

## MINUTES OF THE BOARD OF SELECTMEN MEETING

January 7, 2019

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:** David Zizza – Fincom; Henry Rolfe; Bernard Cullen – 283 Wethersfield Street; Lawrence White – Fincom; Michelle Ford – Board of Library Trustees; Janet Peabody – Board of Library Trustees; Maggie Lemelin – Board of Library Trustees; Jacqueline Trojan – Board of Library Trustees; Mark Behrenger – Board of Library Trustees; Thomas Glenn Blakney – Board of Library Trustees; Jenny Patterson – Board of Library Trustees; Guillaume Buell

### **CALL MEETING TO ORDER**

Chairman Pierce called the meeting to order at 7:03 p.m. He said the meeting is being audio and video recorded and broadcast live via Rowley Community Media.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**7:00 p.m. JOINT MEETING WITH BOARD OF LIBRARY TRUSTEES** for the purpose meeting with Kimberley Klibansky and Elizabeth Cullen to discuss the vacant seat on the Board of Library Trustees

Chairman Pierce read the following:

*Two residents, Kimberley Klibansky and Elizabeth Cullen, have expressed an interest in being appointed to a vacant seat on the Board of Library Trustees. Ms. Klibansky's and Ms. Cullen's letters/resumes are attached. Both individuals have meet with the Chairwoman of the Board of Library Trustees, Maggie Lemelin and Library Director Pamela Jacobson.*

*A copy of the Vacancy Notice is attached.*

*Because this is an opening on an elected Board, the statute requires both the Board of Selectmen and Board of Library Trustees to meet jointly to make this appointment. This appointment runs until the Annual Town Election, May 14, 2019.*

Pierce asked if the applicants were present. Elizabeth Cullen was present, but Kimberley Klibansky was not present.

Chairman Cliff Pierce called for a motion and a second from the Board of Selectmen to open the Joint Meeting with the Board of Library Trustees by a roll call vote. Bob Snow so moved, Joe Perry second, all in favor – roll call vote – Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye. Bob Merry did not respond to the roll call vote.

Chairwoman Maggie Lemelin called for a motion and a second from a member of the Board of Library Trustees to open the Joint Meeting with the Board of Selectmen by a roll call vote. Michelle Ford so moved, Thomas Glenn Blakney second, all in favor – roll call vote – Michelle Ford – aye; Janet Peabody – aye; Maggie Lemelin – aye; Jacqueline Trojan – aye; Mark Behrenger – aye; Thomas Glenn Blakney – aye; Jenny Patterson – aye. Carolyn Bartlett – ABSENT.

Joint Meeting opened at 7:06 p.m.

Elizabeth Cullen said she has been active in other organizations, she is a good customer of the Library. She said the Library is crucial to the Town and she would like to help with its' strategic plan. Maggie Lemelin recommended the appointment of Elizabeth Cullen. Petersen said both individuals are extremely well qualified, and either would do a great job. Lemelin agreed and said they should run for the seat in the election in May. Pierce said Cullen will need to run for re-election in May.

Maggie Lemelin made a motion to accept the application and letter of interest from Elizabeth Cullen and recommended her appointment to the Board of Library Trustees, Janet Peabody second, all in favor – roll call vote – Michelle Ford – aye; Janet Peabody – aye; Maggie Lemelin – aye; Jacqueline Trojan – aye; Mark Behrenger – aye; Thomas Glenn Blakney – aye; Jenny Patterson – aye. Carolyn Bartlett – ABSENT.

Joe Perry made a motion to appoint Elizabeth Cullen to the Board of Library Trustees, Dave Petersen second, all in favor – roll call vote – Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye. Bob Merry did not respond to the roll call vote.

Bob Snow made a motion to close the Joint Meeting with the Board of Library Trustees, Dave Petersen second, all in favor – roll call vote – Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye. Bob Merry did not vote. Bob Merry did not respond to the roll call vote.

Maggie Lemelin made a motion to close the Joint Meeting with the Board of Selectmen, Michelle Ford second, all in favor – roll call vote – Michelle Ford – aye; Janet Peabody – aye; Maggie Lemelin – aye; Jacqueline Trojan – aye; Mark Behrenger – aye; Thomas Glenn Blakney – aye; Jenny Patterson – aye. Carolyn Bartlett – ABSENT.

Joint Meeting closed at 7:13 p.m.

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

Larry White of Central Street said when calculating the FY20 budget, Triton is looking at the budget approved at the Special Town Meeting, and not at the budget that both Rowley and Salisbury approved at their Annual Town Meetings. He said he wants to know what changes have been made so that we don't go down the same rabbit hole as last year. Pierce said we still don't know a lot of details as of the last DCC meeting, such as health insurance or enrollment figures. White said the health insurance costs are under negotiation, but doesn't expect a decrease that will make an impact on the Town's assessments. He said Triton is looking for a \$1,800,000 increase, which is about \$600,000 for each Town. He said this figure is nowhere near the \$290,000 that Rowley told the School Committee they could afford. He said we are going down the same path as last year.

Mark Behrenger of 115 Bennett Hill Road asked who is responsible for the extensive drainage system being installed in the development near him. He said he attended an open house and there was no mention regarding the maintenance of the system, yet the Conservation Commission indicated that the homeowners would be responsible. Pierce said these are Form A lots with adequate frontage, so this did not require Planning Board review. Behrenger said they removed a lot of earth and asked if they pulled an earth removal permit. Eagan said they should have, but the Building Inspector was not aware that earth was being removed until after it happened. Behrenger said there should have been more information and a better flow of information between the committees. Petersen said Behrenger should talk to Conservation Agent Brent Baeslack and he can fill him in on what the process should be. Eagan said she will contact Baeslack for more information. Perry said he lives on Bennett Hill Road and saw several 18 wheeler loads of earth removed. Behrenger said there were 100 18 wheeler loads of earth removed.

Guillaume Buell of 69 Spencer Knowles Road urged the Board to look for solutions for the Recycling Center. He said this was a nice attraction to the Town and is an important service.

### **GENERAL BUSINESS**

1. Department of Agricultural Resources request for annual designation of Animal Control Officer

Chairman Pierce read the following:

*We have received the annual designation form from the State Department of Agricultural Resources of the Town's Animal Control Officer.*

*The Board needs to vote to designate Reed Wilson as the Town's Animal Inspector and authorize Chairman Pierce to sign the designation form.*

Bob Snow made a motion to designate Reed Wilson as the Town's Animal Inspector and authorize Chairman Pierce to sign the designation form, Joe Perry second, all in favor - aye (5-0).

Pierce signed the form.

2. Request from Cannabis Control Commission for Town to sign updated Host Community Agreement Certification Form

Dave Petersen made a motion to sign the updated Host Community Agreement Certification Form, Bob Snow second, all in favor - aye (5-0).

Pierce said this is an update of what they did before, and he signed the form.

3. Request from Sylvia Wood, President of the Friends of the Rowley Council on Aging to place a container at the Town Hall Annex for Annual Shoe Drive Fundraiser

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

### **NEW BUSINESS**

1. Request from Crown Castle to approve the modification of Verizon'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.*

Pierce read the second paragraph of Crown Castle's letter detailing the modifications.

Joe Perry made a motion to authorize Chairman Pierce to sign the approval form, Bob Snow second, all in favor - aye (5-0).

2. Request from Library Director Pamela Jacobson to increase the Fiscal Year 2019 expenditure cap of the Library Revolving Fund

Chairman Pierce read the following:

*This request requires approval of both the Board of Selectmen and Finance Committee in accordance with G.L. c.44 §53E1/2.*

*The Library Revolving fund is authorized under the Departmental Revolving Fund Bylaw and the Annual Town Meeting of April 30, 2018 set the limit at \$2,500.00*

*Attached are the following:*

- *Request from Library Director Pam Jacobson*
- *Departmental Revolving Fund Bylaw (See Line #9)*
- *April 30, 2018 ATM Warrant Revolving Fund Article (authorizing \$2,500 cap)*
- *G.L. c.44 §53E1/2 (see the fourth page of this attachment for paragraph authorizing revolving fund expenditure cap)*

Joe Perry made a motion to increase the Library Revolving Fund cap to \$5,000, Bob Snow second, all in favor - aye (5-0).

## **OLD BUSINESS**

1. Pine Grove School Project:

- Discuss Pine Grove School Furniture Fixtures and Equipment purchases for Phase 5 of the renovation project
- Discuss the Clerk of Work hours under the Pinck & Company Owner's Project Manager contract
- General project update

### **Discuss Pine Grove School Furniture Fixtures and Equipment purchases for Phase 5 of the renovation project**

Perry said the initial proposal seems high and Dore & Whittier was asked to look into this. He said they are still seeking bids for this and asked that this item be postponed.

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

### **Discuss the Clerk of Work hours under the Pinck & Company Owner's Project Manager contract**

Perry said due to the termite damage in the All Purpose Room, the Clerk of the Works worked more hours than planned, so Pinck & Company may need to add more hours

into the contract. He said Berger is a senior level Clerk of the Works, and Pinck has proposed to put a more junior person in charge in order to keep the costs down. He said they will give us a formal proposal.

### **General project update**

Perry said they did a fantastic job on the kitchen and this will be the first week that hot lunches have been served from the new kitchen.

## 2. Fire Station and Police Station Addition Project Update

Chairman Pierce read the following:

*The project is moving along at a good pace. Work continues in the existing police station. The finish work continues in the Fire Station. The project is on track to be completed at the end of this month.*

Petersen said the final pavement and landscaping will be done in the spring. He said both buildings will be completed by the end of the month and the Fire Department is moving in in March.

**7:30 p.m. PUBLIC HEARING** Rowley Veterans Association, Inc., 19 Bradford Street, Rowley, Alcoholic Beverages Liquor License application

Chairman Pierce read the Notice of Public Hearing.

Joe Perry made a motion to open the Public Hearing, Bob Snow second, all in favor - aye (5-0).

Public Hearing opened at 7:34 p.m.

Chairman Pierce stated that the hearing was advertised in the December 27, 2018 edition of The Daily News and read the following:

- a) *The applicant has paid all taxes, water bills and electric bills.*
- b) *The Building Inspector, Police Chief, Fire Chief, Coordinator of Health Services, and Town Planner comments are attached.*
  - o *The Police Chief, Coordinator of Health Services, and Building Inspector did not bring up any concerns about this application.*
  - o *The Fire Chief listed seven issues of concern – memo attached.*
  - o *The Town Planner said any future proposed outdoor seating or activities would require Planning Board approval first.*

Pierce read through the concerns from the Fire Chief. He asked the applicant what hours they are seeking for the service of alcohol and if these hours are the same as the hours previously approved - 9a.m. – 1 a.m. weekdays and 11 am – 1 am on Sundays. Caroline Jean said she didn't realize they were allowed to open at 9:00 a.m. and said they will change to a 11:00 a.m. opening.

Pierce asked Caroline Jean the following questions:

1. Are you TIPS certified? Caroline answered yes.
2. Please describe your experience running a bar operation. Caroline said she is a senior level bartender with 18 years of experience at a club in Ipswich. She said she was a HR Manager for five years with the State. She said she is comfortable with the business side and staffing. She said she is comfortable with Massachusetts liquor laws.
3. How many bartenders will be working at the RVA? Are they all TIPS certified? Caroline said there are currently 8, with two shifts. She said all bartenders are TIPS certified.
4. Who will the Assistant Manager be? Caroline said they are waiting to see how the operation runs and then will determine that. She said she wants to be available to Town representatives from 8:00 a.m. to 1:00 p.m. most days. She says she also checks in on the night shift and closes. She said this has been a full time job.

Pierce read the written comment received from abutter David Zizza. He said Zizza is requesting a 10:00 p.m. closing time for the upstairs. Steve Morris said there is nothing going on upstairs except for them flushing the toilets periodically.

Dave Petersen made a motion to close the Public Hearing, Bob Snow second, all in favor - aye (5-0).

Public Hearing closed at 7:44 p.m.

Petersen said he has been critical of this operation, but it appears that the new manager is on top of things and has a lot of qualifications. He said he spoke to the Building Inspector today and the new manager has been responsive to him and has asked him for guidance. He said this seems to be a turn for the better and he is in favor of the application at this time. Eagan said if and when the Building Inspector issues the Occupancy Permit for the second floor, the RVA will need to file an Alteration of Premises application, which will require a public hearing process. Steve Morris said they are aware of that.

Joe Perry made a motion to approve the liquor license application submitted by the RVA, Bob Snow second, all in favor - aye (5-0).

Pierce read the following:

*Amy will prepare the Local Licensing Authority Summary Form tomorrow, and will let the Board know when this is ready to be signed. The application, along with the Summary Form, needs to go to the ABCC for further review.*

Petersen said the RVA cannot start serving alcohol now. Morris said the RVA will be closed, but there will be people there doing work on the building while it is closed.

### **OLD BUSINESS**

#### 3. Discuss Recycling Center

Chairman Pierce read the following:

*The Recycling Center on Route 1 at the State Mass. DOT property has closed. A significant amount of trash was removed from the site by the Town's Highway Department.*

*The FY 19 appropriated funds for this service have been expended to cover the astronomical increases in recycling costs. The original FY 19 Recycling Expense appropriation was \$8,510. This budget was level funded for the past several years. Last year, when China stopped taking recycling items from the United States, the entire global recycling market collapsed. The Selectmen increased the Recycling Expense Budget by \$10,490 for a FY 19 total of \$19,000. This amount was used to carry the Town to the end of calendar year 2018.*

*We have found a possible new site for the Recycling Center on town-owned land on Route 1. It is just under one acre of land and is at 516 Newburyport Turnpike. Attached are the Assessors property card and ConCom's aerial maps. Does the Board wish to authorize Debbie to get estimates on the amount needed to building a Recycling Center in this location? Some things to consider are: fencing, gravel v. pavement, purchase of recycling bins v. renting. The plan will be to get the estimates in time to put an article on the Spring Town Meeting warrant. Additionally, we should plan to budget in FY 20 at least \$55,000 in Recycling expenses.*

Pierce said this would be an excellent location since it is on Route 1 and in the center of the Town. He said the Conservation Agent thinks that there are no wetlands at this location. He said we need to consider the costs of recycling. Eagan said we should estimate \$4,500 per month to be safe for operational costs. She said we will also need capital money to create the site. She said for many years the annual budget amount of \$8,500 was not spent in twelve months, but there has been a huge increase in the costs. Petersen said this location is on the south bound side of Route 1, across from

the Olive Café. He said it is a 1 acre wooded lot, and it is essential to have fencing and security systems due to issues with people dumping items. He said we could clear a quarter acre and put the site off the road so that there is tree coverage. He said we need to estimate costs to clear the site, install a gravel base, install a security fence along the front and maybe halfway around the area, to buy or rent bins, and a firm monthly operational cost. He said people need to do a better job cleaning their items, and we may need to staff the center with two people to assist the recyclers. He said we have to see if we have money in the budget, and then put this on the warrant and let the voters decide to fund it or not.

Bernie Cullen said they looked into using the Water Department site at 401 Central Street, since there is an existing fence, but there would not be enough room with snow removal areas needed, and there are also wetlands behind the building. He said a quarter acre might not be large enough. Petersen said the area behind the Police and Fire Stations is cramped already, and the parking is needed for the fields. Pierce said this proposed location is tax title property.

Larry White said he uses the Salisbury recycling facility and we need to find out what the recycling company will take and what their specific requirements are. He said Salisbury is set up somewhat like a drive-through. Petersen said what the companies will take is dictated by the market. He said the second Saturday of the odd month, the Boy Scouts collect newspaper and cardboard behind the Congregational Church. He said they are getting a larger collection box with the anticipated increase resulting from the Recycling Center closing. He said we should put a notice about this on the website.

Guillaume Buell of Spencer Knowles Road asked if we had considered co-locating a site with a neighboring town, such as Newbury. Petersen said Newbury and Georgetown use Mello's and charge. He said we may need to consider this. Pierce said Newbury is open to all with no charge. Larry White said Salisbury charges \$25 per year for a sticker. Pierce said the surrounding towns already have developed recycling sites. Petersen said the people want a location within Rowley.

Pierce said he is inclined to say that the site should be paved. He said gravel is hard to plow and will get an icy build-up. He said when it rains, it gets very messy. He said it will cost more money to pave the area, but we should look into it. Petersen said when they empty the recycling bins, it digs up the pavement. Eagan said an engineer should do a site plan, and we will get an estimate from a contractor and bring it back to the Board.

Dave Petersen made a motion to authorize the Town Administrator to begin looking into this and getting costs and the report back to the Board of Selectmen, Bob Snow second, all in favor - aye (5-0).

## **MINUTES**

- November 19, 2018

Bob Snow made a motion to approve the minutes of November 19, 2018, Bob Merry second, all in favor - aye (5-0).

- December 3, 2018

Bob Snow made a motion to approve the minutes of December 3, 2018, Joe Perry second, all in favor - aye (5-0).

## **ANNOUNCEMENTS**

- 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, Dave Petersen second, all in favor - aye (5-0).

Open meeting adjourned at 8:08 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS**

1. Meeting memo regarding 7:00 p.m. Joint Meeting with Board of Library Trustees for the purpose meeting with Kimberley Klibansky and Elizabeth Cullen to discuss the vacant seat on the Board of Library Trustees
2. Notice of vacant seat on the Board of Library Trustees

3. Email letter of interest from Kimberley Klibansky and attached resume
4. Letter of interest from Elizabeth Cullen
5. Board of Selectmen Public Comment Policy
6. Meeting memo regarding General Business #1: Department of Agricultural Resources request for annual designation of Animal Control Officer
7. Department of Agricultural Resources request for annual designation of Animal Control Officer
8. Signed designation form for Animal Control Officer
9. Meeting memo regarding General Business #2: Request from Cannabis Control Commission for Town to sign updated Host Community Agreement Certification Form
10. Request from Cannabis Control Commission for Town to sign updated Host Community Agreement Certification Form
11. Host Agreement with Ipswich Pharmaceutical Associates, Inc.
12. Request from Sylvia Wood, President of the Friends of the Rowley Council on Aging to place a container at the Town Hall Annex for Annual Shoe Drive Fundraiser
13. Meeting memo regarding New Business #1: Request from Crown Castle to approve the modification of Verizon's equipment at the cell tower at 124 Haverhill Street
14. Request from Crown Castle to approve the modification of Verizon's equipment at the cell tower at 124 Haverhill Street
15. Email from Kirk Baker regarding request from Crown Castle to approve the modification of Verizon's equipment at the cell tower at 124 Haverhill Street
16. Meeting memo regarding New Business #2: Request from Library Director Pamela Jacobson to increase the Fiscal Year 2019 expenditure cap of the Library Revolving Fund
17. Request from Library Director Pamela Jacobson to increase the Fiscal Year 2019 expenditure cap of the Library Revolving Fund
18. Excerpt from Rowley General Bylaws for Authorized Revolving Funds
19. Massachusetts General Law Chapter 44, Section 53E1/2
20. Excerpt from Annual Town Meeting Warrant dated April 30, 2018 detailing expenditure caps on revolving funds
21. Meeting memo regarding Old Business #1: Pine Grove School Project: Discuss Pine Grove School Furniture Fixtures and Equipment purchases for Phase 5 of the renovation project; Discuss the Clerk of Work hours under the Pinck & Company Owner's Project Manager contract; General project update
22. Meeting memo regarding Old Business #2: Fire Station and Police Station Addition Project Update
23. Meeting memo regarding 7:30 p.m. Public Hearing: Rowley Veterans Association, Inc., 19 Bradford Street, Rowley, Alcoholic Beverages Liquor License application
24. Notice of Public Hearing for Rowley Veterans Association, Inc. liquor license
25. Application package for new liquor license submitted by Rowley Veterans Association, Inc.

26. Memo from Amy Lydon regarding Comments on RVA Liquor License application, including attached comments
27. Email from RVA abutter David Zizza
28. Meeting memo regarding Old Business #3: Discuss Recycling Center
29. Assessors card for 516 Newburyport Turnpike
30. Two aerial maps for 516 Newburyport Turnpike
31. Draft minutes of November 19, 2018
32. Draft minutes of December 3, 2018