

MINUTES OF THE BOARD OF SELECTMEN

July 24, 2023

Rowley Fire Station, 473 Haverhill Street, Rowley, MA

6:00 p.m.

MEMBERS PRESENT: Chairman Cliff Pierce; Vice Chairman Christine Kneeland; Clerk Deana Ziev; Robert Snow; Sheri David (Town Administrator Deborah Eagan; Assistant Town Administrator Amy Lydon)

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 6:00 p.m. He said the meeting is being audio and video recorded by Rowley Community Media.

PLEDGE OF ALLEGIANCE

Chief Dumas led the Pledge of Allegiance.

PUBLIC COMMENT

There were no public comments.

6:05 p.m. APPOINTMENT Police Chief Scott Dumas to introduce Behavioral Health Clinician Robin Reid who works as part of the regional Jail Diversion Grant Program offered through the Department of Mental Health

Chairman Pierce read the following:

In early 2022, the Rowley Police Department sought to pursue a Behavioral Health Clinician through a Jail Diversion Grant Program offered through the Department of Mental Health to help close a service gap in our communities. The Rowley Police Department, acting as lead agency but collaborating with Georgetown, Boxford, Newbury, and Groveland, were successful in receiving that grant and in turn, the implementation of the program, which has been active in the five communities for a little more than 4 months. Having recently had our first oversight Committee meeting, I wanted to introduce our clinician, Robin Reid, and speak a little bit more in-depth on the program and the services offered.

Dumas said they identified a gap in services for people with behavioral health issues, whose only way to get into the system is to get arrested. He commended Joy Stanton who wrote the grant for the five communities to be able to participate in this program, gathered all the data, and coordinates with Robin. He said on July 18th Bob Snow took part in the first Oversight Committee meeting. He said Robin had been on board for 106 days and there have been about 87 incidents. He said the program has been effective and Robin is working on Monday nights in Rowley. He said this has been very successful and he couldn't be more pleased.

Robin said she has her Bachelor's degree in Social Work from Salem State and her Master's in Criminal Justice from University of Massachusetts Lowell. She

said she has various work experience in the field and has been working here since April 3rd. She said she works for Lahey, is in a different community each day based on the needs and has focused on the following:

- Crisis de-escalation and outpatient referrals
- Introducing herself to people who make frequent calls to the Police Department
- Supporting families and being an outlet to listen to them
- Reaching out to local social workers and being a back-up to providers in the region

She said people are starting to call her and the word is getting out. Pierce said Robin is the only person for five communities and asked how she does it all. Robin said she has been a social worker for a long time and she is used to being busy. She said she has been welcomed in the five departments and the families are grateful. Dumas said the grant allows a secondary position if the numbers warrant it. Snow said the oversight meeting was the best meeting he has been to in a long time and kicked off with an overview of mental health. He said he worked in communities with a lot of mental health issues and he is excited to have this in the community. He said the police see these people everyday and the clinician helps bring anxiety down. Dumas said the officers are seeing the benefit as well. Snow said Joy did a wonderful job on the presentation.

GENERAL BUSINESS

1. Accept Council on Aging donations

Chairman Pierce read the following:

COA Director Ellie Davis has provided the Board with the attached sheet showing a monetary donation to support the COA programs. In accordance with State law, G.L. c.44 §53A, the Board needs to vote to approve this donation.

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

2. Letter of resignation from Police Officer Carolyn Lynch

Chairman Pierce read the following:

Carolyn Lynch has submitted her resignation from her position as Police Officer. The Board needs to vote to accept her resignation and send her a letter of thanks for her service to the Town.

Bob Snow made a motion to approve this resignation with regrets, Christine Kneeland second, all in favor – aye (5-0).

3. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Police Officer

Chairman Pierce read the following:

Chief Dumas is asking the Board to lift the hiring freeze so that he can post the position of full-time police officer due to the resignation of Carolyn Lynch.

Bob Snow made a motion to lift the hiring freeze for this position, Christine Kneeland second, all in favor – aye (3-0). Deana Ziev – ABSTAINED; Sheri David - ABSTAINED

6:15 p.m. PUBLIC HEARING Liquor License Transfer Application filed by North Shore Cantina, Inc. d/b/a The American Barbeque, President/Treasurer/Secretary and Director Mark McDonough for the transfer of the on-premises annual all alcoholic beverages liquor license currently issued to The Great American Barbeque d/b/a The American Barbeque at 5 Railroad Avenue

Chairman Pierce read the following:

NOTE: A copy of the redacted application has been included in your packet. Also included is a narrative and supporting document/photos that address the items on the attached Guidelines for Outdoor Alcoholic Beverage Service Areas issued by the ABCC. All other supporting documentation to the application is in the file for this transfer application.

Chairman Pierce read the notice of public hearing.

Chairman Pierce called for a motion to open the hearing. Chairman Pierce stated that the hearing was advertised in the July 10, 2023 edition of The Daily News. Chairman Pierce called the applicants forward and asked them to discuss their application.

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

Public Hearing opened at 6:16 p.m.

Jill Mann said she is here on behalf of the applicant with Monica Hauenstein. She said Serenity Group runs and manages the entity hopefully taking over the restaurant and Monica has been working for the entity for 15 to 16 years and will be the onsite manager. She said they have entered into a Purchase and Sales Agreement and the current owners want to retire. She said they plan to continue the business as is and take it over with a Serenity touch, and keep as many employees as they can, with some of their employees. She said the lot has two non-conforming buildings. She said there is a home occupied by the General Manager of the restaurant who they hope will stay

on and live in the house, with Monica being the licensed manager. She said Serenity Restaurant Group has a professional Board of Directors and runs 10 restaurants, which allows them to give better benefits to the employees and better relationships with vendors. She said they have applied for a Management Agreement and they are seeking the same hours and maintain the outdoor patio. She said the menu will be the same with the Serenity Touch from Executive Chef Jeff Calla. She said Serenity has been operating for decades and there was only one issue with the ABCC a very long time ago. She said the staff are Servesafe and TIPS certified. She said there is a sole owner of Serenity which has a professional Board.

Pierce continued:

There are no overdue taxes, water bills or electric bills at this location.

The Police Chief, Fire Chief, Building Inspector, Town Planner and Conservation Agent did not have any comments or concerns on this application. The ZBA did not provide any comments. The comments from Health Director Frank Marchegiani are:

The Health Department has reviewed the provided transfer liquor license application. The current septic system for the restaurant has been approved for 125 seats as stated in the application. The number of indoor seats has been confirmed to match the 79 seats shown on the floor plan provided. Based on this information, the outdoor seating area cannot exceed 46 seats. A Title 5 inspection of the two septic systems on the property has not been received at this point. Confirmation of compliance needs to be on file prior to the sale of the property and issuance of a food license by the Board of Health. A food license application has been submitted to the office, the department will work with the applicant on additional required paperwork and fees prior to opening. As with all on-premises liquor licenses, the Health Department strongly recommends servers and managers be TIPS certified.

Mann said the servers and bartenders will be TIPS certified. Sheri David said the hours are 9:00 a.m. Monday – Saturday. Mann said they will start service at 11:00 and do not want the license to start at 9:00 a.m.

Chairman Pierce asked if there is anyone present at the meeting who would like to speak on the application. He asked that they clearly state their name and address.

Mr. Warner of 8 Railroad Avenue said it was said that the hours would be the same, and then it was said that the closing time would be midnight. He said they close now at 9:00 p.m. and asked what time they will be closing. Monica said typically the kitchen will close at 9:00 p.m. on weekdays and at 10:00 p.m. on Friday and Saturday, and the bar will be open based on volume. She said they are seeking midnight in case there is an event, but it would be rare that it happens. Mr. Warner said Steve Pierro applied for 9:00 p.m. and now they are looking to change to 12:00 a.m. which would cause this to become a bar, but Steve set it up as a restaurant so people wouldn't sit and drink all night long. Monica said she doesn't see it changing much from what it already is. Mann said closing at 9:00 p.m. would be problematic and it isn't a good business model, but

they will stop service at a certain point. Pierce said midnight is late in a residential neighborhood. Monica said it is common for their licenses to be issued until midnight, but it isn't common to be open that late. She said it is important to them to be good neighbors, and they aren't looking to promote this as a bar.

Judy Warren from 8 Railroad Avenue said they are never open until midnight and there isn't any business after 8:00 p.m. Monica said they need the hours so that people can finish their meals and drinks. Mann said they aren't looking to open until 11:00 a.m. and they have other restaurants in residential areas. She said neighbors should reach out if they have any issues.

Andrea O'Neill from 364 Main Street asked for more information on the events. Monica said they don't have any plans to have events and plan to operate it as it is. She said the Serenity touch includes a reward card and adding sushi. Mann said it is not and will never be a function hall. She said they won't close to the public but may be asked to have an off hours graduation party, with these types of events limited to the indoor space. She said to have televisions they need an Entertainment license, so there will be no outdoor entertainment.

Mr. Warner from 8 Railroad Avenue asked if there will be no more free Thursday concerts. He said they aren't complaining, just asking questions about the hours and if they plan to turn this into a bar.

Mann said they are a restaurant and they offer food to people while they are there, but cannot force them to order food. She said this is not a General On Premises license. Snow said he has been to functions for the Rotary there for about 40 people. Pierce said the hours will be the same except the beginning time will be 11:00 a.m. indoor and outdoor.

Chairman Pierce called upon the members of the Board of Selectmen if they have any further questions or comments.

Pierce 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.*

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

Public Hearing closed at 6:35 p.m.

Deana Ziev made a motion to approve the liquor license transfer, Christine Kneeland second, all in favor – aye (5-0).

Pierce read the following:

If the Board approves the application, 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 and approval.

GENERAL BUSINESS

4. Letter of resignation from Eastern Essex Veterans Services Director Karen Tyler

Chairman Pierce read the following:

Karen Tyler has submitted her resignation to the Eastern Essex Veterans Services District Board of Directors. Does the Board of Selectmen wish to send a letter of thanks to Karen for her service to the Town of Rowley veterans?

Bob Snow made a motion to approve this resignation with regrets, Christine Kneeland second, all in favor – aye (5-0).

5. Request from Town Administrator Deborah Eagan to appoint Frank Miller to the position of Town Accountant and to appoint Carrie Kennedy Temporary Town Accountant for office coverage

Chairman Pierce read the following:

Debbie respectfully requests the Board to appoint Frank Miller to the position of Town Accountant. Mr. Miller has extensive experience in accounting and auditing and holds a Master's in Business Administration from Columbia University. He is a certified public accountant and has held positions with Salem Five Bank, The Hartford Financial Services Group, UBS, and Bear Sterns. Due to his extensive work history and qualifications, Debbie is requesting the Board set his starting salary at Step #7 of Pay Grade #13, which is \$78,624.

If the Board is agreement, please vote as follows:

- 1) *To appoint Frank Miller to the position of Town Accountant effective on a date to be determined by Debbie and Mr. Miller.*
- 2) *To set Frank Miller's starting pay rate at Grade #13, Step #7 for an annual salary of \$78,624.*

In the interim, Debbie has been grateful for the continued assistance of Sue Bailey and Carrie Kennedy to keep the Accounting Office running at this busy time of year. Carrie will continue providing accounting services until Frank is able to take over the office. We need Carrie and Sue to assist Frank in the transition. Sue will be available for questions and assistance on a very limited basis. Debbie is asking that the Board to vote to appoint Carrie Kennedy as Temporary Town Accountant effective July 10, 2023.

Christine Kneeland made a motion to appoint Carrie as Temporary Town Accountant effective July 10, 2023, Bob Snow second, all in favor – aye (5-0).

Christine Kneeland made a motion to appoint Frank Miller to the position of Town Accountant effective on a date to be determined by Debbie and Frank Miller and to set his starting pay rate at Grade #13, Step #7 for an annual salary of \$78,624, Deana Ziev second, all in favor – aye (5-0).

OLD BUSINESS

1. Kid's Kingdom Playground Construction Project Update

Chairman Pierce read the following:

We received good news last week. The State Department of Conservation and Recreation has signed off on the State Contract for the \$75,000 Earmark Grant for the Kid's Kingdom Playground Accessibility project.

The contractor, T Ford Company, has made great progress. The pour-in-play surface is done, the walkway has been paved, and the new swing set has been installed. We are hoping that that playground project will be completed by early to mid-August. After construction is finished, the contractor will have the playground inspected by a certified playground inspector. If it passes the inspection, then it can be opened, but we will need to section off the area where we are trying to grow grass. We are ahead of schedule. The project completion date is August 31.

MINUTES

- June 26, 2023

Bob Snow made a motion to approve the minutes of June 26, 2023, Deana Ziev second, all in favor – aye (5-0).

- July 10, 2023

Bob Snow made a motion to approve the minutes of July 10, 2023, Christine Kneeland second, all in favor – aye (5-0).

- July 10, 2023 – Executive Session

Christine Kneeland made a motion to approve the minutes of July 10, 2023 – Executive Session, Bob Snow second, all in favor – aye (4-0). Deana Ziev - ABSTAINED

ANNOUNCEMENTS

1. The YMCA Rowley Pool at Camp Cedar Mill, 390 Wethersfield Street is open to residents for the summer. The pool hours are as follows:

- Tuesday, Wednesday, & Thursday – 3:30 p.m. – 6:00 p.m.
- Saturdays & Sundays – 10:00 a.m. – 4:00 p.m.
- Swim lessons – Thursdays 4:30 p.m. – 6:00 p.m.
- Sundays – 10:00 a.m. – 12:00 p.m.

Rowley resident also have the following benefits:

- Free Aqua Exercise Class
- Discounted swim lesson pricing
- Discounted Cedar Mill Camp pricing

2. The Town has the following board vacancies:

- **Planning Board Associate**
- **Conservation Commission**
- **Council on Aging**
- **Open Space Committee** as of July 1, 2023
- **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

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

Meeting adjourned at 6:43 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 6:05 p.m. Appointment: Police Chief Scott Dumas to introduce Behavioral Health Clinician Robin Reid who works as part of the regional Jail Diversion Grant Program offered through the Department of Mental Health
2. Email from Chief Dumas regarding Clinician Introduction
3. Meeting memo regarding 6:15 p.m. Public Hearing: Liquor License Transfer Application filed by North Shore Cantina, Inc. d/b/a The American Barbeque, President/Treasurer/Secretary and Director Mark McDonough for the transfer of

the on-premises annual all alcoholic beverages liquor license currently issued to The Great American Barbeque d/b/a The American Barbeque at 5 Railroad Avenue

4. Liquor License Hearing: Public Hearing Notice
5. Liquor License Hearing: Current Liquor License Issued to The Great American Barbeque d/b/a The American Barbeque
6. Liquor License Hearing: Copy of Public Hearing Notice advertised in Newburyport Daily News
7. Liquor License Hearing: Redacted transfer application and floor plans, excluding ABCC required supporting documentation
8. Liquor License Hearing: Guidelines for Outdoor Alcoholic Beverage Service Areas issued by the ABCC
9. Liquor License Hearing: Applicant's narrative and supporting document/photos that address the items on the attached Guidelines for Outdoor Alcoholic Beverage Service Areas issued by the ABCC
10. Liquor License Hearing: Affidavit of Notice to Abutters and Others
11. Liquor License Hearing: Comments from Health Director
12. Meeting memo regarding General Business #1: Accept Council on Aging donations
13. List of Council on Aging donations
14. Meeting memo regarding General Business #2: Letter of resignation from Police Officer Carolyn Lynch
15. Letter of resignation from Police Officer Carolyn Lynch
16. Meeting memo regarding General Business #3: Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Police Officer
17. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of Police Officer
18. Meeting memo regarding General Business #4: Letter of resignation from Eastern Essex Veterans Services Director Karen Tyler
19. Letter of resignation from Eastern Essex Veterans Services Director Karen Tyler
20. Meeting memo regarding General Business #5: Request from Town Administrator Deborah Eagan to appoint Frank Miller to the position of Town Accountant and to appoint Carrie Kennedy Temporary Town Accountant for office coverage
21. Redacted application package from Frank Miller
22. Memo from Deborah Eagan to Board of Selectmen regarding Town Accountant Finalist
23. Job Vacancy Notice for Town Accountant
24. FY24 Nonunion Compensation Schedule
25. Meeting memo regarding Old Business #1: Kid's Kingdom Playground Construction Project Update
26. Draft minutes of June 26, 2023
27. Draft minutes of July 10, 2023

Minutes of the Board of Selectmen Meeting

July 24, 2023

Approved August 21, 2023