

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

December 23, 2019

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

7:00 p.m.

**MEMBERS PRESENT:** Chairman Cliff Pierce; Clerk Robert Snow; David Petersen; Deana M.P. Ziev (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon) Vice Chairman Joseph Perry - ABSENT

**PUBLIC ATTENDEES:** Lawrence White – FINCOM; David Zizza – FINCOM; Bernie Cullen – 283 Wethersfield Street

### **CALL MEETING TO ORDER**

Chairman Pierce called the meeting to order at 7:01 p.m. He said the meeting is being video recorded and televised live by Rowley Community Media.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **GENERAL BUSINESS**

1. Appoint Donald Dupray and David MacMullen to the Veterans Committee

Chairman Pierce read the following:

*A review of our records shows that Donald Dupray, a Certified Call Fire Fighter for the Town, and Police Sergeant David MacMullen were appointed to the Veterans Committee as the Fire Department and Police Department representatives during the December 9 Board of Selectmen meeting. After that meeting, Mr. Breaker confirmed their interest to serve on the Committee. There is no further action needed on this item.*

*We will complete an Official Action Notice for the appointment of Mr. Dupray and Sergeant MacMullen and request that they schedule a time to be sworn in with the Town Clerk.*

2. Letter of resignation from Rowley Community Media Production Technician Ethan Cohen

Dave Petersen made a motion to accept Ethan Cohen's resignation with regrets, Bob Snow second, all in favor – aye (4-0). Joe Perry - ABSENT

3. Request from Rowley Community Media Director Janet Morrissey to lift the hiring freeze for the position Production Technician

Chairman Pierce read the request from Janet Morrissey.

Dave Petersen made a motion to lift the hiring freeze, Bob Snow second, all in favor – aye (4-0). Joe Perry - ABSENT

4. Certificate of Appreciation from the United States Marine Corps Reserves for outstanding support for the Toys for Tots program

Chairman Pierce read the certificate.

Bob Snow made a motion to accept the certificate, Deana Ziev second, all in favor – aye (4-0). Joe Perry - ABSENT

### **NEW BUSINESS**

1. Authorize the issuance of Request for Proposals to lease a portion of land on Smith Lane for a cell tower

Chairman Pierce read the following:

*Debbie has been working on the RFP documents for the lease of land where the Sprint/SBA tower is located off Smith Lane. The current lease expires in October 2020 and under State law, we need to re-issue the RFP. SBA operates Sprint's cell towers. SBA has expressed an interest in continuing leasing the land. Regardless of SBA's desire to continuing the lease, they are aware that they will need to follow the process outlined in the RFP.*

*The Cell Tower rent brings in approximately \$30,000 per year in revenue. Also, the Water Department has an antenna on this tower.*

*Tom Mullen has reviewed the draft and made changes as needed. Debbie needs to fill in the dates in the document. Debbie is seeking the Board of Selectmen's approval to release the RFP pending her final edits on the dates.*

Dave Petersen made a motion to authorize Eagan to release the RFP pending her final edits on the dates, Bob Snow second, all in favor – aye (4-0). Joe Perry - ABSENT

Bernie Cullen asked how the \$30,000 is arrived at. Eagan said this is a new RFP, and the base starts at \$35,000. She said this is a new lease and we are finishing the old lease. She said there is a 3% escalation each year.

2. Set meeting schedule for January, February and March of 2020

Chairman Pierce read the following:

*The proposed meeting schedule for the next three months is as follows:*

*January 6, 2020  
January 13, 2020  
January 20, 2020– No Meeting – Martin Luther King, Jr. Day  
January 27, 2020  
February 3, 2020  
February 10, 2020  
February 17, 2020– No Meeting – Washington’s Birthday  
February 24, 2020  
March 2, 2020  
March 9, 2020  
March 16, 2020  
March 23, 2020  
March 30, 2020*

Pierce said he will be absent on March 9<sup>th</sup>.

Dave Petersen made a motion to approve the meeting schedule, Bob Snow second, all in favor – aye (4-0). Joe Perry - ABSENT

### **OLD BUSINESS**

1. Update on Pine Grove School Project

Pierce said there is no update.

2. Approve emergency generator disposition to Dave Buchter, the highest bidder

Chairman Pierce read the following:

*The Town auctioned the old Police Station generator on Municibid.com, a municipal auction website. The auction closed on December 17 at 10:00 a.m.*

*There were two active bidders for the generator auction. The starting bid price was \$6,500. The highest bid when the auction ended was from Dave Buchter (Cresco, PA) in the amount of \$7,400.*

*Please vote to sell the surplus generator to Dave Buchter, the highest bidder, in the amount of \$7,400. We will then coordinate with Mr. Buchter to schedule a time for him to pick up the generator.*

Bob Snow made a motion to sell the surplus generator to Dave Buchter, the highest bidder, in the amount of \$7,400, Deana Ziev second, all in favor – aye (4-0). Joe Perry - ABSENT

Bernie Cullen asked if it is being sold as is. Eagan said yes.

### **LIQUOR LICENSE RENEWAL**

- Ezee LLC d/b/a Ezee Variety 300 Newburyport Turnpike Unit 5

Chairman Pierce read the following:

*Ezee LLC d/b/a Ezee Variety has not been operating for over one year at 300 Newburyport Turnpike.*

*The new owner of the 300 Newburyport Turnpike plaza called the office today to express his concern about the liquor license being renewed for EZEE LLC at 300 Newburyport Turnpike. He said there is no lease agreement with EZEE LLC.*

*Today Old Planters of Cape Ann has been getting Town Department Head signatures on their building permit for work on their store front in this location. The Board has signed a Host Agreement with Old Planters of Cape Ann for a retail marijuana establishment at this location. The Planning Board issued the Special Permit to Old Planters on March 13, 2019. Old Planters will need to request a review for the Certificate of Compliance, which they haven't requested yet.*

*We recommend that the Board not renew the license with EZEE due to the feedback from the owner of the building. Andy Sunny can submit a new application for an Off Premise Retail Wine and Malt liquor license. There are three Off Premise Retail Wine and Malt liquor licenses available. This transfer application has been complicated, and the new license application shouldn't be too difficult for them to complete based on the information in the transfer application.*

Pierce said not renewing this will require Andy Sunny to apply for a new license, and there are three available. Eagan said there is no issue with the license cap from the State. She said we were unaware that the owner of EZEE LLC did not have an agreement with the new property owner, and we thought this had been worked out between the parties. She said at this point given the complexities on the renewal, it is easier if the Selectmen deny this renewal. Pierce said we aren't denying anything, but the Board would not be renewing the license.

Dave Petersen made a motion to not renew the license for EZEE LLC, Bob Snow second, all in favor – aye (4-0). Joe Perry - ABSENT

### **ANNOUNCEMENTS**

- Eastern Essex Veterans Board of Directors Meetings are now being video-recorded and shown on Rowley Community Media
- Toys for Tots Drop off box – Town Hall
- Vacancies:
  - 1) One vacancy on the Conservation Commission;

- 2) One vacancy on the Zoning Board of Appeals Associate seat; and
  - 3) Several vacancies on the Rowley Cultural Council
- Interested residents should send a letter of interest to the Board of Selectmen or call the Selectmen's Office at 948-2372.

### **ADJOURN**

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Deana Ziev second, all in favor - aye (4-0). Joe Perry - ABSENT

Meeting adjourned at 7:12 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

### **ATTACHMENTS:**

1. Open House announcement for Children's Librarian Teri Bennett
2. Board of Selectmen Public Comment Policy
3. Meeting memo regarding General Business #1: Appoint Donald Dupray and David MacMullen to the Veterans Committee
4. Letter of resignation from Rowley Community Media Production Technician Ethan Cohen
5. Request from Rowley Community Media Director Janet Morrissey to lift the hiring freeze for the position Production Technician
6. Certificate of Appreciation from the United States Marine Corps Reserves for outstanding support for the Toys for Tots program
7. Meeting memo regarding New Business #1: Authorize the issuance of Request for Proposals to lease a portion of land on Smith Lane for a cell tower
8. Draft Request for Proposals to lease a portion of land on Smith Lane for a cell tower
9. Meeting memo regarding New Business #2: Set meeting schedule for January, February and March of 2020
10. Meeting memo regarding Old Business #1: Update on Pine Grove School Project
11. Meeting memo regarding Old Business #2: Approve emergency generator disposition to Dave Buchter, the highest bidder
12. Meeting memo regarding Liquor License renewal