

MINUTES OF THE BOARD OF SELECTMEN MEETING

December 3, 2018

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

7:00 p.m.

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

PUBLIC ATTENDEES: Lawrence White – FINCOM; David Zizza – 29 Bradford Street; Christopher Cassidy – Police Department; Alexandra Henry; Scott Ryma; Carrie Cassidy-Ryma; Henry Rolfe – 13 Plantation Drive; Nerissa Wallen – Triton School Committee; Bernard Cullen – 283 Wethersfield Street

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded and broadcast live via Rowley Community Media.

PLEDGE OF ALLEGIANCE

Captain Sedgwick led the Pledge of Allegiance.

7:00 p.m. APPOINTMENT Police Chief Scott Dumas to present Christopher Cassidy for appointment as a reserve police officer

Chief Dumas said it is a pleasure to present Christopher Cassidy, who is already a call firefighter in Rowley. He said Cassidy is a resident of Rowley, and also works as a Reserve Dispatcher. He said Cassidy has attended the part time Police Academy.

Joe Perry made a motion to appoint Christopher Cassidy as a Reserve Police Officer, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

7:05 p.m. APPOINTMENT Police Chief Scott Dumas and Police Captain David Sedgwick to discuss request from Captain Sedgwick for a Paid Leave of Absence to attend the Executive Leadership Training Program at the Federal Bureau of Investigation Academy

Chairman Pierce read the letter from Captain Sedgwick. Chief Dumas said he is a graduate of the Federal Bureau of Investigation Academy and this was one of the most rewarding experiences of his career. He said the Academy focuses on executive leadership, physical fitness and networking. He said when he interviewed for the Police Chief position with the Board of Selectmen, this credential pushed him over the top due to the training and networking capabilities resulting from it. He said the Academy provides highly competitive leadership training and Captain Sedgwick is fortunate to

have been selected. He said he understands this is a huge commitment, but said the investment will pay off. He said he is not concerned that this will make Captain Sedgwick more marketable. He said the coverage of the work while Sedgwick would be gone for the ten weeks would largely be borne by him, but he also plans to use this as a succession planning opportunity for the Sergeants.

Pierce asked if the FBI pays for the training meals and lodging. Dumas said yes and that the Town would only need to cover the travel expenses. He said in his letter there are three options, but the cost would be \$300 if Captain Sedgwick takes a Police Department vehicle. Perry said when Chief Dumas came on board, he went to Washington for his induction as President of the Academy. He said this is a fabulous group and a tremendous operation.

Captain Sedgwick said he has worked for the Town of Rowley for 26 years and he plans to stay for another 15 years. He said this is an opportunity of a lifetime and it is the most coveted training experience. He said he very much looks forward to going and hopes that the Board of Selectmen agrees.

Petersen said he is familiar with this specialized training which benefits the employee and the Town. He said with the minimal cost, he wholeheartedly supports this. Snow said Sedgwick was the first person he met when he moved to Rowley, and he was very impressed by him. He said the FBI is the West Point of police work, and he thinks it is excellent to send Captain Sedgwick to this premier training.

Joe Perry made a motion to grant Police Captain David Sedgwick a Paid Leave of Absence as he requested on the attached letter to attend the Executive Leadership Program at the Federal Bureau of Investigation Academy from January 7, 2019 to March 15, 2019, with all paid leave accruals to continue during the Leave of Absence, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

Dave Petersen made a motion to authorize Police Captain David Sedgwick to use a Police Department vehicle to attend the Executive Leadership Program at the Federal Bureau of Investigation Academy from January 7, 2019 to March 15, 2019, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

7:10 to 7:15 p.m. PUBLIC COMMENT

Larry White of Central Street said the letter sent by the Board of Selectmen to Triton regarding the FY20 budget did not provide a baseline budget for Triton to work from. He said he is concerned that Triton may assume that the baseline budget is the budget approved at the second Town Meeting, and he thinks it should be the budget from the first Town Meeting, since that is the budget that the voters wanted.

LIQUOR LICENSE RENEWALS

- Rowley Veterans Association, Inc. 19 Bradford Street
- Skin's Incorporated d/b/a Spud's Restaurant 255 Newburyport Turnpike
- Nippon Tepatiganon, T.J. Thai, Inc., d/b/a Royal Orchid 303B Haverhill Street
- The Great American Barbecue d/b/a The American Barbecue 5 Railroad Avenue
- Piemar, Inc. d/b/a Off the Vine 150 Newburyport Turnpike
- Cabales, Inc. d/b/a El Tapatio 300 Newburyport Turnpike
- Brickle LLC, d/b/a Bradford Tavern 85 Haverhill Street
- Galbro, Inc. d/b/a Route 1 Liquors 174 Newburyport Turnpike
- Rowley Liquors Inc., d/b/a Rowley Liquors 144 Newburyport Turnpike
- Grape Island Inc., d/b/a Mill River Winery 498 Newburyport Turnpike
- Rowley Enterprises, Inc. d/b/a Skip's Country Store 801 Haverhill Street
- Ezee LLC d/b/a Ezee Variety 300 Newburyport Turnpike Unit 5
- Briar Barn Inn, LLC, d/b/a Briar Barn Inn 101 Main Street

Chairman Pierce read the following:

All existing license renewals have been submitted except for:

- *Rowley Veterans Association*
- *Rowley Golf Course LLC, d/b/a Rowley Country Club –which is seasonal license that runs from April to November. Since this is a seasonal license, it has a different renewal period, and will be renewed in April.*

Please note the following for the renewals:

1. *The renewed Briar Barn Inn license will be held until the Certificate of Occupancy is issued by the Building Inspector per guidance from the ABCC.*
2. *Outstanding taxes: Bradford Tavern \$.76; EZEE LLC \$12.19*
3. *The renewal for Rowley Liquors is complete, however there were some difficulties this year because the applicant had not provided updated contact and address information. Upon reaching a representative, we were told that George Dagas is not really involved in the business anymore. Mr. Dagas is listed as the Manager, therefore we believe they need to submit a change of manager application. Does the Board wish to process the renewal and send the applicant a letter requesting that they submit the Change of Manager application?*
4. *Rowley Veterans Association: Amy mailed out renewal packages to licensees on October 16th. On November 29th, Amy sent courtesy emails to licensees who hadn't yet returned their renewals packages. Acting Manager Richard Dodson at the Rowley Veterans Association called Amy and he seemed unaware of the*

renewal, but said he would look for the paperwork. Note: there is a change of Manager and Board of Directors application for the RVA pending with the ABCC. Apparently Mr. Dodson asked RVA bartender Caroline Jean to work on the renewal paperwork. On Friday, November 30th, she submitted paperwork to our staff assistant, Elaine, which was date stamped November 30th with the understanding that Amy would review it on Monday. Amy reviewed the submittal this morning since she does not work on Fridays, and the paperwork submitted is an Application for Multiple Amendments, and not the 2019 license renewal paperwork.

RVA bartender Caroline Jean came into the office this morning and Amy informed her about the incorrect paperwork that she had submitted. Amy gave her a copy of the renewal paperwork that was mailed out on October 16th to the RVA. We have asked the ABCC for guidance about how the Board of Selectmen can proceed on this renewal, given that the November 30th deadline for receipt of the renewal under the State law has passed. We have not yet heard back from the ABCC.

Debbie spoke to Richard Dodson today and told him that we asked the ABCC for guidance on this and that the 2019 renewal package was mailed in the middle of October. She told him that the RVA President is responsible for getting the 2019 renewal filed.

Please vote on the approval and signing of the following licenses up for renewal:

- Rowley Veterans Association, Inc. 19 Bradford Street – HOLD FOR NEXT MEETING - RENEWAL NOT YET RECEIVED – AWAITING ABCC GUIDANCE
- Skin's Incorporated d/b/a Spud's Restaurant 255 Newburyport Turnpike
- Rowley Liquors Inc., d/b/a Rowley Liquors 144 Newburyport Turnpike SEND FOLLOW UP LETTER REGARDING CHANGE OF MANAGER?
- Rowley Enterprises, Inc. d/b/a Skip's Country Store 801 Haverhill Street
- Galbro, Inc. d/b/a Route 1 Liquors 174 Newburyport Turnpike
- Nippon Tepatiganon, T.J. Thai, Inc., d/b/a Royal Orchid 303B Haverhill Street
- The Great American Barbecue d/b/a The American Barbecue 5 Railroad Avenue
- Piemar, Inc. d/b/a Off the Vine 150 Newburyport Turnpike
- Brickle LLC, d/b/a Bradford Tavern 85 Haverhill Street OVERDUE TAXES \$.76
- Cabales, Inc. d/b/a El Tapatio 300 Newburyport Turnpike
- Ezee LLC d/b/a Ezee Variety 300 Newburyport Turnpike Unit 5 OVERDUE TAXES \$12.19
- Grape Island Inc., d/b/a Mill River Winery 498 Newburyport Turnpike

- ***Briar Barn Inn, LLC, d/b/a Briar Barn Inn 101 Main Street LICENSE TO BE HELD IN THE SELECTMEN'S OFFICE UNTIL BUILDING INSPECTOR ISSUES CERTIFICATE OF OCCUPANCY***

The approved licenses will be available in the Selectmen's Office for signature this week.

Petersen said he has lost track of how many times the RVA has been before the Board. He said he is concerned about the number of hours the proposed manager will be working and said it was irresponsible to have a bartender handle the renewal paperwork. He said he is not voting to renew the RVA license. Eagan said we recommend that this renewal be held off on since they submitted the wrong paperwork. She said they did submit the renewal tonight without the renewal fee, and we are awaiting guidance from the ABCC on how to proceed.

Bernie Cullen said EZEE is no longer in business. Eagan said EZEE Variety holds the license until the transfer of the license, which is pending with the ABCC, is complete.

Bob Snow made a motion to renew the following liquor licenses for 2019:

- Skin's Incorporated d/b/a Spud's Restaurant 255 Newburyport Turnpike
- Nippon Tepatiganon, T.J. Thai, Inc., d/b/a Royal Orchid 303B Haverhill Street
- The Great American Barbecue d/b/a The American Barbecue 5 Railroad Avenue
- Piemar, Inc. d/b/a Off the Vine 150 Newburyport Turnpike
- Cabales, Inc. d/b/a El Tapatio 300 Newburyport Turnpike
- Brickle LLC, d/b/a Bradford Tavern 85 Haverhill Street
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- Rowley Enterprises, Inc. d/b/a Skip's Country Store 801 Haverhill Street
- Ezee LLC d/b/a Ezee Variety 300 Newburyport Turnpike Unit 5
- Briar Barn Inn, LLC, d/b/a Briar Barn Inn 101 Main Street,

Joe Perry second, all in favor - aye (4-0). Bob Merry – ABSENT.

Petersen asked what the status of the American BBQ alteration of premises application is. Lydon said that application is still pending with the ABCC.

FLEA MARKET LICENSE RENEWALS

- Starr P. Todd d/b/a Todd Farm LLC 283 Main Street
- Sandra A. Hamel d/b/a Sandy's Flea 31 Main Street

- Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC 275 Main Street

Chairman Pierce read the following:

The following renewal applications have been received and are in order with all taxes, water and light bills paid. Please make a motion to approve and sign the licenses. The licenses will be available in the Selectmen's Office this week for the Selectmen to sign.

- *Starr P. Todd d/b/a Todd Farm LLC 283 Main Street*
- *Sandra A. Hamel d/b/a Sandy's Flea 31 Main Street*
- *Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC 275 Main Street*

Bob Snow made a motion renew the following flea market licenses for 2019:

- Starr P. Todd d/b/a Todd Farm LLC 283 Main Street
- Sandra A. Hamel d/b/a Sandy's Flea 31 Main Street
- Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC 275 Main Street

Dave Petersen second, all in favor - aye (4-0). Bob Merry – ABSENT.

NEW BUSINESS

1. Discuss January 14, 2019 Special Town Meeting Warrant

Chairman Pierce said originally we thought there would be four significant zoning articles and miscellaneous CPC articles for the Special Town Meeting. He said one of the four zoning articles (Coughlin / Forest Ridge) has been taken off since the applicant wants to have this on the May Town Meeting instead. He said two of the remaining three zoning articles are subject to Planning Board hearings, which have had unfortunate delays, and the public hearing is scheduled for Wednesday in the Town Hall auditorium. He said the fourth zoning article for Didax is mostly finalized and we are awaiting an agreement with Didax. He said the agreement will say that if the area is rezoned and a Special Permit is issued to Didax, then Didax will relay the building to the Town. He said we need to have this agreement in hand and approve it before the article is voted on. He said there are potential areas of disagreement, such as Didax putting restrictions on the Town's ability to use the building, or prevent a use that would make their development less desirable. He said Town Counsel will need to look at the agreement. He asked the Board if they should still move ahead with the January Special Town Meeting or put all of it off until May. He said the Board can make a decision next Monday.

Eagan said it will be a tight timeframe. She said in addition to the article for Didax, there are three CPC articles, and an article to transfer money from the cable account to use to upgrade the cameras in the Selectmen's Office. Petersen said it costs \$5,000 to \$6,000 to run a Town Meeting, and we don't want to rush through the Didax agreement. He said there is controversy over some of the zoning articles and we want to give people a chance to voice their concerns. He said he thinks we should postpone the Special Town Meeting. Bernie Cullen said the Route 1 / Wethersfield Street zoning article will be highly controversial and Wednesday is the first time there will be public discussion on this. He said there is not sufficient time for this to be on a January Special Town Meeting.

Dave Petersen made a motion to postpone the January Special Town Meeting, Joe Perry second, all in favor - aye (4-0). Bob Merry – ABSENT.

2. Review Zoning Board of Appeals Application from RDL Properties appealing the Building Inspector's decision on a building permit at 23 Ellsworth Road as shown on Assessors Map 6 Lot 31
3. Review Zoning Board of Appeals Application from RDL Properties appealing the Building Inspector's decision on a building permit at 33 Ellsworth Road as shown on Assessors Map 6 Lot 29

Chairman Pierce said New Business 2 and 3 are appeals to the ZBA to approve house lots on Ellsworth Road. He said the Building Inspector decided not to issue building permits, and the applicant filed appeals with the ZBA. He said the area is subject to litigation which was recently decided in the Town's favor, but the plaintiff has filed an appeal. He said due to the litigation, he advises that Town Counsel Tom Mullen is involved as much as possible.

Dave Petersen made a motion to advise the ZBA to have Town Counsel Tom Mullen involved in and present at the meetings regarding this appeal, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

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

Chairman Pierce read the following:

Town Planner Kirk Baker has informed Debbie that the proposal presented by Crown Castle is exempt from site plan review because there will be no dimensional changes to the tower or to the expansion of the ground-level area.

The Board needs to vote to authorize Chairman Pierce to sign the approval.

Bob Snow made a motion to authorize Chairman Pierce to sign the approval, Joe Perry second, all in favor - aye (4-0). Bob Merry – ABSENT.

5. Review Board of Health proposed revisions to the Sale of Tobacco Products to Minors Regulations

Chairman Pierce said he hasn't had a chance to review the revisions. Nerissa Wallen said that she hasn't either, but she provided templates from the MMA and the Massachusetts Board of Health Agents to Frank Marchegiani. She said some sections are not relevant to Rowley, and Frank would pull the relevant pieces from the templates. Joe Perry said we have to take action on this by the first of the year, otherwise 18 year olds can continue to buy tobacco products until they turn 21. Wallen said the Triton District is concerned about vaping, which is colorless, odorless, has a high nicotine content, and students can vape in class without detection. She said they are trying to crack down on student's access to it. She said if minors turn 18 before December 31st, they will still be able to purchase it, but if not, they will have to wait until they are 21 to purchase it. She said many Triton seniors and some juniors are already 18, so these individuals will still be able to purchase and bring it into Triton.

Dave Petersen made a motion to recommend to the Board of Health that these revisions be adopted, with a letter of support, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

OLD BUSINESS

1. Pine Grove School Project Update

Joe Perry said he has been invited to Christmas caroling on December 21st in the Pine Grove School All Purpose Room along with WT Rich and Pinck & Co. representatives. He said they are installing the kitchen equipment and will be ready to turn it over on the 19th. Pierce said Larry Berger noted that the project is 48% complete. Bernie Cullen asked if there are any comments regarding the fire on the roof. Perry said this was an unfortunate accident caused by a welder's torch used on the roof who didn't follow procedures. He said the fire was quickly contained, there was a call firefighter on duty at the school, and the kids were safely evacuated. He said there was no hazard to the building, the kids or the roof. Snow said call firefighter Dupray was on duty and he responded and quickly put out the fire. Perry said they won't be welding again.

2. Fire Station and Police Station Addition Project Update

Chairman Pierce read the following:

Work is well underway in the existing police station. The contractor is framing out the prisoner transfer area. The installation of the fence is continue. The overhead doors at the Fire Station have been installed. The stairs in the Fire Station Training Tower are in.

Petersen said after January 1st, the Police Department building will be completed, and the Fire Department will be completed shortly thereafter, and the Fire Department will move in during March. He said the landscaping and final pavement won't be completed until the spring, and the bushes will be guaranteed for one year from this spring. Snow said he got a mini tour and he is very impressed with the state of the art facility. Petersen said these are being built to last 50 to 75 years in terms of space needed, and the project is on time and within budget. Perry said he toured the Fire Station, which is quite a building with a very good training room, office space and storage space.

3. Update on the Town Hall Annex Accessibility Project

Chairman Pierce read the following:

The low bidder on this project, A.J. Wood, withdrew their bid because they said that they hadn't factored in the price for the metal guardrails. Their bid was \$73,500. Because the next low bidder was over budget at \$103,000, we asked the architect to change the guardrails and handrails specifications from metal to pressure treated wood, which will significantly reduce the project cost.

Eagan said we will go back out to bid for this project. Bernie Cullen asked if the bid included options to use metal or wood. Petersen said the cost of metal is too high and using wood will also decrease the amount of time that the ramp is unusable by two to three weeks.

GENERAL BUSINESS

1. Authorize Police Chief Scott Dumas to sign the Executive Office of Public Safety and Security State 911 Grant Forms

Dave Petersen made a motion to Authorize Police Chief Scott Dumas to sign the Executive Office of Public Safety and Security State 911 Grant Forms, Bob Snow second, all in favor - aye (4-0). Bob Merry – ABSENT.

MINUTES

- November 5, 2018

Bob Snow made a motion to approve the November 5, 2018 minutes, Joe Perry second, all in favor - aye (3-0). Bob Merry – ABSENT, Dave Petersen - ABSTAIN.

ANNOUNCEMENTS

- Toys for Tots Drop Off Box located at Rowley Town Hall
- The Town has the following vacancies:
 - a. Agricultural Commission Associate;
 - b. Cultural Council;
 - c. Fence Viewer – three positions;
 - d. Wood, Lumber & Bark Inspector;
 - e. Zoning Board of Appeals Associate – two seats; and
 - 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.

ADJOURN

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Joe Perry second, all in favor - aye (5-0).

Open meeting adjourned at 7:56 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS

1. Letter from Police Chief Scott Dumas recommending Christopher Cassidy for appointment as a reserve police officer
2. Meeting Memo regarding 7:05 p.m. Appointment: Police Chief Scott Dumas and Police Captain David Sedgwick to discuss request from Captain Sedgwick for a Paid Leave of Absence to attend the Executive Leadership Training Program at the Federal Bureau of Investigation Academy
3. Personnel Plan excerpt regarding Training and Education
4. Personnel Plan excerpt regarding Leaves of Absence
5. Letter from Police Captain David Sedgwick for a Paid Leave of Absence to attend the Executive Leadership Training Program at the Federal Bureau of Investigation Academy
6. Letter from Police Chief Scott Dumas requesting a Paid Leave of Absence for Captain Sedgwick to attend the Executive Leadership Training Program at the Federal Bureau of Investigation Academy

7. Letter from Johnie Adams, President of FBI National Academy Associates, Inc. regarding the benefits of the Academy
8. Letter from Harold Show of the FBI regarding invitation for Captain Sedgewick to attend the Academy
9. Board of Selectmen Public Comment Policy
10. Meeting memo regarding liquor license renewals
11. Meeting memo regarding flea market license renewals
12. Meeting memo regarding New Business #1: Discuss January 14, 2019 Special Town Meeting Warrant
13. Draft Special Town Meeting Schedule
14. Zoning Board of Appeals Application from RDL Properties appealing the Building Inspector's decision on a building permit at 23 Ellsworth Road as shown on Assessors Map 6 Lot 31
15. Zoning Board of Appeals Application from RDL Properties appealing the Building Inspector's decision on a building permit at 33 Ellsworth Road as shown on Assessors Map 6 Lot 29
16. Meeting memo regarding New Business #4: Request from Crown Castle to approve the modification of AT&T's equipment at the cell tower at 124 Haverhill Street
17. Request from Crown Castle to approve the modification of AT&T's equipment at the cell tower at 124 Haverhill Street
18. Excerpt from license agreement with Crown Castle
19. Board of Health proposed revisions to the Sale of Tobacco Products to Minors Regulations
20. Meeting memo regarding Old Business #1: Pine Grove School Project Update
21. Meeting memo regarding Old Business #2: Fire Station and Police Station Addition Project Update
22. Meeting memo regarding Old Business #3: Update on the Town Hall Annex Accessibility Project
23. Request from Police Chief Scott Dumas to authorize him to sign the Executive Office of Public Safety and Security State 911 Grant Forms
24. Executive Office of Public Safety and Security State 911 Grant Forms
25. November 5, 2018 draft meeting minutes