

MINUTES OF THE BOARD OF SELECTMEN

June 18, 2020

Recorded from Town Hall, 139 Main Street, Rowley, MA
2:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 2:01 p.m. He read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the meeting in real time. Persons who wish to do so are invited to watch the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at www.townofrowley.net or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/528878749> can also dial in using your phone by calling [+1 \(646\) 749-3112](tel:+16467493112) and using access code 528-878-749. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the meeting will be made available on the Town's website as soon as possible.

2:00 p.m. APPOINTMENT – Town Moderator Joan Petersen to discuss lowering the June 22, 2020 Annual Town Meeting and June 22, 2020 Special Town Meeting quorum due to the COVID-19 Health Emergency

Chairman Pierce read the following:

The Board is meeting today with Town Moderator Joan Petersen to discuss lowering the quorum of the June 22, 2020 pursuant to Chapter 92 of the Acts of 2020 due to the COVID-19 Emergency. THIS ACTION, IF TAKEN, ONLY APPLIES TO THE JUNE 22, 2020 TOWN MEETING.

The following notice was published in the June 10, 2020 edition of The Newburyport Daily News, June 9 online version of The Local News, and the June 10, 2020 printed edition of The Local News. Chairman Pierce will read the notice into the record:

NOTICE – June 22, 2020 Rowley Town Meeting Quorum

The Rowley Board of Selectmen and the Rowley Town Moderator hereby give notice that they will meet on Thursday, June 18, 2020 at 2:00 p.m. to consider whether to prescribe the number

of voters necessary to constitute a quorum at the June 22, 2020 Annual Town Meeting and June 22, 2020 Special Town Meeting to be held at the Triton Regional High School at 112 Elm Street, Byfield, MA. This meeting is being held in accordance with the provisions of Chapter 92 of the Acts of 2020 and the Governor's March 10, 2020 State of Emergency. The Board of Selectmen and the Town Moderator will consider a quorum that is less than the Town of Rowley Town Meeting Bylaw quorum. The quorum prescribed by the Town Meeting Bylaw is 100 registered voters; the Selectmen could vote to reduce that number to as few as 10.

We have been working closely with the Rowley Health Department in setting up the Town Meeting and following COVID-19 requirements. Also, the Massachusetts Department of Public Health has issued "Guidance for Town Meetings to Address COVID-19." The DPH Town Meeting Guidance addresses the following components of Town Meetings: Attendance, Social Distancing, Face Coverings, Cleaning and Disinfecting and Hygiene Protocols, and Notification of Positive Case. Under the Attendance section, the DPH advises a reduction of quorum as allowed by Chapter 92 of the Acts of 2020. (See attached.)

The Board and Town Moderator need to discuss the matter. Chairman Pierce can ask attendees for input. If the Board votes to lower the quorum, it must be a roll call vote.

Pierce said we should take advantage of the special legislation and reduce the quorum to a low enough number so that we can immediately start Town Meeting at 6:30 p.m. without having to wait for the 100 person quorum with the COVID emergency. Moderator Joan Petersen said she totally agrees. She said there is no place in Town to hold the meeting large enough for social distancing, so the meeting is being held at Triton. She said a group was at Triton today for two hours setting up and marking the chairs and she feels confident we can hold Town Meeting. She said we can go as low as ten people. She said the Town needs to move forward and be able to function with budgets set for next year, and if we don't get a quorum, we will have to hold Town Meeting on another night. Pierce said just because the quorum is reduced, it doesn't limit anyone from coming who wants to come to Town Meeting. Moderator Petersen said there are close to 150 seats available in the auditorium, so it would be wonderful if 100 people show up. Snow said in Georgetown, 200 people showed up even though there was a 100 person quorum. He said we need to get the meeting behind us, we aren't trying to do anything shady, we are just trying to get the Town's business done. Ziev said she agrees that we need to reduce the quorum, and hopefully 100 people come, but if not we won't have to wait to start the meeting. She said she has heard that many people don't want to leave their homes to come to Town Meeting, she is 100% for lowering the quorum to as low as Joan Petersen thinks we should lower to. Pierce recommended lowering the number to 20. Joan Petersen said she will go along with what the Board would like to do. She said the Department of Public Health strongly encourages a reduced quorum, and the Town budgets need to be approved so the Town can continue to function. Perry said he agrees with Ziev and there are too many people who don't want to go out for Town Meeting. Dave Petersen said a good percentage of the attendees at Town Meeting are the elderly, who won't come this year either due to COVID or because the meeting is being held at Triton. He said the

quorum should be lowered to 20, but we encourage everyone to still come. He said the Triton auditorium can hold approximately 150 people. He said if the quorum is left at 100 and we don't get 100 people, we will have to postpone the meeting, and he questioned if people would come to Town Meeting in July or August or even in the fall. He said the Town budget and the school budget needs to be set and if not we will have to have a 1/12th budget. He said it is essential to reduce the quorum to 20, which is just the minimum number of people needed to conduct Town Meeting, and we are happy to have 100 or more attendees.

Snow asked if Rowley Community Media will be able to show Town Meeting live. Joan Petersen said Janet Morrissey was there today and she believes so. Eagan said there are some technical difficulties since we are not wired into the cable system in Newbury. She said Janet is trying to set up streaming access over the internet, and then put the stream onto Rowley Community Media. She said Janet is working on this, and it seems to be okay, but there may be technical difficulties with this, and everyone needs to understand that this isn't the same as having the live feed from the Pine Grove School. Larry White from the Finance Committee said he is in favor of reducing the quorum to 10 or 20 maximum. He said if the quorum is reduced to 20, it is not a not-to-exceed number, but rather a minimum number required to have the meeting. He said due to the issues from having the meeting at Triton and with COVID, he is in favor of reducing the quorum to between 10 and 20. Ziev said it is important for people to know that we will do our best to live stream the meeting, but there will not be virtual participation. She said people can't ask questions from home, and they need to be in attendance to do so. Eagan said legislation has passed to allow remote participation if you have a representative Town Meeting, but Rowley has an open Town Meeting form of government.

Deana Ziev made a motion to reduce the Town Meeting quorum for a one-time date on June 22, 2020 for both the Annual and Special Town Meetings to 20 people, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Deana Ziev – aye; Joe Perry – aye.

Moderator Petersen said there will be signs by the flagpole at Triton to direct people to door #4. She said inside, there will be markers for appropriate social distancing. She said people will need to state their name and address at check-in for contact tracing if needed. She said masks will be required, and the seats that people should sit in will be marked. She said there will be three seats in between people, with an empty row between rows, and seats staggered in the rows. She said there is an area for the Finance Committee, visitors and couples who wish to sit together. She said there will be a microphone runner and two bathrooms in the back of the auditorium. She said there will be one door for entry and one door for exit. She said the stage will be set up for appropriate social distancing. She said people will need to raise their hands if they need to leave their seats, and dismissal from Town Meeting will be done by rows. She said the microphones will be wiped down before the next person speaks.

Dave Petersen said we have gone above and beyond to make this as safe as possible. He said there are cones in the hallway marking six feet of distance, and people will be directed to go to an orange marked seat, which have been okayed by the Board of Health. He said bathrooms are available, but you need to ask permission. He said if people have a question or comment they should raise their hand and a person with a portable microphone will go to them. He said the weather is expected to be hot, and there is no air conditioning, so people should dress comfortably. He said the primary concern is to get the budgets passed. He said people should call Joan, him or Debbie if they have any questions and we want this to go as smoothly as possible.

Joan Petersen said the people with the portable microphones will need to have masks and gloves on, and will use the empty rows to get the microphones where they are needed. She said the doors will be opened for air circulation once the meeting starts. She said there cannot be any gatherings or conversations outside the building. Dave Petersen said if 100 or more people come, and a vote is not voice unanimous, green and red paper which will be given out at the check-in will be used to do a hand count. White said we will not be doing temperature checks. Joan Petersen said that is correct.

Pierce read the following:

Also under this agenda item, Debbie is asking the Board and the Moderator if Town department heads should be asked to not attend the Town Meeting, as a way to reduce the number of people in the Auditorium. If the Board decides they should not attend, Debbie will get a message out to them prior to Town Meeting. The one exception is Health Director Frank Marchegiani. He is planning to attend the Town Meeting to assist with the COVID requirements.

Pierce said he believes we should ask the department heads not to come to reduce the number of people at the meeting, but Health Director Frank Marchegiani should be there. Dave Petersen said he would like to clarify that they are talking about department heads that live outside of town, but they encourage Board members who live in town to come to the meeting and answer questions on the articles for their departments. Eagan said we will need the Town Accountant to be there, but department heads who report to a Board or Commission who live out of town should not come, and let a member of their Board or Commission answer questions. Dave Petersen said we are not barring them from coming, but recommending that they don't come.

The consensus of the Board was to encourage non-resident department heads not to come to Town Meeting.

John Serafini said he sent a letter to the Moderator asking permission under Section 11 of the bylaw to address Town Meeting on the street acceptance article. Dave Petersen said he has a conflict of interest on this because Joan Petersen is his wife. He said the Town Meeting body votes yes or no on this, and if it votes yes, he will be allowed to speak.

NEW BUSINESS

1. Discuss opening Kid's Kingdom Playground

Chairman Pierce read the following:

Under the Governor's Phase 2 Re-Opening Plan, playgrounds are permitted to be open with restrictions.

The Health Department is recommending Kids Kingdom Playground be open and has sent the Board of Selectmen the following recommendations on opening it:

The Board of Health is aware that Rowley residents are anxious to use the Town's playgrounds as soon as possible. However, the public should be aware that in accordance with CDC guidance, playgrounds generally require normal routine cleaning but do not require disinfection.

The Board of Health recommends the Board of Selectmen open the Town's playgrounds as soon as possible with the following warnings:

- ***Users are warned that the playground equipment is not cleaned to the Covid19 standard for public buildings***
- ***Face coverings required for everyone over the age of two 2 when social distancing of 6 feet or more cannot be maintained***
- ***No groups larger than 10***
- ***Avoid using playground when social distancing cannot be maintained***
- ***After visiting the playground, users should wash their hands or use hand sanitizer***
- ***Children and adults who feel sick or are recovering from an illness should not visit the playground***

The Board of Health will post signs at the public playgrounds that will include the above warnings.

Thank you,

Frank Marchegiani, Health Director

Is the Board in agreement to open the playground with the conditions stated above, which will be posted on site by the Health Department? If so, the Board needs to vote to open the playground with the conditions as stipulated by the Health Department and to vote by roll call.

Petersen said people need to keep in mind that nobody will be there monitoring, and it will be people's own responsibility to self-monitor.

Deana Ziev made a motion to open the playground with the conditions stipulated by the Health Department, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Deana Ziev – aye; Joe Perry – aye.

2. Request from Todd Farm LLC, 283 Main Street, to modify hours and days of operation under existing Flea Market License

Chairman Pierce read the following:

We have received the attached request from Todd Farm LLC to add two additional shopping days per week to their current operating hours of Sundays (March – December) 5:00 am to 3:00 pm. They are requesting additional days and hours of 6 am to 1 pm on Fridays and Saturdays, starting this Friday June 19, 2020.

- *Health Director Frank Marchegiani: “The Health Department respectfully asks if you decide to grant the request for additional days that it be conditionally approved pending submission of the COVID-19 Control Plan and the signed COVID-19 Checklist to the Health Department. These two documents were attached to the email request to the Board of Selectmen.”*
- *Fire Chief Broderick: “The FD has no concerns with this request.”*
- *Police Chief Dumas: “Traffic and parking is an issue as it has been every Sunday but I don’t see it be any worse than any given Sunday. We will be proactive if this is approved.”*

Does the Board wish to vote to conditionally approve this request upon receipt of written confirmation from the Health Department that the COVID 19 Plan is complete? If so, Amy will prepare an updated temporary license listing the expanded operating hours and will let the Board know when it is ready for their signatures. The license will not be released until we receive written confirmation from the Health Department that the COVID 19 plan is complete.

Petersen said he isn’t sure if any abutters have been advised of the additional days. He said with concerns about parking and traffic he recommends authorizing Saturdays only and if that goes okay and they don’t get any negative feedback the Friday hours can be added. He said his concern is that they will want these hours on a long-term basis, and we need to get the input from the abutters. Pierce said he is concerned about the neighbors too, and there is already tension there. He said they are requesting this to lower the number of vendors due to COVID, but he doesn’t see how they will commit to this, and he doesn’t think the additional hours should be approved at this time. He said they should discuss this with the Health Department and the Selectmen can take this up at the next meeting. Ziev said she agrees, and how will they limit the number of people who can attend? She said it will be difficult to maintain social distancing and she wonders if there will be a cap on the number of people.

Dave Petersen made a motion to authorize the additional hours on Saturday only, subject to an approved COVID plan from the Health Department, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Dave Petersen – aye; Deana Ziev – aye; Joe Perry – aye. Cliff Pierce – NO.

Snow asked if they will be open on Sundays. Eagan said they already have a license from the Board of Selectmen to be open on Sundays, and this request was to open on Friday and Saturday. Ziev asked if they can add a restriction that this permission is only allowed during the COVID crisis. Eagan said this would be allowed until the expiration of the license since that was not stipulated in the previous vote.

Dave Petersen made a motion to limit the Saturday hours to the timeframe that the State is in a State of Emergency as declared by the Governor, and to re-address this once the State of Emergency is lifted, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Dave Petersen – aye; Deana Ziev – aye; Joe Perry – aye. Cliff Pierce – NO.

3. Class II License application from Thomas C. Mannetta Jr. d/b/a Legendary Motors LLC at 28 Forest Ridge Drive

Chairman Pierce read the following:

This application is still being reviewed by Department heads. This will be on the June 29, 2020 meeting agenda.

FY 20 MGL Ch. 44 § 33B(b) Budget Transfers

1. Request from Harbormaster to transfer funds from Pumpout Boat Wages to Assistant Harbormaster Wages

Bob Snow made a motion to approve this transfer, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Deana Ziev – aye; Joe Perry – aye.

2. Request from Harbormaster to transfer funds from Pumpout Boat Wages to Deputy Harbormaster Wages

Bob Snow made a motion to approve this transfer, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Dave Petersen – aye; Deana Ziev – aye; Joe Perry – aye.

ANNOUNCEMENTS – TOWN MEETING – JUNE 22, 2020

- The June 22, 2020 Town Meeting has been moved to the Triton Regional High School Auditorium at 112 Elm Street, Byfield MA due to social distancing spacing issues.

- Please arrive early. Doors will open at 6:00 p.m. Town Meeting start time is 6:30 p.m.
- Attendees are required to face coverings or wear mask.
- Seats which allow for appropriate social distancing will be marked.

ADJOURN

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Dave Petersen second, all in favor – aye roll call vote – Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye; Cliff Pierce – aye.

Meeting adjourned at 2:51 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 2:00 p.m. Appointment – Town Moderator Joan Petersen to discuss lowering the June 22, 2020 Annual Town Meeting and June 22, 2020 Special Town Meeting quorum due to the COVID-19 Health Emergency
2. Posted Notice about June 22, 2020 Rowley Town Meeting Quorum
3. Guidance from the State titled, “Guidance for Town Meetings to Address COVID-19”
4. Meeting memo regarding New Business #1: Discuss opening Kid’s Kingdom Playground
5. Meeting memo regarding New Business #2: Request from Todd Farm LLC, 283 Main Street, to modify hours and days of operation under existing Flea Market License
6. Request from Todd Farm LLC, 283 Main Street, to modify hours and days of operation under existing Flea Market License
7. Comments from Health Department regarding Flea Market request
8. Comments from Fire Department regarding Flea Market request
9. Comments from Police Department regarding Flea Market request
10. Meeting memo regarding New Business #3: Class II License application from Thomas C. Mannello Jr. d/b/a Legendary Motors LLC at 28 Forest Ridge Drive
11. Meeting memo regarding FY 20 MGL Ch. 44 § 33B(b) Budget Transfer Requests
12. FY 20 MGL Ch. 44 § 33B(b) Budget Transfer Request from Harbormaster to transfer funds from Pumpout Boat Wages to Assistant Harbormaster Wages
13. FY 20 MGL Ch. 44 § 33B(b) Budget Transfer Request from Harbormaster to transfer funds from Pumpout Boat Wages to Deputy Harbormaster Wages