

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

December 19, 2022

Town Hall, 139 Main Street, Rowley, MA

5:30 p.m.

**MEMBERS PRESENT:** Chairman Robert Snow; Vice Chairman Joseph Perry; Clerk Deana M.P. Ziev (ABSENT until 5:52 p.m.); Cliff Pierce; Christine Kneeland (Town Administrator Deborah Eagan; Assistant Town Administrator Amy Lydon)

### **CALL MEETING TO ORDER**

Chairman Snow called the meeting to order at 5:30 p.m. He said the meeting is being audio and video recorded by Rowley Community Media.

### **PLEDGE OF ALLEGIANCE**

Joe Perry led the Pledge of Allegiance.

### **EXECUTIVE SESSION**

To discuss strategy with respect to collective bargaining concerning American Federation of State, County, and Municipal Employees Local 2905 and Massachusetts Coalition of Police Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) as having the discussion in open meeting may have a detrimental effect on the bargaining position of the Town

Chairman Snow called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining concerning American Federation of State, County, and Municipal Employees Local 2905 and Massachusetts Coalition of Police Local 360 pursuant to State Open Meeting Law, G.L. c.30A section 21(a) (3) as having the discussion in open meeting may have a detrimental effect on the bargaining position of the Town and to return to open session. Cliff Pierce so moved, Christine Kneeland second, all in favor – roll call vote – Christine Kneeland – aye; Cliff Pierce – aye; Bob Snow – aye; Joe Perry – aye. Deana Ziev - ABSENT

Executive Session opened at 5:32 p.m. and Open Session resumed at 5:50 p.m.

Deana Ziev sat at the Selectmen's table at 5:52 p.m.

### **GENERAL BUSINESS**

1. Request from Police Chief Scott Dumas to appoint Edward Wilson to the position of Full-time 911 Telecommunicator Dispatcher

Joe Perry made a motion to appoint Edward Wilson to the position of Full-time 911 Telecommunicator Dispatcher, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

2. Request from Police Chief Scott Dumas to appoint Pamela Lutes to the position of Reserve "Per Diem" 911 Telecommunicator Dispatcher

Cliff Pierce made a motion to appoint Pamela Lutes to the position of Reserve "Per Diem" 911 Telecommunicator Dispatcher, Christine Kneeland second, all in favor - aye (4-0). Deana Ziev – ABSTAINED

3. Approve donation from Merrimack Valley Transit of surplus van for the Council on Aging Department

Chairman Snow read the following:

*The Merrimack Valley Transit is donating a 2015 surplus van to the Town for use by the Rowley Council on Aging. In accordance with State law, G.L. c.44 §53A 1/2, the Board needs to vote to approve this donation.*

*COA Director Ellie Davis has provided the Board with a letter explaining how important this donated van is to the operation of the COA because the delivery of the new van is delayed due to supply issues.*

Snow read the letter from COA Director Ellie Davis.

Cliff Pierce made a motion to approve this donation, Deana Ziev second, all in favor - aye (5-0).

## **NEW BUSINESS**

1. Discuss Hazard Mitigation Plan Update

Chairman Snow read the following:

*The Town needs to update the Hazard Mitigation Plan. This plan was originally undertaken in 2016 under the direction of former Rowley Emergency Management Director James Broderick. The Merrimack Valley Planning Commission offered assistance to the Town in the completion of the original plan. The MVPC is now offering their assistance for the 2022 Hazard Mitigation Plan update.*

*Debbie, Conservation Agent Brent Baeslack, Town Planner Kirk Baker, and Highway Surveyor Patrick Snow attended a MVPC Hazard Mitigation Plan Update kick-off meeting on December 7.*

*The next steps in the process are to:*

- 1) Select a Lead Representative, and
- 2) Select a Local Hazard Mitigation Planning Team

*Debbie recommends that we follow the template we used in 2016, and that the Board vote to:*

- 1) Designate REMA Director Mark Emery as the Lead Representative, and

2) *Designate the following Town employees as the 2022 Local Hazard Mitigation Team:*

- *REMA Director/Fire Chief Mark Emery – Lead Representative*
- *Building Inspector Ken Ward*
- *Conservation Agent Brent Baeslack*
- *Health Director Frank Marchegiani*
- *Highway Surveyor Patrick Snow*
- *Police Chief Scott Dumas*
- *Town Administrator Deborah Eagan*
- *Town Planner Kirk Baker*

Cliff Pierce made a motion to designate REMA Director Mark Emery as the Lead Representative, and designate the following Town employees as the 2022 Local Hazard Mitigation Team: REMA Director/Fire Chief Mark Emery – Lead Representative; Building Inspector Ken Ward; Conservation Agent Brent Baeslack; Health Director Frank Marchegiani; Highway Surveyor Patrick Snow; Police Chief Scott Dumas; Town Administrator Deborah Eagan; Town Planner Kirk Baker, Joe Perry second, all in favor - aye (5-0).

**6:00 p.m. TO 6:05 p.m. PUBLIC COMMENT**

There were no public comments.

**2023 LICENSE RENEWALS**

**Liquor License Renewal**

- BNR Rowley LLC, d/b/a Bradford Tavern 87 Haverhill Street

Chairman Snow read the following:

*This renewal was held from December 5<sup>th</sup> because they had not yet received their annual certificate of inspection from the Building Inspector and Fire Chief. The inspection is now complete, (see attached inspection certificate), and all Town taxes, Water Department bills and Light Department bills have been paid.*

*Please vote to renewal this liquor license.*

Deana Ziev made a motion to renew this liquor license, Christine Kneeland second, all in favor - aye (5-0).

**Flea Market License Renewal**

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

Chairman Snow read the following:

*There are no overdue taxes, water or electric balances for this applicant.*

*The Flea Market license for Todd's River View Farm, LLC was revised after The Board met with Brook Todd at two meetings in July of 2022. The minutes from these two meetings are attached. Also attached is a copy of the signed revised license. The revised license included the following:*

***Days of Operation:*** Saturday, Sunday, and 9 Fridays April through November  
(Friday dates may be rescheduled for weather-related cancellations)

***Hours of Operation:*** Noon to dusk on Fridays; 4:30a.m. to dusk on Sat & Sun

***Principle Commerce:*** Antiques, collectibles, pre-owned goods, crafts, plants, and farm produce

***Food and Beverage Providers:*** Todd family and/or food trucks (Food trucks must be permitted by the Board of Health)

***Additional permissions:*** Ancillary background music (live or recorded) on Fridays

***All other conditions attached:***

- *Parking as permitted on-site plan on file in Selectmen's Office*
- *Sanitary Facilities (1) in-house and (3) in the field*
- *First aid kit on site*
- *Fire suppression equipment on site*
- *Business certificate on file with Town Clerk*

*Brook Todd is requesting that the renewal include the following:*

1. *The same days and hours of operation: Saturday, Sunday, and 9 Fridays April through November Noon to dusk on Fridays; 4:30a.m. to dusk on Sat & Sun*
2. *For the Food and Beverage Providers, the revised license did not include language for subletting the food to another food business. The Board voted on this on July 11, 2022 (see attached minutes.) Brook Todd is asking that the Food and Beverage Providers be changed to:*

***Food and Beverage Providers:*** Todd family, and/or sublet to other food businesses and/or food trucks (Food trucks and other food businesses must be permitted by the Board of Health)

3. *Change number of sanitary facilities in the field from (3) in the field to (4) in the field.*

*If the Board agrees to these requests, please vote to renew the Flea Market License with the changes as presented.*

*Joe Perry made a motion to renew this flea market license with the changes as presented, Deana Ziev second, all in favor - aye (5-0).*

**6:05 p.m. APPOINTMENT** Corey Matthews, owner of 255 Newburyport Turnpike Rowley LLC (Blue Boat), to discuss liquor license renewal application and plans to file a future application to transfer the liquor license

Chairman Snow read the following:

**255 Newburyport Turnpike Rowley LLC (Blue Boat):** *The owners of this business are requesting to renew their liquor license for 2023. This business renewed their liquor license in 2022, but never picked up the 2022 license or used it because they planned to undergo renovations to their building over this past year. The owners have since closed the restaurant and it hasn't been open since the fall of 2021. Amy asked the ABCC if the Board can continue to renew a license for a restaurant that hasn't been in operation for about a year. ABCC Deputy Director Ryan Melville responded:*

*"Your board can request the licensee appear before the board to identify their intentions. If they wish to renew your board can renew them based on what the licensee expects to do but with a timeline on the record."*

*Amy asked the applicant to provide a statement in writing about what they expect to do, and the following was provided:*

To the Rowley Board of Selectmen,

We are renewing our liquor license for Rowley (Spud's) with the intent of transferring the license to the new buyer of the 255 Newburyport Turnpike property in the upcoming months of 2023. The sale of the property is pending on the transfer of the license. If you have any further questions, please feel free to reach out to me at (978) 559-9835.

Thank you,  
Synergy Restaurant Group  
Corey Matthews

*On December 5, 2022 the Board voted to hold off on taking any action on this renewal and to request the Blue Boat owners to attend tonight's meeting to discuss the timeline of the forthcoming sale and make a decision at that time on the renewal application. Corey Matthews is in attendance tonight to discuss this liquor license renewal.*

*If the Board wishes to renew this license after the discussion with Mr. Matthews, some options for the Board to consider are:*

- A) Approve the 2023 renewal with no conditions for another year.*
- B) Approve the 2023 renewal to Blue Boat with a condition that the renewal is for a set timeline that coincides with the sale. For example, the Board could vote to approve the license renewal tonight for a period six months from*

*January 1, 2023 to June 30, 2023, and if the sale is not completed by June 30, 2023, the license will expire. If the owners need an extension beyond June 30, 2023, they can be required to meet with the Board at least 30 days prior to June 30, 2023, to discuss the need to extend the deadline. If the Board does consider this option, but is also concerned about the effect this decision will have on the Town's Section 12 all alcohol pouring license quota, please note that the Town will still have six (6) all alcohol on-premises licenses available should any other businesses wish to apply for this type of license.*

Corey Matthews of 4 Gilson Way in Gloucester said they are trying to retain the license and sell it with the business and then to transfer the license to the new owner. He said the buyer wants this, but they could also apply for a new license since there are six available. He said the Purchase and Sale Agreement has been signed and this should be finalized in the next couple of months. Ziev said she is leaning towards a renewal for a six month period of time. Kneeland agreed. Matthews said the construction estimate went from \$800,000 to \$2,500,000 since COVID. He said he decided to hold onto his other businesses, and since COVID, he doesn't feel that he can find the people needed to work at the restaurant. He said if he moved forward with the renovation, he would be risking \$5,000,000, while being unsure if he could find the needed employees, and he decided not to do this. Snow said we don't want to lose the restaurant. Matthews said it may be a Chinese restaurant opening there.

Joe Perry made a motion to approve the 2023 renewal to Blue Boat for a period of six months from January 1, 2023 to June 30, 2023, and if the sale is not completed by June 30, 2023, the license will expire, or if the owners need an extension beyond June 30, 2023, they are required to meet with the Board at least 30 days prior to June 30, 2023, to discuss the need to extend the deadline, Deana Ziev second, all in favor - aye (5-0).

Matthews said if he needs an extension he will come back to the Board at the end of May.

## **MINUTES**

- November 21, 2022 – Executive Session

Christine Kneeland made a motion to approve the minutes of November 21, 2022 Executive Session, Cliff Pierce second, all in favor - aye (3-0). Deana Ziev – ABSTAINED; Joe Perry - ABSTAINED

- December 19, 2022

Christine Kneeland made a motion to approve the minutes of December 19, 2022, Deana Ziev second, all in favor - aye (4-0). Cliff Pierce – ABSTAINED

**6:15 p.m. PUBLIC HEARING** Application filed by Back Nine Tavern, LLC d/b/a Rowley Country Club, Manager of Record Theodore Speros, and Liquor License Manager Darin Chin-Aleong for the transfer of the on-premises seasonal wine and malt beverages liquor license currently issued to Rowley Golf Course LLC, d/b/a/ Rowley Country Club located at 237 Dodge Road

Chairman Snow read the following:

*NOTE: A copy of the redacted application has been included in your packet. All other supporting documentation to the application is in the file for this transfer application.*

Chairman Snow read the notice of public hearing.

Chairman Snow called for a motion to open the hearing. Joe Perry so moved, Deana Ziev second, all in favor – roll call vote – Christine Kneeland – aye; Cliff Pierce – aye; Bob Snow – aye; Joe Perry – aye; Deana Ziev – aye.

Public Hearing opened at 6:19 p.m.

Chairman Snow stated that the hearing was advertised in the December 8, 2022 edition of The Daily News. Chairman Snow called the applicants forward and asked them to discuss their application and said there are no overdue taxes, water bills or electric bills at this location.

Attorney Joseph Noone said he represents the Back Nine Tavern and Theodore Speros. He said Darin Chin-Aleong is also present. He said they are transferring the existing license and not changing anything. He said this is a seasonal beer and wine license, and that both Ted Speros and Darin Chin-Aleong are TIPS certified. He said Darin has run the business for the past three to four years and for the past ten years Ted has run a large Greek festival in Arlington for 15,000 people on a weekend. He said they are seeking this transfer to continue the operations at the golf course.

Snow asked the Board if there are any questions. Ziev asked if the restaurant is open to the public and if you have to golf there to go to the restaurant. Darin said it is open to the public. Noone said the clubhouse has a restaurant area where people can have lunch.

Snow asked the audience if there are any questions. Leslie Milne of 204 Dodge Road said she is not objecting to this but is curious about how the business will change and how active the restaurant will be and the hours. Noone said the hours will be the same. He said Speros owns adjacent parcels so the future remains to be seen. Darin said the hours are 10 a.m. to 9 p.m. Monday – Saturday and 11:00 a.m. to 9:00 p.m. on Sunday. Snow said there is no bar, right. Noone said that is correct.

Snow read the following:

1. Clarify that there is no bar with seating.

*The current license describes the premises as, "Club House with an indoor food service area with bar and table seating and an outdoor deck, 42 person occupancy, 40 person seating capacity, maximum 24 seating capacity outside." The inside floor plan provided with the transfer application shows hi-top and regular tables with forty seats pictured at these tables. There is no bar depicted on the floor plan, but there is a counter shown.*

*If there is no bar seating, the Board may wish to modify the description of the premises to reflect this. A suggestion is, "Club House with an indoor food service area with ~~bar and~~ table seating and an outdoor deck, 42 person occupancy, 40 person seating capacity, maximum 24 seating capacity outside."*

Darin said there is a counter.

Snow continued:

2. *To confirm that the hours for serving alcohol will remain the same as they currently are: From April 1<sup>st</sup> to November 30<sup>th</sup>: Monday – Saturday 10:00 a.m. until 9:00 p.m.; Sunday 11:00 a.m. until 9:00 p.m.*

Darin said these hours are correct.

Snow continued:

3. *Please provide us with the job titles of the positions in this operation that will be TIPS certified.*

Snow said this has already been explained.

Snow continued:

*The Board may wish to notify the applicant of the following:*

- **Food Licenses:** *Contact Health Department regarding Food License or the Food Establishment Plan Review applications.*
- **Future Modifications:** *If the applicant plans to have future modifications to the liquor license, such as a change of the floor plan, this would require another public hearing and approval by the Board in the future. Approval from other Town Boards may also be required, prior to any changes to the liquor license.*



Darin said he has been in contact with Health Director Frank Marchegiani about the food licenses. Noone said there are no other changes being contemplated at this time.

Chairman Snow called for a motion to close the hearing. Deana Ziev so moved, Christine Kneeland second, all in favor – roll call vote – Christine Kneeland – aye; Cliff Pierce – aye; Bob Snow – aye; Joe Perry – aye; Deana Ziev – aye.

Hearing closed at 6:27 p.m.

Ziev read the following:

*The current license describes the premises as, “Club House with an indoor food service area with bar and table seating and an outdoor deck, 42 person occupancy, 40 person seating capacity, maximum 24 seating capacity outside.” The inside floor plan provided with the transfer application shows hi-top and regular tables with forty seats pictured at these tables. There is no bar depicted on the floor plan, but there is a counter shown.*

*If there is no bar seating, the Board may wish to modify the description of the premises to reflect this. A suggestion is, “Club House with an indoor food service area with ~~bar and~~ table seating and an outdoor deck, 42 person occupancy, 40 person seating capacity, maximum 24 seating capacity outside.”*

Joe Perry made a motion to approve the transfer application with the suggested change to the description of the premises, Deana Ziev second, all in favor - aye (5-0).

## **ANNOUNCEMENTS**

1. The Town continues to be in a drought status. Please check the Town’s website for the latest information or call the Rowley Water Department at 978-948-2640 for more information.
2. The Board of Selectmen announces that a textile recycling bin has been placed in the rear parking lot of the Town Hall Annex at 39 Central Street. Residents can drop off clothing, shoes, linens, sheets, pillows, blankets, hats, duffle bags, belts, gloves, towels, draperies, handbags, tablecloths, bathrobes, and stuffed animals. All items must be dry, bagged, and placed into the bin. Please do not leave items on the ground.
3. The Town has the following board vacancies:
  - **Council on Aging**
  - **Conservation Commission**
  - **Open Space Committee**
  - **Rowley Cultural Council**
  - **Zoning Board of Appeals – Alternate member**

Interested residents should send a letter of interest to the Board of Selectmen.  
Positions are open until filled.

**ADJOURN**

Joe Perry made a motion to adjourn, Deana Ziev second, all in favor - aye (5-0).

Meeting adjourned at 6:31 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Written Executive Session motion
2. Meeting memo regarding General Business #1: Request from Police Chief Scott Dumas to appoint Edward Wilson to the position of Full-time 911 Telecommunicator Dispatcher
3. Request from Police Chief Scott Dumas to appoint Edward Wilson to the position of Full-time 911 Telecommunicator Dispatcher
4. Meeting memo regarding General Business #2: Request from Police Chief Scott Dumas to appoint Pamela Lutes to the position of Reserve "Per Diem" 911 Telecommunicator Dispatcher
5. Request from Police Chief Scott Dumas to appoint Pamela Lutes to the position of Reserve "Per Diem" 911 Telecommunicator Dispatcher
6. Meeting memo regarding General Business #3: Approve donation from Merrimack Valley Transit of surplus van for the Council on Aging Department
7. Letter from COA Director Ellie Davis regarding Donation of Ford 2015 E-350
8. Email from Noah Berger of MeVa regarding Ford 2015 E-350
9. Letter from MassDOT regarding 2022 Community Transit Grant Program award
10. Meeting memo regarding New Business #1: Discuss Hazard Mitigation Plan Update
11. Merrimack Valley Planning Commission 2022 Hazard Mitigation Plan Module 1
12. Presentation slides from Merrimack Valley Planning Commission for Merrimack Valley Regional Hazard Mitigation Plan Update
13. Meeting memo regarding Liquor License Renewal: BNR Rowley LLC, d/b/a Bradford Tavern 87 Haverhill Street
14. Inspection Certificate for BNR Rowley LLC, d/b/a Bradford Tavern 87 Haverhill Street
15. Meeting memo regarding Flea Market License Renewal: Frank and/or Shirley Todd d/b/a Todd's River Farm, LLC 275 Main Street
16. Excerpt from July 11, 2022 minutes
17. Excerpt from July 25, 2022 minutes
18. Revised Flea Market License issued to Todd's River View Farm, LLC as of 7/25/22

19. Meeting memo regarding 6:05 p.m. Appointment: Corey Matthews, owner of 255 Newburyport Turnpike Rowley LLC (Blue Boat), to discuss liquor license renewal application and plans to file a future application to transfer the liquor license
20. Draft minutes of December 5, 2022
21. Meeting memo regarding 6:15 p.m. Public Hearing: Application filed by Back Nine Tavern, LLC d/b/a Rowley Country Club, Manager of Record Theodore Speros, and Liquor License Manager Darin Chin-Aleong for the transfer of the on-premises seasonal wine and malt beverages liquor license currently issued to Rowley Golf Course LLC, d/b/a/ Rowley Country Club located at 237 Dodge Road
22. Current Liquor License Issued to Rowley Country Club
23. Public Hearing Notice for liquor license hearing
24. Copy of Public Hearing Notice advertised in Newburyport Daily News
25. Redacted liquor license transfer application and floor plans, excluding ABCC required supporting documentation
26. Submitted Affidavit of Notice to Abutters and Others for liquor license hearing
27. Comments from Health Director on liquor license transfer application
28. Comments from Police Chief on liquor license transfer application
29. Comments from Fire Chief on liquor license transfer application
30. Comments from Building Inspector on liquor license transfer application
31. Comments from Town Planner on liquor license transfer application
32. Comments from Conservation Agent on liquor license transfer application