

MINUTES OF THE BOARD OF SELECTMEN

December 6, 2021

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Clerk Robert Snow; Joe Perry; David Petersen (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) Vice Chairman Deana M. P. Ziev – ABSENT until 6:44 p.m.

PUBLIC ATTENDEES: Police Chief Scott Dumas; Brenden Doyle – Great Marsh Seafood; Bernie Cullen – 283 Wethersfield Street

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:03 p.m. He said the meeting is being video and audio recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

EXECUTIVE SESSION

To discuss strategy with respect to collective bargaining with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to 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 conduct collective bargaining session with MCOP pursuant to G.L. c.30A, Section 21(a)(2)

Chairman Pierce called for a motion to go into Executive Session for the following purposes:

To discuss strategy with respect to collective bargaining with the Massachusetts Coalition of Police (MCOP) Local 360 pursuant to 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 conduct collective bargaining session with MCOP pursuant to G.L. c.30A, Section 21(a)(2) and to return to open session.

Joe Perry so moved, Bob Snow second, all in favor – Bob Snow – aye; Joe Perry – Aye; Cliff Pierce – aye; David Petersen – aye. Deana M. P. Ziev – ABSENT

Executive Session opened at 6:04 p.m., and open session resumed at 6:36 p.m.

NEW BUSINESS

1. Update on the Triton District Communications Committee November meeting

Chairman Pierce read the following:

The next DCC meeting is scheduled for January 27, 2022 and Rowley is hosting it. The DCC schedule of meetings are as follows:

January 27, 2022----- 6:30pm - Hosted by Rowley

February 17, 2022----- 6:30pm- Hosted by Triton

March 17, 2022 ----- 6:30pm - Hosted by Salisbury

April 28, 2022 ----- 6:30pm- Hosted by Newbury

May 19, 2022 ----- 6:30pm- Hosted by Rowley

Joe will update the Board on the discussions that took place at the November meeting.

Perry said at the November meeting, they started outside the High School to look at the concrete and brickwork and then they went inside the building. He said the effects of the water damage are incredible and it will take a lot of money to fix this. He said he believes the School Committee will be applying for some assistance but they haven't committed to anything.

Petersen said the alternative assessment committee met last week, Salisbury was unable to attend, and they expect to sit down in January to discuss this. He said even if an alternate assessment is agreed to, all three towns will have to agree to use it annually and then Town Meeting needs to vote to approve it. He said if one Town objects then the State's formula needs to be used. Pierce asked if we could amend the regional agreement to allow this. Petersen said the amended agreement will outline what the alternative assessment is, but under State law, all three towns need to agree to use it each year.

Joe Perry said he is on another committee that is dealing with the ownership of the Pine Grove School. He said if you shook the school, anything that fell out was owned by the School Committee. He said right now anything under \$10,000 they can go ahead and do, but if it is over \$10,000 they have to bring it for a vote. He said they are talking about raising the threshold from \$10,000 to \$25,000.

2. Request from Village Pancake House, 26 Main Street, for a one-day liquor license

Chairman Pierce read the following:

The Village Pancake House is requesting a one-day liquor license for a bridal shower on Saturday, February 26, 2022. Chief Dumas has approved this request. The application is attached.

If the Board votes to grant this request, they will need to sign the One-Day Liquor License after the meeting.

Dave Petersen made a motion to approve this request, Bob Snow second, all in favor – aye (4-0). Deana M. P. Ziev – ABSENT

Selectman Ziev sat at the Selectmen's table at 6:44 p.m.

3. Approve Teamsters Local 170 Fire Union Memorandum of Agreement

Chairman Pierce read the following:

The Fire Union has approved the Memorandum of Agreement that changes the work schedule of full-time firefighters.

The Board needs to vote to approve and to sign the MOA.

Pierce said the Board went through the provisions in a previous meeting. Petersen read the information in bullet point #2 of the MOA and said we will have coverage from 6:00 a.m. – 6:00 p.m. seven days a week, and this seems to be the most effective schedule.

Joe Perry made a motion to approve and sign the MOA, Bob Snow second, all in favor – aye (5-0).

4. Award Occupational Safety and Health Administration Workplace Health and Safety Plan Development services contract to AAA OSHA Training & Safety Consultants

Chairman Pierce read the following:

We requested quotes from consultants to develop a Workplace Health and Safety Program for Town buildings and departments as part of the Town's OSHA compliancy requirements. The scope of this work includes: building safety inspections, creating written safety policies, compiling Workplace Health and Safety Plans, reviewing lock-out/tag-out procedures, compiling safety data sheets, and creating an Implementation Plan. This project will help the Town to comply with the MGL 149 Section 6 ½, which requires that public sector workplaces comply with OSHA requirements. The consultant's services are being funded by a Community Compact grant in the amount of \$15,000 and a \$20,000 appropriation.

The lowest quote was received from AAA OSHA Training and Safety Consultants of Winthrop:

<i>Base price:</i>	<i>\$3,400</i>
<i>Alternate 1: Lockout/Tagout Review</i>	<i>\$1,750</i>
<i>Alternate 2: Safety Data Sheets</i>	<i>\$800</i>
<i>Alternate 3: Implementation Plan Development</i>	<i>\$75/hour</i>

Total = \$5,950 + Implementation Plan Development @\$75/hr)

Natalie spoke with the references for AAA OSHA Training and Safety Consultants. All three references provided very positive feedback.

Debbie is requesting that the Board authorize her to contract with AAA OSHA Training and Safety Consultants, for the base price plus all alternates, and to authorize staff to work with AAA to determine the number of hours necessary to complete Alternate 3, based on the findings of the building audits, and within the limitations of the grant funds and Town Meeting appropriation.

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

OLD BUSINESS

1. Discuss status of Class II Dealer's License issued to Automotive Transport Service Inc. at 60 Main Street

Chairman Pierce read the following:

The previously issued Class II license issued to Automotive Transport Service Inc. at 60 Main Street designated the areas where the 13 used cars had to be parked in accordance with the 1995 Zoning Board of Appeals approved site plan. The Board of Selectmen, while reviewing the liquor license application for Anonymous Brewing, were made aware that a new site plan had been approved by the Rowley Planning Board for this property, which changed the parking areas designated for parking under the Class II license.

Upon review and advice of Tom Mullen, letters were sent to the applicant to invite him to submit an application for an amendment of his Class II license to reflect how the business is actually run now and will be once the new site plan is implemented.

On November 18th, the applicant returned the original license issued to him and submitted a complete application for his amended license. The new application calls for a 10 car limit, reduced from the previous 13 car limit. The new application requests outdoor parking for seven cars and indoor parking for 3 cars. The three indoor parking spaces would be in the same building shared by the brewery, and this space was previously used as a garage for car repairs. These three indoor parking spaces were not designated as parking spaces under the 1995 Zoning Board of Appeals approved site plan.

Town Planner Kirk Baker reviewed the applicant's request for parking spaces and agreed that the seven outdoor spaces marked on the plan comply with the site plan. Regarding the indoor spaces he said, "The only thing I would note is that if he is proposing additional cars parked inside the building for display purposes then that's outside the scope of the Planning Board's site layout review."

Chief Broderick reviewed the proposal for three indoor parking spaces and said, “Yes, as there is a new fire alarm system being installed as we speak and it is confirmed there is a rated fire wall between the two spaces, the FD is satisfied in the fire protection in the building.”

Building Inspector Ken Ward said, “Amy, 60 Main St is grandfathered for auto sales and repair. The unit Bob is in has a fire wall between units and has the necessary fire protection systems as required by fire and building codes. It would be unreasonable to not allow cars for sale to not be permitted to be allowed in garage to be worked on. I trust this answers your and the selectmen’s concerns.”

There was a follow up discussion with the Building Inspector to ask if parking and storing used cars for sale in part of this building is an allowed use, rather than only permitting the used cars to be allowed into the garage to be worked on. The Building Inspector said it is okay for one of the seven cars to be inside for a repair, but the repair shop is not to be considered for designated used car parking.

Does the Board wish to approve a Class II license with the requested seven outdoor parking spaces only per the approved site plan, without indoor parking? If so, does the Board wish to waive the \$200 application fee for this license amendment since the license will only be valid for the month of December? The applicant will have to pay a \$200 renewal fee for the license for calendar year 2022.

Dave Petersen made a motion to approve the Class II license for the 7 outdoor spaces and to waive the \$200 fee, Bob Snow second, all in favor – aye (5-0).

Petersen said this reduces the number of cars allowed. Eagan said we asked the Building Inspector if the garage could be used as a showroom and he said no, that it could only be used to repair cars.

2. Review Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract pursuant to State Law Chapter 268A Section 20(d) form filed by Sara Bourque

Chairman Pierce read the following:

At a prior meeting, the Board voted to contract with Marshwind Landscape Design, who is owned by Sara Bourque, for the landscaping phase of the Town Hall War Memorial Project. Because Sara is a Town official (she is a member of the Historic District Commission/Historical Commission), the Board asked her to contact the State Ethics Commission. The State Ethics Commission advised her to complete a Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract As Required by G.L. c.268A Section 20(d). This form requires approval of the Board of Selectmen.

Sara has submitted the form. The Board needs to review it and to vote to approve the exemption and to authorize Chairman Pierce to sign it on behalf of the Board.

Joe Perry made a motion to approve the exemption and to authorize Chairman Pierce to sign it on behalf of the Board, Deana Ziev second, all in favor – aye (5-0).

3. Review and discuss Division of Marine Fisheries certification of overwintering aquaculture license for The Great Marsh Shellfish Company and the issuance of an Overwintering Aquaculture License

Chairman Pierce read the following:

The Division of Marine Fisheries has notified the Board of Selectmen that it has certified the overwintering site for The Great Marsh Shellfish Company. See attached letter. The DMF says in the letter, that the Board of Selectmen can now issue the overwintering aquaculture for this area with the seven conditions listed in this letter. Christian Petitipas of DMF told Debbie that the Selectmen need to make sure that they correctly list the latitude and longitude coordinates on the license. Christian also says that the Selectmen can include any other conditions that the Town may want to include on the license.

Debbie has reached out to the Shellfish Department, Harbormaster, and Conservation Commission for comments and recommended Town conditions. The Shellfish and Harbormaster Departments do not have any comments beyond what the DMF is requesting.

The Conservation Commission has the following recommended condition:

To: Board of Selectmen

From: Brent Baeslack, Conservation Agent

RE: Aquaculture Overwintering License Site Certification: Doyle/O'Connell, Rowley

The Conservation Department has reviewed the submitted materials related to the above subject and the DMF approval of overwintering communication dated Nov. 2, 2021. The office offers for the Selectmen's consideration the following requirement:

The owner/applicant shall to the extent practical and not in conflict with any other requirement on the proposed activity, require the placement of weather proof identification tags with contact information on all cages or enclosures in order to identify the gear from this activity if separated and transported by storm or weather related events in order to facilitate return of cages or enclosures. If appropriate other pieces of gear maybe identified with tags to establish ownership.

Thanks for the opportunity to comment.

Brent Baeslack | Conservation Agent |

Brenden Doyle provides the following update to the DMF letter:

Hello,

Two quick updates I discussed with Chrissy last night (CC'd here for verification) One I request not to mark the buoys used for overwintering with a number different from my town issued permit number (AQ-19-01) I.E. all of my gear will be identified by the one unique number.

Second, the time period for moving gear out to and back from the overwintering should overlap enough to account for weather and other potential disruptions. I would like to request to be able to start using the over wintering area as soon as November 1st and be able to keep gear out there until as late as the 15th of May.

Thanks,

Brenden

On September 14, 2020, the Board of Selectmen issued a 10-year overwintering aquaculture to The Great Marsh Shellfish Company. Now, with the DMF site certification, the Board will need to vote issue a replacement license that contains the following:

- 1) The latitude and longitude of the overwintering site*
- 2) The seven DMF conditions*
- 3) The Conservation Commission's condition and any conditions that the Selectmen decide to include*
- 4) Specifies the length of the license; the license terms can be up to ten years.*

If the Board is in agreement, the Board will need to vote to issue a new overwintering aquaculture license to The Great Marsh Shellfish Company with the items listed above.

One important note, the DMF points out in their letter, that The Great Marsh Shellfish Company's site license is still subject to further regulation by the U.S. Army Corps of Engineers, Massachusetts Environmental Policy Office (MEPA), and Massachusetts Department of Environmental Protection.

Pierce asked if this is the final license needed so they can operate. Eagan said they still need to go to the U.S. Army Corps of Engineers, but this is the last action needed by the Board of Selectmen.

Dave Petersen made a motion to issue a new overwintering aquaculture license to The Great Marsh Shellfish Company that includes the following:

- 1) The latitude and longitude of the overwintering site
- 2) The seven DMF conditions
- 3) The Conservation Commission's condition and any conditions that the Selectmen decide to include
- 4) Specifies the length of the license; the license terms can be up to ten years.

Bob Snow second, all in favor – aye (5-0).

Eagan asked if the 10 year license should begin today. The consensus of the Board was yes. Brenden Doyle said the first crop has been planted and hopefully they should have a crop in two years.

LIQUOR LICENSE RENEWALS

- Rowley Veterans Association, Inc. 19 Bradford Street
- 255 Newburyport Turnpike Rowley LLC (Blue Boat) 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
- BNR Rowley LLC, d/b/a Bradford Tavern 87 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
- Andy Sunny Inc. d/b/a Rowley Convenience Smoke Shop 21 Main Street
- Briar Barn Inn, LLC, d/b/a Briar Barn Inn 101 Main Street
- Anonymous Brewing, LLC d/b/a Anonymous Brewing 60 Main Street

Deana Ziev made a motion to approve the liquor licenses as presented, Joe Perry second, all in favor – aye (5-0).

MINUTES

- November 22, 2021

Bob Snow made a motion to approve the minutes of November 22, 2021, Joe Perry second, all in favor – aye (3-0). Dave Petersen – ABSTAINED; Deana Ziev - ABSTAINED

ANNOUNCEMENT

Town of Rowley Tax Title Public Auction – Friday, December 17, 2021 at 12:00 p.m. at Town Hall. Six properties will be auctioned. For more information, please go to: zekosgroup.com or call Zekos Group Auctioneers at 508-842-9000

7:05 P.M. TO 7:10 p.m. PUBLIC COMMENT

There were no public comments.

Bob Snow made a motion to take a ten minute recess, Dave Petersen second, all in favor – aye (5-0).

Recess began at 7:06 p.m.

Dave Petersen made a motion to resume the open session meeting, Bob Snow second, all in favor – aye (5-0).

Open session resumed at 7:12 p.m.

7:15 p.m. JOINT MEETING BOARD OF ASSESSORS – TAX CLASSIFICATION HEARING

Chairman Pierce called the Joint Meeting with the Board of Assessors to order by calling for a motion to open the joint meeting.

Bob Snow so moved, Joe Perry second, all in favor – Bob Snow – aye; Joe Perry – aye; Cliff Pierce – aye; David Petersen – aye; Deana M. P. Ziev – aye.

Chairwoman D’Angeli called the Joint Meeting with the Board of Selectmen to order by calling for a motion to open the joint meeting.

Diane D’Angeli so moved, Jami Snow second, all in favor – Diane D’Angeli – aye; Jami Snow – aye; Don Thurston – aye.

Joint Meeting opened at 7:12 p.m.

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

Chairman Pierce stated that that notice of this public hearing was published in the November 24, 2021 edition of The Newburyport Daily News.

Chairman Pierce called for a motion of the Board of Selectmen to open the tax classification hearing.

Joe Perry so moved, Bob Snow second, all in favor – Bob Snow – aye; Joe Perry – aye; Cliff Pierce – aye; David Petersen – aye; Deana M. P. Ziev – aye.

Chairwoman D’Angeli called for a motion to open the tax classification hearing.

Diane D’Angeli so moved, Jami Snow second, all in favor – Diane D’Angeli – aye; Jami Snow – aye; Don Thurston – aye.

Hearing opened at 7:14 p.m.

Chairman Pierce called upon the Board of Assessors to make a presentation on the classification of the tax rates and a recommendation for fiscal year 2022.

Chairwoman D'Angeli said the Board of Assessors voted unanimously to recommend to the Board of Selectmen to keep a factor of one flat rate. She said Principal Assessor Sean McFadden will make a presentation.

McFadden said the handout is in the same format as in the past. He said the real estate market is hot everywhere and Rowley is no different. He said the prices are insane and the increase in an average single family home was \$48,000. He said they used 2020 sales data because it is a revaluation year and they looked at all classes. He said single family homes increased 10% along with increases in all other classes. He said the rate dropped and if a property's valuation increased 6% or less, then the taxes are either staying the same or decreasing. He said 1/3rd of the properties are seeing tax increases. He said he has included data on the sales of \$1,000,000 homes over the last three years. He said we have substantial growth of \$20,000,000, \$12,000,000 of which is from Falcon Ridge and Ipswich Bay Glass. He said there has been one sale at Falcon Ridge for \$850,000 and he expects one or two more sales of \$1,000,000 this year. He said regarding the shift onto commercial properties, once we get to 25% commercial it would be worthwhile to shift. Pierce said the current commercial percentage is 13.77% and these properties have seen increases as well.

Bernie Cullen said the State mandates the reassessment of all properties and asked where we stand with this. McFadden said there have been two project this year as follows:

- 1) Revaluation – mandated every five years – this is complete as of last Thursday. They do interim values in between the mandated revaluation.
- 2) Data Collection – mandated every ten years to verify all the data on file. This was supposed to be done in 2020 but was delayed due to COVID. 2/3rds of the Town or 1,500 properties will be completed this year and the rest will be done next year.

Cullen asked if the assessments in Vision are correct. McFadden said they are updated as of right now and they got final certification last Thursday. He said over the last two weeks the 2022 assessments were shown per the disclosure note on the website.

Chairman Pierce called for a motion of the Board of Selectmen to close the tax classification hearing.

Bob Snow so moved, Joe Perry second, all in favor – Bob Snow – aye; Joe Perry – aye; Cliff Pierce – aye; David Petersen – aye; Deana M. P. Ziev – aye.

Chairwoman D'Angeli called for a motion to close the tax classification hearing.

Diane D'Angeli so moved, Jami Snow second, all in favor – Diane D'Angeli – aye; Jami Snow – aye; Don Thurston – aye.

Hearing closed at 7:23 p.m.

Chairman Pierce called for a discussion on the tax classification rates by the Selectmen and Assessors. Petersen said he recommends keeping a 1 to 1 ratio.

Bob Snow moved to maintain the 1 to 1 ratio, Deana Ziev second, all in favor – Bob Snow – aye; Joe Perry – aye; Cliff Pierce – aye; David Petersen – aye; Deana M. P. Ziev – aye.

Diane D'Angeli moved to keep a factor of 1, Jami Snow second, all in favor – Diane D'Angeli – aye; Jami Snow – aye; Don Thurston – aye.

Bob Snow moved to close the Joint Meeting with the Board of Assessors, Deana Ziev second, all in favor – Bob Snow – aye; Joe Perry – aye; Cliff Pierce – aye; David Petersen – aye; Deana M. P. Ziev – aye.

Diane D'Angeli moved to close the Joint Meeting with the Board of Selectmen, Jami Snow second, all in favor – Diane D'Angeli – aye; Jami Snow – aye; Don Thurston – aye.

Joint Meeting closed at 7:25 p.m.

ADJOURN

Bob Snow made a motion to adjourn, Deana Ziev second, all in favor – aye (5-0).

Meeting adjourned at 7:25 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Written Executive Session motion
2. Meeting memo regarding New Business #1: Update on the Triton District Communications Committee November meeting
3. Email from Linda Litcofsy regarding District Communication Meeting Date change
4. Meeting memo regarding New Business #2: Request from Village Pancake House, 26 Main Street, for a one-day liquor license
5. Village Pancake House, 26 Main Street, application for a one-day liquor license
6. Meeting memo regarding New Business #3: Approve Teamsters Local 170 Fire Union Memorandum of Agreement
7. Teamsters Local 170 Fire Union Memorandum of Agreement

8. Meeting memo regarding New Business #4: Award Occupational Safety and Health Administration Workplace Health and Safety Plan Development services contract to AAA OSHA Training & Safety Consultants
9. Bid submitted by AAA OSHA Training & Safety Consultants
10. Meeting memo regarding Old Business #1: Discuss status of Class II Dealer's License issued to Automotive Transport Service Inc. at 60 Main Street, including 5 attachments
11. Meeting memo regarding Old Business #2: Review Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract pursuant to State Law Chapter 268A Section 20(d) form filed by Sara Bourque
12. Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract pursuant to State Law Chapter 268A Section 20(d) form filed by Sara Bourque
13. Quote from Marshwind Landscape Design dated October 21, 2021
14. Mass General Law Chapter 268A, Section 20
15. Meeting memo regarding Old Business #3: Review and discuss Division of Marine Fisheries certification of overwintering aquaculture license for The Great Marsh Shellfish Company and the issuance of an Overwintering Aquaculture License
16. Letter from Division of Marine Fisheries regarding Overwintering Aquaculture License
17. Current overwintering license issued to The Great Marsh Shellfish Company
18. Email from Conservation Commission regarding Aquaculture Overwintering License Site Certification: Doyle/O'Connell Rowley
19. Email from Harbormaster regarding Aquaculture Overwintering License Site Certification: Doyle/O'Connell Rowley
20. Email from Shellfish regarding Aquaculture Overwintering License Site Certification: Doyle/O'Connell Rowley
21. Email from Brenden Doyle regarding Aquaculture Overwintering License Site Certification: Doyle/O'Connell Rowley
22. Meeting memo regarding Liquor License renewals
23. Draft minutes of November 22, 2021
24. Meeting memo regarding Tax Classification Hearing
25. Tax Classification Hearing Notice
26. Tax Classification Hearing information packet