

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

August 27, 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, Robert Merry; David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

**PUBLIC ATTENDEES:** Henry Rolfe; David Zizza – 29 Bradford Street; Keith Rice – USW Local 12012-4; Bernard Cullen – 283 Wethersfield Street; David Kent – 462 Main Street; Bill DiMento – 497 Main Street; Michael Crowe – Marion Way

### **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**

Bill DiMento led the Pledge of Allegiance.

**7:00 p.m. APPOINTMENT** Harbormaster Bill DiMento to present David S. Kent for the position of Deputy Harbormaster

Chairman Pierce read email recommendation from Harbormaster Bill DiMento regarding this appointment. Harbormaster Bill DiMento said he has worked with David Kent since 1980, Kent has been a great help, and he is happy to be moving in this direction with having Kent assist with the daily duties of the Harbormaster. Kent said he welcomes this opportunity, enjoys working for the Town and taking care of the equipment. He said he appreciates the support of DiMento and this opportunity. Petersen thanked DiMento for his many years of service, and said we get more than our money's worth. DiMento said he enjoys doing this, and sees it more as community service, rather than a job for a paycheck. He said having a great team makes a difference, and the Town volunteers are great.

Dave Petersen made a motion to appoint David S. Kent as the Deputy Harbormaster, Bob Snow second, all in favor - aye (5-0).

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

**7:15 p.m. APPOINTMENT** Kate Crowther from Verdant Medical for the signing of the Letter of Support and Host Agreement for a registered medical marijuana dispensary and cultivation facility at 124 Newburyport Turnpike

Chairman Pierce read the following:

*The Board voted at the last meeting to issue of Letter of Support for Verdant Medical to operate a Registered Marijuana Dispensary and Cultivation Facility at 124 Newburyport Turnpike. The Board needs to vote to authorize Chairman Pierce to sign the letter. (Letter is attached.)*

*Town Counsel Tom Mullen has reviewed and approved the language in the attached Host Agreement. There are TWO (2) originals of the Host Agreement. The Board needs to vote to sign the Host Agreement. Verdant Chief Executive Officer Tito Jackson will also sign both originals.*

Verdant Medical representative Rebecca Rutenberg said this is a fairly standard fully complete agreement that demonstrates that they want to be a committed partner with the community. Pierce said the fees are as follows: for the first five years – 3% on gross sales of medical and recreational marijuana; 1% on gross sales of marijuana grown at the facility. Rutenberg said they will have three retail locations, in Boston, Provincetown and Rowley. She said there will be no fee on the marijuana grown when it is delivered to any of their retail locations. Verdant Medical CEO Tito Jackson said they are happy to be partnering with Rowley and bringing extra revenue to Rowley. He said they want an open and connected relationship with the Town.

Bob Snow made a motion to authorize Cliff Pierce to sign the Letter of Support for Verdant Medical, Bob Merry second, all in favor - aye (5-0).

Bob Snow made a motion to sign the Host Agreement for Verdant Medical, Bob Merry second, all in favor - aye (5-0).

**7:10 – 7:15 p.m. PUBLIC COMMENT**

Bernie Cullen said Triton needs to start working on their budget now, once they have the census numbers of the number of students, and not start at the beginning of January which has been their practice. He said in the past, each Town has spoken individually to Triton and this doesn't work. He said Triton needs to work around the funding availability of the three towns. He urged the Board to talk to the other two towns and set up the general position of the towns sooner, rather than later.

## **GENERAL BUSINESS**

1. Request from Essex County Greenbelt Association to hold road cycling event on September 29, 2018

Chairman Pierce read the following:

*Please see the attached request from the Essex County Greenbelt Association for their annual road cycling event to come through Rowley on September 29, 2018. The event will travel along Route 1A in Rowley.*

*The Police Chief, Fire Chief, Health Agent and Highway Surveyor have reviewed this request and do not have any questions or concerns.*

Joe Perry made a motion to approve this event, Bob Snow second, all in favor - aye (5-0).

2. Request from Highway Surveyor Patrick Snow to lift hiring freeze for seasonal laborer position

Chairman Pierce read the following:

*The seasonal laborer position in the Highway Department normally runs for an 8 to 12 week period from approximately late June through late August, for twenty hours per week. This position was not posted this summer.*

*Patrick Snow is requesting that the hiring freeze be lifted now for this position, which would run from approximately mid-September through mid-December. In addition to the regular duties of mowing, trimming, brush cutting and seeding, the seasonal laborer will assist with paving, shoulder work, drainage repairs and masonry.*

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

## **NEW BUSINESS**

1. Set meeting schedule for September, October, November and December

The Board reviewed the proposed meeting schedule.

Bob Snow made a motion to approve the proposed meeting schedule, Joe Perry second, all in favor - aye (5-0).

2. Accept donation from Great Marsh Garden Club of plantings and stonework for the Town's Cemetery Star Garden

Chairman Pierce read the following:

*The Great Marsh Garden Club is disbanding and wants to donate plants and stonework to the Town's Cemetery Star Garden. The Board of Selectmen needs to vote on behalf of the Town to accept the in-kind donation from the Great Marsh Garden Club.*

Petersen said the Great Marsh Garden Club submitted a letter on this previously. He said they cannot donate money, so they want to donate these items to improve the Star Garden. He said the Cemetery Commissioners are in agreement with this.

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

### **OLD BUSINESS**

1. Sign contract with Vanasse Hangen Brustlin, Inc. for Town of Rowley Bridges and Culverts Conditions Plan

Chairman Pierce read the following:

*During the July 16 Board of Selectmen meeting, the Board voted to award the civil engineering contract for the Bridges and Culverts Conditions Plan to VHB in the amount of \$24,750. Development of this Plan is being paid for using funds granted to the Town as part of the Community Compact agreement.*

*In the Chairman's folder are two originals of the contract between the Town of Rowley and VHB for completion of the Conditions Plan. The Board will need to vote to sign the contract with VHB.*

Joe Perry made a motion to sign this contract, Bob Snow second, all in favor - aye (5-0).

The Selectmen signed the contract.

2. Recycling Center Update

Chairman Pierce read the following:

*The Board met with James Motzkin the president of JRM Recycling and Hauling at the last Board meeting. The Board asked Debbie to work out an agreement with JRM on keeping the Recycling Center Open through the end of the year.*

*Debbie worked out an arrangement with JRM to continue the recycling services to the Town for \$2,800 per month through December 31, 2018. We have \$14,000 left in the budget line, so the funds will last through the end of the calendar year. The last two months (June and July) were over \$4,000 per month. If the Board is in agreement to continue with JRM from August through December 31, 2018 at \$2,800, then the Board will need to vote on this.*

Petersen said the Recycling Center is coming to an end, and we are thankful to JRM to agree to lose money until the end of the calendar year to help us keep it open until then. He said many Towns are facing this issue, and he isn't against recycling, but it is not economically feasible to continue it. He said Mello charges \$17 per month for curbside recycling pick-up, and the days of free recycling are over. He asked people to put items into the correct bins. He said we are unable to secure the site during the week, and people use this as an opportunity to dump items. Pierce said photos were recently posted to Facebook showing trash in one bin, glass in a cardboard bin and a plastic toy disposed of onsite.

Joe Perry made a motion to continue the operation of the Recycling Center at a cost of \$2,800 per month until December 31, 2018, Bob Snow second, all in favor - aye (5-0).

**7:30 p.m. APPOINTMENT** Michael Crowe to discuss Right of First Refusal granted on September 22, 2014 for Chapter 61 Section 8 Parcel 23 on Assessors Map 9 for Marion Way 40B project

Chairman Pierce said the Board of Selectmen has already voted on this. Michael Crowe said he is the successor purchaser of the property, and the ZBA has questioned the validity of the Selectmen's waiver from 2014. Pierce said in 2014, the Selectmen received input from the Conservation Commission and the Planning Board on the purchase of this land.

Joe Perry made a motion to send a letter to the ZBA confirming that the waiver from 2014 is still valid, Bob Snow second, all in favor - aye (5-0).

### **OLD BUSINESS**

#### 3. Pine Grove School Project Update

Chairman Pierce read the following:

*At a prior meeting, the Board of Selectmen approved the purchase of equipment items out of the Pine Grove School Project Budget Owner's Construction Contingency line.*

*Joe and Cliff have been reviewing the equipment lists prior the issuance of purchase orders.*

*A charge for freight and handling was not included in the list of items for music room equipment purchase. Joe would like the Board to approve a freight and handling charge of \$888.00 from the vendor, Wenger. A copy of the Wenger quote is attached. The Wenger purchase totals \$6,977, including the \$888.00 freight and handling charge. The items that are to be purchased from Wenger include equipment for the music room, such as a large music stand cart, riser, piano, etc.*

*The following Purchase Orders have been issued to:*

- Kittredge Food & Service & Equipment Supplies - \$9,776.44 (kitchen equipment)*
- School Specialty - \$3,775.73 (art room equipment)*
- Supply Works - \$10,872.35 (floor scrubber machine)*

*These expenses will be charged to the Construction Contingency line.*

*In order project news, the paving has been completed at the school, so the buses will have access to the school.*

Pierce said the \$888 delivery fee for the music equipment was not specified in the amount approved by the Selectmen.

Dave Petersen made a motion to pay the \$888 delivery fee, Joe Perry second, all in favor - aye (5-0).

Perry said today the teachers worked at the school, and tomorrow the full staff will be present. He said it will be a busy place combined with the contractors also working on-site. He said the All Purpose Room work is running behind, and the kitchen opening will be delayed until December. Petersen said after this weekend, the fields behind the school will be available for soccer. Pierce said the paving has been completed.

Bernie Cullen asked why there is a delay in finishing the All Purpose Room, and if parking will be a problem with the other workers on-site. Pierce said the delay is due to the termite and structural beam reconstruction that was not expected. He said the fabrication of the steel beams will take longer than anticipated, but there is no financial implication that he knows of. He said the workers are there on the second shift, so parking should be fine. Perry said the paving is complete, but the buses cannot yet drop off students in the new location behind the front entrance. He said there will be a Police Detail at the school's front entrance.

#### 4. Update on Fire Station and Police Station Addition project

Chairman Pierce read the following:

*The new septic system has been installed. The drywall is being installed in the Police Station. Roof shingles continue to be installed. The project is on schedule.*

Petersen said the Police Station is scheduled to open the first week in January, and the Fire Station is scheduled to open three weeks later, but the Fire Chief plans to move in March.

### **MINUTES**

- July 16, 2018

Bob Snow made a motion to approve July 16, 2018 minutes, Dave Petersen second, all in favor - aye (4-0). Joe Perry-ABSTAINED

**7:45 p.m. APPOINTMENT** Steve Morris, President and Treasurer of the Rowley Veterans Association Board of Directors, to discuss status of application for Change of Manager and Change of Beneficial Interest

RVA Representative Cormac O'Neill said Steve Morris is on his way and is about ten minutes away. Pierce said last week a statement was made that the application for a Change of Manager would be submitted the next day. O'Neill said they were asked to get help in filling out the application and they have. He said they also received a letter about the Change of Beneficial Interest application. He said they are working on these applications and they should be submitted on Wednesday.

### **ANNOUNCEMENTS**

- The pool at the YMCA Camp Cedar Mill on Wethersfield Street in Rowley is open for the summer season. The pool is free for Rowley residents. The hours are Monday through Friday from 3:00 p.m. to 6:00 p.m. and on weekends from 10:00 a.m. to 6:00 p.m. The YMCA anticipates that September 2, 2018 will be the last day that the pool will be open for the season.
- The Town has the following vacancies:
  - a. **Agricultural Commission Associate**
  - b. **Cultural Council**
  - c. **Council on Aging**
  - d. **Fence Viewer** – three positions;
  - e. **Wood, Lumber & Bark Inspector;**
  - f. **Zoning Board of Appeals Associate** – three seats;
  - g. **Parks and Recreation Committee** – one seat; and

**h. 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 - (5-0).

Open meeting adjourned at 7:46 p.m.

Respectfully submitted,

Amy Lydon

Assistant Town Administrator

**ATTACHMENTS**

1. Email from Harbormaster Bill DiMento regarding appointment of David S. Kent for the position of Deputy Harbormaster
2. Meeting memo regarding 7:15 p.m. Appointment: Kate Crowther from Verdant Medical for the signing of the Letter of Support and Host Agreement for a registered medical marijuana dispensary and cultivation facility at 124 Newburyport Turnpike
3. Lett of Support for Verdant Medical
4. Host Agreement for Verdant Medical
5. Board of Selectmen Public Comment Policy
6. Meeting memo regarding General Business #1: Request from Essex County Greenbelt Association to hold road cycling event on September 29, 2018
7. Request from Essex County Greenbelt Association to hold road cycling event on September 29, 2018
8. Certificate of Liability Insurance from Essex County Greenbelt
9. Tour de Greenbelt 50 Mile Route plan and map
10. Email correspondence with Jane Rumrill regarding Essex County Greenbelt Road Race
11. Tour de Greenbelt 50 and 25 Mile Route map
12. Meeting memo regarding General Business #2: Request from Highway Surveyor Patrick Snow to lift hiring freeze for seasonal laborer position
13. Email correspondence with Highway Surveyor regarding Lift Hiring Freeze
14. Meeting memo regarding New Business #1: Set meeting schedule for September, October, November and December
15. Meeting memo regarding New Business #2: Accept donation from Great Marsh Garden Club of plantings and stonework for the Town's Cemetery Star Garden



16. Meeting memo regarding Old Business #1: Sign contract with Vanasse Hangen Brustlin, Inc. for Town of Rowley Bridges and Culverts Conditions Plan
17. Contract with Vanasse Hangen Brustlin, Inc. for Town of Rowley Bridges and Culverts Conditions Plan
18. Meeting memo regarding Old Business #2: Update on the Recycling Center
19. Meeting memo regarding 7:30 p.m. Appointment: Michael Crowe to discuss Right of First Refusal Granted on September 22, 2014 for Chapter 61 Section 8 Parcel 23 on Assessors Map 9 for Marion Way 40B project
20. Letter from Attorney Michael J. Migliori regarding Assessors Map 9 Parcel 23 Chapter 61 Section 8 Right of First Refusal Granted September 22, 2014
21. Waiver of Right of First Refusal signed September 22, 2014
22. Purchase and Sale Agreement between the Tompkins-Desjardins Trust, and Building and Remodeling Corporation of America, Inc.
23. Purchase and Sale Agreement between the Tompkins-Desjardins Trust, and Building and Michael S. Crowe
24. Assessors Property card for Map 9 Parcel 23
25. Meeting memo regarding Old Business #3: Pine Grove School Project Update
26. Quotation from Wenger showing \$888.00 freight charge
27. Meeting memo regarding Old Business #4: Update on Fire Station and Police Station Addition project
28. Draft July 16, 2018 minutes
29. Meeting memo regarding 7:45 p.m. Appointment: Steve Morris, President and Treasurer of the Rowley Veterans Association Board of Directors, to discuss status of application for Change of Manager and Change of Beneficial Interest
30. Letter from Deborah Eagan to Steven Morris regarding ABCC Application for Multiple Amendments: Change of Manager and Change in Beneficial Interest
31. ABCC Application Summary Review dated February 23, 2018
32. Articles of Incorporation for Rowley Veterans Association, Inc.
33. Current liquor license issued to Rowley Veterans Association, Inc.