

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

May 14, 2018

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

6:30 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:** Mark Emery – Water Commissioner; Bernie Cullen – Water Commissioner; Henry Rolfe; Ron Keefe – AFSCME; Larry Berger – Pinck & Co.; Michael Sabatini – 239 Main Street; Lawrence White - Finance Committee; Tiffany Learned – 239 Main Street; Michelle Faulkner – 239 Main Street; Brent Baeslack – Conservation Agent

### **CALL MEETING TO ORDER**

Chairman Perry called the meeting to order at 6:40 p.m.

Water Board Chairman Mark Emery called the Water Board meeting to order at 6:41 p.m.

### **CALL JOINT MEETING WITH THE BOARD OF WATER COMMISSIONERS TO ORDER**

Chairman Perry called for a motion to open the Joint Meeting of the Board of Selectmen and Board of Water Commissioners. Bob Snow so moved, Cliff Pierce second, all in favor roll call – Joe Perry –aye; Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Bob Merry – aye.

Chairman Emery called for a motion to open the Joint Meeting of the Board of Water Commissioners and Board of Selectmen. Bernie Cullen so moved, Mark Emery second, all in favor roll call – Mark Emery – aye; Bernie Cullen – aye. John Manning – ABSENT

Joint Meeting opened at 6:41 p.m.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **EXECUTIVE SESSION**

- To discuss strategy with respect to collective bargaining with the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2905 pursuant to State Open Meeting Law, G.L. c. 30A, Section 21(a)(3)

Chairman Perry called for a motion to go into executive session to discuss the following:

- To discuss strategy with respect to collective bargaining with the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2905 pursuant to State Open Meeting Law, G.L. c. 30A, Section 21(a)(3) because an open meeting will have a detrimental effect on the negotiating position of the Board of Water Commissioners and to return to open session.

Bob Snow so moved, Cliff Pierce second, all in favor roll call – Joe Perry –aye; Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Bob Merry – aye.

Chairman Emery called for a motion to go in executive session to discuss the following:

- To discuss strategy with respect to collective bargaining with the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2905 pursuant to State Open Meeting Law, G.L. c. 30A, Section 21(a)(3) because an open meeting will have a detrimental effect on the negotiating position of the Board of Water Commissioners and to not return to open session.

Bernie Cullen so moved, Mark Emery second, all in favor roll call – Mark Emery – aye; Bernie Cullen – aye. John Manning – ABSENT.

Executive Session opened at 6:44 p.m. and open session resumed at 7:08 p.m.

### **RE-ORGANIZATION OF THE BOARD**

- Chairman
- Vice Chairman
- Clerk

Chairman Perry said he would like to continue as Chairman for another year with the Pine Grove School project in progress. Pierce said Perry can continue as the Chairman of the Pine Grove School Building Committee even if he is not the Chairman of the Board of Selectmen. Snow said in the past eight years, he was the Chairman for four years, then Merry was the Chairman for two years, now Perry has been the Chairman for two years. He said he thinks it is a good idea to change the Chairman every two years, and said there is a lot of pressure with the job. He said Perry has done an exemplary job. Pierce agreed it is a good practice to switch after one to two years. Petersen said this is his 13<sup>th</sup> year, served intermittently, on the Board, he was the Chairman in the past but doesn't want to be Chairman now due to other commitments. He said change is good, and Perry has done an excellent job. He said Pierce has been on the Board for three years and is well qualified to be the Chairman. Pierce said he would like to be the Chairman at some point, but it doesn't have to be this year.

Bob Snow made a motion to appoint Cliff Pierce as the Chairman, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce – ABSTAINED.

Petersen said Perry has done an excellent job the past two years and he wouldn't want him to drop off of the School Building Committee, like he expects to remain on the Police & Fire Station Committee.

Dave Petersen made a motion to appoint Joe Perry as the Vice Chairman, Bob Snow second, all in favor - aye (4-0). Joe Perry – ABSTAINED.

Dave Petersen made a motion to appoint Bob Snow as the Clerk, Cliff Pierce second, all in favor - aye (5-0).

Cliff Pierce delegated the running of the meeting to Joe Perry.

**7:00 p.m. APPOINTMENT** Conservation Agent Brent Baeslack to discuss the following:

- Deed for Meadows Lane Parcel W and Parcel X
- Request for Merrimack Valley Planning Commission technical assistance in creating the Dodge Reservation Trail Map

Chairman Perry read the letter from Baeslack. Baeslack said there was a marvelous turnout for Earth Day with 26 individuals who volunteered. He said Daniel Shinnick gathered data himself for the trail mapping of Dodge Reservation trails, which saved the Town from using their MVPC hours. He said he is requesting MVPC hours to do the mapping, which will be provided in electronic and paper form. He said the trails will be marked with distances.

Dave Petersen made a motion to approve the request for usage of MVPC hours for this project, Cliff Pierce second, all in favor - aye (5-0).

Petersen thanked Baeslack and the volunteers for their efforts on Earth Day each year. Snow said he will forward this request to the MVPC.

Chairman Perry said the meeting is being audio and video recorded and shown live by Rowley Community Media.

**7:10 – 7:15 p.m. PUBLIC COMMENT**

There were no public comments.

**7:00 p.m. APPOINTMENT – continued**

Baeslack gave Perry the deed for Meadows Lane Parcel W and Parcel X. Eagan said these parcels will be voted on at Town Meeting. Baeslack said out of the five parcels from the Stony Brook development from the early 1990s, these two parcels are judged as having the more significant value due to their wetland resources. He said the ConCom will request that the care and custody of these parcels be given to the ConCom at Town Meeting.

Dave Petersen made a motion to sign the deed, Bob Snow second, all in favor - aye (5-0).

Baeslack notarized the deed.

**7:15 p.m. APPOINTMENT** Diane Manahan of Night Shade Events to discuss music event and permit on August 25, 2018 at 239 Main Street

Manahan gave updated information to the Board of Selectmen. She provided background information on herself and her business and said they would like to hold a one-day family friendly event at the Bradstreet Farm. She said the event is called the Mill River Shine, there will be kids' activities, live music, locally sourced farm food and beer and wine from Ipswich Brewery and Mill River Winery. She said she is looking for consent for a one-day wine/malt liquor license.

Petersen said he is taken aback by the proposal. He said Sabatini presented the barn as a venue for 100 people for small functions, but now there is this proposal for 1,600 people outside. He said this will have a huge impact on a residential neighborhood. Manahan said the onsite parking will be used for handicap spaces and vendors. She said Steve Comley has arranged for parking on his property. She said the barn would not be accessible to the public, it is a smoke free event and each person would have 35 square feet on the lawn. She said there is room for 2,000 cars at Comley's property and it is a short walk, and there will be a police detail at Route 1A for the people crossing. Pierce said he was taken aback by this as well, and 1,600 people is a large event with Rowley's small police and fire forces. He said the event is 10.5 hours long with alcohol being served and he isn't sure this is a good idea. Petersen said there are 300 attendees at the Chili Cookoff, and the public has no indication that an event like this is coming. Petersen said he suspects this is the first of many events like this once the door is opened. He said the neighbors put up with Todd Farm, and he is not sure they will be happy with this event and with serving alcohol in a residential neighborhood. He said he definitely thinks we need to have a hearing on this and ask the neighbors to come in. He said having outdoor concert events is a big leap from the farm to table business model.

Manahan discussed the crops and produce for sale and said this event belongs on a farm and is not a rock concert. She said servers will be TIPS certified, and the Police Officers will ensure that people are behaving properly and there is no public intoxication. She said the Town will benefit from this event and it is one day per year. She said their security company is Wizard Security, and no more than 1,600 tickets will be sold. She said there will be no coolers allowed, and people will enjoy a beer in the sun with local corn on the cob and locally grown chicken sandwiches. Snow said he is concerned about the number of people in the area. Eagan said an Entertainment license and a One-Day Liquor license would be required. She said the Police and Fire Department will be asked to provide clearance on this event, and a hearing can be scheduled under the Statute. Pierce said some of the planned activity is in the Town's right of way. Manahan said snow fencing will be installed to protect the Town's land. Petersen said the neighborhood needs the opportunity to present their argument to the Board of Selectmen. Pierce said this should be a public hearing with an advertisement in the newspaper. Petersen said we need to make sure the police and fire departments can cover this event given its duration. Manahan said the music will end at 9:30, and this is one third the amount of people who go to Todd Farm. Pierce said the public hearing can be held on June 4<sup>th</sup>. Eagan said she recommends that the Board of Selectmen review Chapter 140, Section 183A which details the process for the Board to approve or deny, and if it is taken up with another license. Petersen said Sabatini should deliver a summary of the event to the neighbors, and this should be put on the Town's website. He encouraged Manahan to contact the Police Chief as soon as possible, as he needs to give the Board a recommendation. Conservation Agent Brent Baeslack said the ConCom is an abutter, and the cul de sac right of way is not included on the map, and this is Town property.

Manahan said there will be four food trucks: three with meals and one for kettle corn, that will serve food from locally sourced farms. She said one vendor can serve 500 people. Eagan said we will draft the public hearing notice and mail it to the abutters. Petersen said this will be done at the expense of the property owner or event manager, and abutters on Pleasant Street, Hammond Street, Cross Street, Warehouse Lane and Railroad Avenue should be notified. Eagan said we will disseminate this information to the department heads and ask for their comments prior to the public hearing.

### **GENERAL BUSINESS**

1. Invitation from the Rowley Veterans Association to attend the Charles E. Hardy Scholarships ceremony on May 20, 2018

Chairman Perry read the invitation.

2. Review Road Opening Permits Applications from National Grid to open the following roads:
  - 6 Walnut Drive for gas installation
  - 9 Walnut Drive for gas installation
  - 43 Wethersfield Street for gas installation

Chairman Perry read the following:

*Road Opening Permits were signed off on by the staff for the locations listed above. Copies of the permits are in the Chairman's folder.*

### **OLD BUSINESS**

1. Update on Fire Station and Police Station Addition Project

Petersen said the steel is up, they are pouring the floor at the Police Station, and part of the Fire Station floor this week. He said they are catching up from the delays over the winter. He said parking is tight at the fields, but people need to understand this is the situation during the project.

2. Pine Grove School project update and sign Notice to Proceed with W.T. Rich

Chairman Perry read the following:

*The project has been moving along at a good pace.*

*Debbie has submitted the Comcast work order. While under construction, the building will still need internet access. The existing Comcast fiber network will need to be modified during construction. Comcast will also be updating the current system.*

*Chairman Perry needs to sign the Notice to Proceed letter to W.T. Rich. The Board voted on the W.T. Rich Gross Maximum Price Contract Amendment back on April 9, 2018.*

Eagan said the vote was already taken on April 19<sup>th</sup>, and this is a housekeeping item. Larry Berger said the project is proceeding expeditiously on a number of fronts. He said the site and garden have been set up, and they are pushing forward in the interior spaces. He said he hasn't heard any feed-back on the lunches being moved to the gym, or concerns from Principal Kneeland.

## **NEW BUSINESS**

1. Approve Town Liquor License Application Guidelines for Notification to Abutters and Others Form

Cliff Pierce made a motion to table this item until next Monday, Bob Snow second, all in favor - aye (5-0).

2. Approve Town Entertainment License Application form

Petersen asked if there should be a question about the intent to serve alcohol. Eagan said this is addressed in the bold print at the bottom of the form. Eagan said Manahan's letter covered all the items detailed in the statute, but she can have her fill out the form retro-actively.

Cliff Pierce made a motion to approve the form, Bob Snow second, all in favor - aye (5-0).

3. Request from Crown Castle to approve the modification of AT&T's equipment at the cell tower at 124 Haverhill Street

Dave Petersen made a motion to approve this request, Bob Snow second, all in favor - aye (5-0).

## **MINUTES** – March 12, 2018

Bob Snow made a motion to approve the March 12, 2018 minutes, Dave Petersen second, all in favor - aye (5-0).

## **ANNOUNCEMENTS**

- The Friends of the Council on Aging is sponsoring a Shoe Drive from mid-April to mid-May at the Town Hall Annex, 39 Central Street. Paired footwear, such as the following may be deposited in the container at the Annex Parking lot: shoes, boots, work boots, sandals, slippers, flip flops, heels, sneakers, pocket books, purses, backpacks and belts.
- Friends of the Council on Aging to hold Annual Bake Sale and Craft Fair at the Town Hall Annex parking lot on May 19, 2018
- 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. **Planning Board Associate**
- b. **Agricultural Commission Associate**
- c. **Fence Viewer** – three positions;
- d. **Wood, Lumber & Bark Inspector**;
- e. **Zoning Board of Appeals Associate** – three seats;
- f. **Parks and Recreation Committee** – one seat; and
- g. **Deputy Shellfish Constables** – two positions.

For more information on these positions, please contact the Selectmen's Office at 948-2372.

- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

## **ADJOURN**

Bob Snow thanked Perry for his last two years serving as Chairman, said he did a great job, and said this is a difficult position to be in. Perry said it takes a lot of time, and he appreciates the support of the Board of Selectmen during this learning experience. Pierce said he has a lot to learn and thanked Perry for a job well done.

There being no further business before the Board, Chairman Perry called for a motion to adjourn. Bob Snow so moved, Cliff Pierce second, all in favor - (5-0).

Open meeting adjourned at 8:31 p.m.

Respectfully submitted,

Amy Lydon

Assistant Town Administrator

## **ATTACHMENTS**

1. Board of Selectmen and Water Board Motions for May 14, 2018 Joint Meeting
2. Meeting memo regarding Re-Organization of the Board
3. Request from Brent Baeslack for Merrimack Valley Planning Commission technical assistance in creating the Dodge Reservation Trail Map
4. Deed for Meadows Lane Parcel W and Parcel X
5. Board of Selectmen Public Comment Policy
6. Meeting memo regarding 7:15 p.m. appointment: Diane Manahan of Night Shade Events to discuss music event and permit on August 25, 2018 at 239 Main Street
7. Letter of request and event details and map from Diane Manahan of Night Shade Events
8. Mass. General Law Chapter 140; Section 183 A
9. Letter of reference for Diane Manahan
10. Invitation from the Rowley Veterans Association to attend the Charles E. Hardy Scholarships ceremony on May 20, 2018

11. Meeting memo regarding General Business #2: Review Road Opening Permits Applications from National Grid to open the following roads: 6 Walnut Drive for gas installation; 9 Walnut Drive for gas installation; 43 Wethersfield Street for gas installation
12. Road Opening permit for 43 Wethersfield Street for gas installation
13. Road Opening permit for 6 Walnut Drive for gas installation
14. Road Opening permit for 9 Walnut Drive for gas installation
15. Meeting memo regarding Old Business #1: Update on Fire Station and Police Station Addition Project
16. Notice to Proceed with W.T. Rich
17. Meeting memo regarding Old Business #2: Pine Grove School project update and sign Notice to Proceed with W.T. Rich
18. Comcast Work Order for Pine Grove School project
19. Meeting memo regarding New Business #1: Approve Town Liquor License Application Guidelines for Notification to Abutters and Others Form
20. Town Liquor License Application Guidelines for Notification to Abutters and Others Form
21. Mass. General Law Chapter 138; Section 15A
22. Meeting memo regarding New Business #2: Approve Town Entertainment License Application form
23. Town Entertainment License Application form
24. Mass. General Law Chapter 140; Section 181
25. Meeting memo regarding New Business #3: Request from Crown Castle to approve the modification of AT&T's equipment at the cell tower at 124 Haverhill Street
26. Request from Crown Castle to approve the modification of AT&T's equipment at the cell tower at 124 Haverhill Street
27. Draft minutes of March 12, 2018