to take a look at the Town's zoning structure, Dave Petersen second, all in favor - aye (5-0).

Cullen asked how much tax revenue will be generated in FY 18. McFadden said \$21,840,000. Cullen asked how much tax revenue is generated in FY 17. McFadden

said he doesn't have those numbers with him. He said this year's number is a 2.5% increase with \$145,000 in new tax dollar growth.

Chairman Perry called for a motion to close the public hearing by a roll call vote. Bob Snow so moved, Cliff Pierce second, all in favor – roll call vote: Joseph Perry - aye, Robert Snow - aye; Cliff Pierce - aye, Robert Merry - aye, David Petersen – aye; Diane D'Angeli – aye; Don Thurston – aye. Bill DiMento – ABSENT.

Public Hearing closed at 7:38 p.m.

Chairman Perry called for a motion on the determination of classification rates for residential, open space, commercial, industrial and personal property for fiscal year 2018 by a roll call vote. Dave Petersen made a motion to set a single rate of 14.58 as recommended by the Board of Assessors, Bob Snow second, all in favor – roll call vote: Joseph Perry - aye, Robert Snow - aye; Cliff Pierce - aye, Robert Merry - aye, David Petersen – aye; Diane D'Angeli – aye; Don Thurston – aye. Bill DiMento – ABSENT.

Chairman Perry called for a motion to adjourn the Joint Meeting of the Board of Selectmen and the Board of Assessors by a roll call vote. Dave Petersen so moved, Bob Snow second, all in favor – roll call vote: Joseph Perry - aye, Robert Snow - aye; Cliff Pierce - aye, Robert Merry - aye, David Petersen – aye; Diane D'Angeli – aye; Don Thurston – aye. Bill DiMento – ABSENT.

Joint Meeting of the Board of Selectmen and the Board of Assessors adjourned at 7:39 p.m.

Petersen said the Board of Assessors and Principal Assessor Sean McFadden do a great job. He said McFadden deals with a lot of angry people. McFadden said next March will be his 30<sup>th</sup> year and he has dealt with all types of people.

**7:30 p.m. APPOINTMENT** Steve Pierro to discuss expansion of The American BBQ restaurant

Chairman Perry read the following:

*Steve Pierro has requested the Board of Selectmen to cancel his appointment scheduled for this evening's meeting. He will meet with the Board at some point in the future after he's had an opportunity to review his proposal with the technical Town departments and boards.*

**7:45 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:

*Mr. McCarthy met with the Board of Selectmen during the October 23 meeting to discuss his interest in opening an adult use marijuana facility at 264 Newburyport Turnpike. (Email request from prior meeting with Mr. McCarthy is attached.) He is requesting a letter of support or non-opposition for his adult use marijuana license.*

*The Board of Selectmen instructed Mr. McCarthy at the October 23 meeting to meet with Police Chief Scott Dumas for the purpose of discussing a security plan. Mr. McCarthy will update the Board on his progress. He submitted the attached draft security plan this afternoon for inclusion in the meeting packet.*

McCarthy said the location has changed from 264 Newburyport Turnpike to the Adams Mall location. He said they will operate around the seasonal ice cream shop hours. He said they will reorganize and do deliveries when the retail location is closed. He said his security director is meeting with Chief Dumas on November 21, 2017. He said he dropped off their security plan today which follows the regulations of the Commonwealth of Massachusetts. He said the Police Chief will have the final say on the employees they hire and on their operations. He said their intent is to first open a medicinal facility, and then move forward with the recreational business. He said the host agreement with Rowley would be for 2.5% of gross revenues. Snow asked if the packet Mr. McCarthy provided was for an update to the Ipswich Planning Board. McCarthy said yes. He said after they meet with the Police Chief, they will be meeting with the Planning Board. Petersen said the ice cream shop is open for a long day during their season, which won't leave many hours for this retail business to be open. McCarthy said they want to be a good neighbor, so they are willing to work around these hours, or they would look to move to a more viable location. Eagan said the Planning Board is having a public hearing on recreational marijuana at their second meeting in December. She said the zoning may be restricted to the retail district, and it may require a special permit. She said the Cannabis Control Commission has a March deadline to establish regulations. She said the Planning Board would look to have the zoning by-law for recreational marijuana voted on at the April 30<sup>th</sup> Town Meeting. She said if it is approved, it will be retroactive to the date when the public hearing was advertised. Petersen said this is a medical facility, so they don't need to wait until the Planning Board action. Petersen said it sounds like the Adams Mall location will severely limit their operation. He said McCarthy can come back to the Selectmen on December 11, 2017, and if he is not ready at that point, he should contact the office. Bernie Cullen asked if the Adams Mall location is visible from Route 1. McCarthy said yes.

## **ANNOUNCEMENTS**

- Pine Grove School Project Community Public Hearing is scheduled for Thursday, November 16, 2017 at 7:00 p.m. in the All Purpose Room at the Pine Grove School
- Household Hazardous Waste Day for Rowley residents is scheduled for Saturday, November 18, 2017 from 8:30 a.m. to 11:30 a.m. at the Highway Department facility at 40 Independent Street
- Friends of the Rowley Public Library 6<sup>th</sup> Annual Holiday Basket Raffle – The Friends are seeking donations of gift baskets of a retail value of at least \$50 and raffle tickets will be sold at the Library starting on November 18. The drawing will be held at 1:00 p.m. on December 16, 2017
- Information on the Pine Grove School project is available on the Town’s website at [www.townofrowley.net](http://www.townofrowley.net).
- The Town has the following vacancies:
  - a. **Open Space Committee** – one seat;
  - b. **Fence Viewer** – three positions;
  - c. **Wood, Lumber & Bark Inspector**;
  - d. **Zoning Board of Appeals Associate** – three seats;
  - e. **Parks and Recreation Committee** – one seat;
  - f. **Deputy Shellfish Constables** – two positionsFor more information on these positions, please contact the Selectmen’s Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

**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 - (5-0).

Open meeting adjourned at 8:04 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Meeting memo regarding General Business #1: Authorize Police Chief Scott Dumas to sign the FY 18 Training Grant and EMD/Regulatory Compliance state grant contract form
2. FY 18 Training Grant and EMD/Regulatory Compliance State grant forms

3. Letter of resignation from Reserve Dispatcher Rachel Enaire
4. Letter of resignation from Reserve Patrolman Noah Merrow
5. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Reserve Patrolman
6. Meeting memo regarding Old Business #1: Update on the Pine Grove School project
7. Email from David Conway of Nitsch Engineering regarding Pine Grove School – Conservation and By-law Hearing
8. Meeting memo regarding Old Business #2: Update on the Fire Station and Police Station Addition project
9. Sub-bid listing sheet
10. Meeting memo regarding Old Business #3: Discuss Verizon cable license renewal
11. Verizon cable license renewal draft, including exhibits
12. Meeting memo regarding New Business #1: Review Zoning Board of Appeals application for a variance filed by George and Wendy Antonucci for a conversion to a two-family dwelling at 146 Daniels Road
13. Email from Lisa Lozzi regarding Antonucci ZBA application 146 Daniels Road
14. Excerpt from Rowley Protective Zoning Bylaw regarding Outlying District
15. Excerpt from Rowley Protective Zoning Bylaw regarding Conversion of Existing Buildings
16. Assessor property card for 146 Daniels Road
17. Memo from Ken Ward dated August 5, 2003 regarding 146 Daniels Road
18. Memo from Sean McFadden dated July 23, 2003 regarding 146 Daniels Road
19. Letter to Board of Assessors received July 21, 2003 regarding 146 Daniels Road
20. Building Permit Records for 146 Daniels Road for Basement – In-law
21. Request from Marine Corps to have Town Hall serve as a Toys for Tots drop off site
22. Meeting memo regarding 7:15 p.m. Joint Meeting & Public Hearing – Tax Classification Hearing
23. Tax Classification Hearing Notice
24. Copy of Tax Classification Hearing Notice run in the Newburyport Daily News
25. Board of Assessors Tax Classification package
26. Meeting memo regarding 7:30 p.m. Appointment: Steve Pierro to discuss expansion of The American BBQ restaurant
27. Meeting memo regarding 7:45 p.m. Appointment: Joseph McCarthy to discuss letter of support or non-opposition for State approval for adult use marijuana license
28. Email from Joseph McCarthy regarding Letter of Support
29. Information packet from Ipswich Pharmaceutical Associates, Inc.