#### MINUTES OF THE BOARD OF SELECTMEN MEETING

June 18, 2018 Meeting held at Town Hall, 139 Main Street, Rowley, MA 5:45 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:** Larry White – FinCom; Bernie Cullen – 283 Wethersfield Street; Katherine DeSilva – New England Parenting Expo; Michele Pierro – The American BBQ; Steve Pierro – The American BBQ; Ursula Corben; Edward Dello Iaconno Sr. – Atlantic Auto Solutions; Arthur Corben

#### CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 5:45 p.m.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

<u>5:45 p.m. APPOINMENT</u> Steven Pierro to discuss Liquor License Change of Hours Application for The Great American Barbeque, 5 Railroad Avenue

Chairman Pierce read the following:

Please see the attached memo which outlines the current serving hours for the Great American Barbeque; the serving hours that are regulated by the ABCC; the extended hours that the Town may approve; and the approved hours for the existing All Alcohol On-Premises licenses for establishments in Town.

The Selectmen can approve the Change of Hours Application tonight or they can elect to have a public hearing on this application.

The Police Chief, Fire Chief, Building Inspector and Health Services Coordinator do not have any comments or concerns about this application. The Town Planner's comments are as follows:

Amy,

The BBQ restaurant hours listed as pertaining to Monday to Saturday timeslots are an addition to the limited number of early servers (being the third one on the list below), but this appears to be within the regulatory parameters listed below. Otherwise, the hours proposed appear to be more restrictive than the others listed. There is no formal

Special Permit or Site Plan Review conditions associated with the property therefore there are no land use development constraints that would affect the request.

While the use is located along a major artery through town I would point out that this use (which may have an outdoor seating component) also borders a residential area along Railroad Avenue. If the BOS has the option to impose conditions of use they may consider that hours for service of alcohol to outdoor seating areas be limited to times compatible with abutting residential.

Thanks Kirk Baker Rowley Town Planner

Email: kirk.baker@townofrowley.org

Phone: 978-948-5549

Pierce said their existing hours are until 10:00 p.m. and they are looking to change them until 12:00 a.m. daily. Petersen asked if the outside areas would be limited to 10:00 p.m. Pierce said they are in a residential neighborhood and he thinks 10:00 p.m. is late enough for the whole restaurant. He said if they wish to extend the hours we should have a public hearing on it. Steve Pierro said outside, the mosquitos will bother people and they won't stay outside late. He said other restaurants are near homes and he doesn't want to have to close down when people are there watching games. Pierce said he understands why they are requesting later hours, but we have to consider that the restaurant is located in the middle of a residential neighborhood and is close to abutting neighbors. Michele Pierro said if the hours can't be expanded, they may have to reconsider their investment in the building. She said many people go out to eat at 8:00 p.m. Perry said he agrees with Pierce that there should be a public hearing about this. Steve Pierro said they are okay with stopping outside serving at 9:00 or 10:00 p.m., but need at least one additional hour inside only. He said his immediate neighbors have signed off on this, and he has been a great neighbor. Petersen said Spud's is allowed to serve until midnight, but they usually close by 10:00 p.m. He said the hours for The Great American Barbeque can be extended with a stipulation that the Board will reconsider the extended hours if we receive complaints. He said he understands a lot of money is being invested in the renovations, and the outside hours can be restricted to 9:00 or 10:00 p.m. Merry said they should be allowed to serve until 10:00 p.m. outside. Petersen read the serving hours for the other restaurants in Town and said he has no objection to this request as long as they don't create any issues.

Bob Merry made a motion to approve the following extended serving hours for The American Barbeque: inside until midnight daily and outside until 10:00 p.m. daily, and

to see how this goes, Dave Petersen second, all in favor - aye (4-0). Cliff Pierce – OPPOSED.

#### **GENERAL BUSINESS**

1. Letter of resignation from Library Youth Services Associate Hermayne Gordon

Chairman Pierce read the resignation letter.

Joe Perry made a motion to accept this resignation and to send a letter of regret, Bob Snow second, all in favor - aye (5-0).

2. Request from Library Director Pam Jacobson to lift the hiring freeze for the position Library Associate for Youth Services

Dave Petersen made a motion to lift the hiring freeze, Joe Perry second, all in favor - aye (5-0).

3. Letter from Fire Chief James Broderick regarding the retirement of Call Captain Donald Merry

Joe Perry made a motion to accept this resignation with regret and to send a letter of commendation, Bob Snow second, all in favor - aye (5-0).

 Request from Rowley Youth Baseball and Softball to use the Town Common on June 21, 2018 from 6:00 p.m. to 7:00 p.m. for an end of the season gathering

Chairman Pierce read the email request.

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

5. Request from the Board of Water Commissioners to appoint Ryan McDonald to the position of Water Distribution Utility Maintenance Laborer 2

Chairman Pierce read the request.

Dave Petersen made a motion to appoint Ryan McDonald to the position of Water Distribution Utility Maintenance Laborer 2, Joe Perry second, all in favor - aye (5-0).

<u>6:00 p.m. APPOINTMENT</u> Edward Dello Iacono, Sr. to discuss Atlantic Auto Solutions, 185 Newburyport Turnpike Class II Dealer's License

Chairman Pierce read the following:

The Board of Selectmen requested at their June 4, 2018 meeting that Mr. Dello lacono, Sr. attend this meeting to discuss the report that the Board of Selectmen received from the State Police regarding his Class II Dealer's license.

Pierce read the letter from the State Police. Petersen said this is a damning report. Dello lacono apologized for his poor management, and said the use of out of states plates is commonplace. He said the Florida dealer's plates had insurance, but wasn't valid. He said the Pennsylvania dealer's plates were not from his store. He said he did go to the hospital for stress. He said he made a poor decision in hiring someone to take care of the business, and he has the used car record book at home and is working nights to get it up to speed. He said he has dismissed the employee and has complied with getting a Workers Compensation policy. He said the Lemon Laws were not posted, but still apply. He said all cars have the correct postings, the log book is being reviewed, and he now knows to use the entire VIN # on repair orders. He said the out of state plate issue is a huge gray area, and the police didn't confiscate his plates. He said in the past it used to take 9 to 12 months to get a Massachusetts dealer's plate, but now with the new State group working on this, it takes a maximum of 10 weeks. He said Florida and Washington plates were being used to get access to the auctions.

Petersen said Dello Iacono was given the license by the Board of Selectmen and he had no dealer's plates, and no application had been submitted by him to get dealer's plates. He said Dello Iacono intended to skirt the law, and he knows what the laws are from being in the business for a number of years. He said there are many violations listed on the police report and who would be liable if there was an accident while he was using an out of state plate. He said Dello Iacono has put the Board as the licensing authority in a bad spot. Petersen said he is a retired State Trooper and doesn't know the Trooper who wrote the report. He said he thinks the Board should take action, these are flagrant violations and the law was skirted big time.

Dello lacono said he hired Portella to get the book up to snuff, and the recommendation of the Trooper is to table this discussion until his next inspection, which will be done in a couple of weeks, to see if the items are corrected and if plates have been issued. Petersen said with the amount of mistrust and falsehoods, he is reluctant to not suspend the Class II license until we get a letter from the Trooper stating that all has been corrected. He said it isn't fair for the businesses doing things correctly. Dello lacono said a suspension will put him out of business. Petersen said he feels bad, but he doesn't know if he can trust Dello lacono's words, we need accountability, and there is no excuse to run a business this way. Pierce said tabling this is taking no action. Eagan read the Statute Chapter 140 Section 59. She said if the license is revoked, he will need to reapply for a license once he is in compliance.

Dave Petersen made a motion to revoke the Class II Dealer's License issued to Atlantic Auto Solutions effective immediately for thirty days, or until we hear from the State Police, Bob Snow second, all in favor - aye (5-0).

Eagan asked Dello Iacono to submit his Class II License to the office tomorrow. Dello Iacono said he was going to contact his lawyer for a stay.

#### **NEW BUSINESS**

Discuss intersection of Route 1 and Central and Glen Streets

Chairman Pierce read the following:

There was a fatal car accident at the intersection of Route 1 and Central and Glen Streets this past Friday morning. The Selectmen have tried for more than 10 years to get the State to put a traffic "STOP" light at this intersection.

Attached is a copy of the pertinent records pertaining to this intersection, including a Road Safety Audit prepared by the State in 2014. Does the Board wish to file another request for a traffic light at this intersection?

Snow said when he was the Chairman, Representative Hill, Eagan, Paul Stedman of MassDot and others discussed this intersection at length. He said we have been talking about this for ten years, and the material distributed reminded him of the accidents at the intersection. He said four years ago the cost for a traffic light was \$1,000,000, it is very difficult to get a light, but we should request it again especially after this fatality. Petersen said the MassDOT determined that there is not enough traffic or accidents at this intersection to install a light, but we should send another letter. He said it has been two to three years since the last traffic study, and maybe they will do another traffic study. Pierce said Wethersfield Street is another very dangerous intersection. Petersen said Wethersfield Street intersection can be included in the letter.

Dave Petersen made a motion to send a letter to Mass Highway, Senator Tarr, Representative Hill, and the Governor to request that both intersections be studied in tandem, Bob Snow second, all in favor - aye (5-0).

 Discuss One-day Entertainment License Application filed by Katherine DeSilva of Pumpkin Vines LLC for July 14, 2018 at 283 Main Street for the New England Parenting Expo

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

# THE REST OF THE AGENDA ITEMS DETAILED BELOW WERE NOT DISCUSSED

# **OLD BUSINESS**

- 1. Update on Fire Station and Police Station Addition Project
- 2. Pine Grove School project update
- 3. Review June 18, 2018 Town Meeting motions
- 4. Discuss Annual Independence Day celebration
- 5. Discuss Division of Marine Fisheries FY 18 Green Crab Trapping Program

## **NEW BUSINESS**

1. Discuss MBTA Advisory Committee meeting

#### **FY 19 RE-APPOINTMENTS**

Position or Board/Commission Member	Appointee	Expiration
Board of Appeals, Ch. 41 Sec 81 five year term	Donald W. Thurston, Chairman	6/30/2023
Zoning Board of Appeals (ZBA) five year term	Donald W. Thurston, Chairman	6/30/2023
Fire Department three year term	James C. Broderick, Chief	6/30/2021
Fire Department three year term	Mark Emery, Captain	6/30/2021
Fire Department three year term	James R. Merry, Captain	6/30/2021
Forest Fire Warden & Superintendent of the Fire Alarm one year term	James C. Broderick, Chief	6/30/2019
Forest Fire Warden & Superintendent of the Fire Alarm one year term	Mark Emery, Assistant	6/30/2019

Forest Fire Warden & Superintendent of the Fire Alarm <i>one year term</i>	James R. Merry, Assistant	6/30/2019
Call Fire Fighters one year term	James Chadbourne	6/30/2019
Call Fire Fighters one year term	Darcie Condelli	6/30/2019
Call Fire Fighters one year term	Ron Agrella	6/30/2019
Call Fire Fighters one year term	Christopher Cassidy	6/30/2019
Call Fire Fighters one year term	John Condelli	6/30/2019
Call Fire Fighters one year term	Donald Duprey	6/30/2019
Call Fire Fighters one year term	Evan Fish	6/30/2019
Call Fire Fighters one year term	Justin Graham	6/30/2019
Call Fire Fighters one year term	Vincent Gaudenzi	6/30/2019
Call Fire Fighters one year term	Matthew Harney	6/30/2019
Call Fire Fighters one year term	Charles Hazen, Jr.	6/30/2019
Call Fire Fighters one year term	Patrick McManus	6/30/2019
Call Fire Fighters one year term	Joseph R. Merry	6/30/2019
Call Fire Fighters one year term	Robert O'Leary	6/30/2019
Call Fire Fighters one year term	Matthew Ross	6/30/2019
Call Fire Fighters one year term	Brian Sculley	6/30/2019
Call Fire Fighters one year term	Robert Serino	6/30/2019
Call Fire Fighters one year term	Timothy Shirley	6/30/2019
Call Fire Fighters one year term	Joshua Simpson	6/30/2019
Call Fire Fighters one year term	Jesse T Warren	6/30/2019
Call Fire Fighters one year term	Mark Winfrey	6/30/2019

Fire Chaplain one year term	Robert M.J. Hagopian	6/30/2019
Rowley Emergency Management Agency one year term	James Broderick, Fire Chief/ Emergency Management Director	6/30/2019
Rowley Emergency Management Agency one year term	Scott Dumas, Police Chief	6/30/2019
Rowley Emergency Management Agency one year term	Dan Folding - Light Plant Manager	6/30/2019
Rowley Emergency Management Agency one year term	Brienne Walsh COA Director	6/30/2019
Rowley Emergency Management Agency one year term	Patrick Snow - Highway Surveyor	6/30/2019
Rowley Emergency Management Agency one year term	Frank Marchegiani - Health Agent	6/30/2019
Rowley Emergency Management Agency one year term	Deborah Eagan - Town Administrator	6/30/2019
Rowley Emergency Management Agency one year term	James DiMarino - R.A.C.E.S. (amateur radio operator)	6/30/2019
Northern Essex Regional Emergency Planning Committee one year term	James Broderick, Fire Chief/Emergency Management Director	6/30/2019
Northern Essex Regional Emergency Planning Committee one year term	Scott Dumas, Police Chief	6/30/2019
Northern Essex Regional Emergency Planning Committee <i>one year term</i>	Frank Marchegiani, Health Agent	6/30/2019

Northern Essex Regional Emergency Planning Committee one year term	Brienne Walsh COA Director	6/30/2019
Northern Essex Regional Emergency Planning Committee one year term	Patrick Snow - Highway Surveyor	6/30/2019
Northern Essex Regional Emergency Planning Committee one year term	Deborah Eagan - Town Administrator	6/30/2019
Northern Essex Regional Emergency Planning Committee one year term	Bill DiMento, Harbormaster	6/30/2019
Northern Essex Regional Emergency Planning Committee one year term	Dan Folding - Light Plant Manager	6/30/2019
Open Space Committee one year term	Sonja Vincola - Chair	6/30/2019
Open Space Committee one year term	Brooke Ten Eyck - Clerk	6/30/2019
Open Space Committee one year term	Howard Vogel	6/30/2019
Open Space Committee one year term	Alyssa King	6/30/2019
Open Space Committee one year term	Jena Haag	6/30/2019
Harbormaster one year term	William DiMento	6/30/2019
Harbormaster one year term	Fred Hardy, Assistant	6/30/2019
Harbormaster one year term	David S. Kent, Assistant	6/30/2019
Harbormaster one year term	Frank Price, Assistant	6/30/2019
Sandy Point Committee Member	John Manning	6/30/2019
Sandy Point Committee Member	Bill DiMento	6/30/2019
Rowley Cultural Council	Annetta Kelly, Chair	6/30/2019

Rowley Cultural Council	Debra Streiff, Treasurer	6/30/2019
Rowley Cultural Council	Nancy Cribari, Secretary	6/30/2019
Rowley Cultural Council	Mary Bright, Member	6/30/2019
Council on Aging three year term	George Gallant	6/30/2021
Council on Aging three year term	Diana Titus	6/30/2021
Council on Aging three year term	Merle Phipps	6/30/2021
Shellfish Constable	Travis Kneeland	6/30/2019
Shellfish Constable (Deputies)	Stuart Dalzell, Jr.	6/30/2019
Shellfish Constable (Deputies)	William DiMento	6/30/2019
Shellfish Constable (Deputies)	Fred Hardy	6/30/2019
Shellfish Constable (Deputies)	Richard MacDonald	6/30/2019
Parking Clerk one year term	Susan Hazen, Town Clerk	6/30/2019
Parking Clerk one year term	Susan Leach	6/30/2019
Board of Registrars one year term	Gordon Densmore	6/30/2019
Board of Registrars one year term	Susan Hazen, Town Clerk	6/30/2019
Board of Registrars one year term	Geraldine Robertson	6/30/2019
Limited Health Agents one year term	Susan Hazen, Town Clerk	6/30/2019
Limited Health Agents one year term	Susan Leach	6/30/2019

Limited Health Agents one year term	Jeffrey E. Megna	6/30/2019
Local Census Liaison for Federal Census one year term	Susan Hazen, Town Clerk	6/30/2019
Mooring Clerk one year term	Susan Hazen, Town Clerk	6/30/2019
Mooring Clerk one year term	Susan Leach	6/30/2019
Records Access Officer one year term	Susan Hazen, Town Clerk	6/30/2019

# **FY 19 APPOINTMENTS**

Position or Board/Commission Member	Appointee	<b>Expiration</b>
Election Workers and year term	Appotto Kolly	6/30/2019
Election Workers one year term	Annetta Kelly	6/30/2019
Election Workers one year term	Mary Ellen MacDonald	6/30/2019
Election Workers one year term	Marion Madden	6/30/2019
Election Workers one year term	Joan Petersen	6/30/2019
Election Workers one year term	Mary Bright	6/30/2019
Election Workers one year term	Joan Lyons	6/30/2019
Election Workers one year term	Marion Musial	6/30/2019
Election Workers one year term	Kathy Cousins	6/30/2019
Election Workers one year term	Michelle Ford	6/30/2019
Election Workers one year term	Robert Johnson	6/30/2019
Election Workers one year term	Susan Leach	6/30/2019
Election Workers one year term	G. Robert Merry	6/30/2019

Election Workers one year term	Mary Ellen Mighill	6/30/2019
Election Workers one year term	Linda Snow	6/30/2019

#### FY 18 MGL Ch. 44 § 33B(b) Budget Transfers

- Request from Building Inspector Ken Ward to transfer funds from Inspection Department Expenses to Inspection Department Salaries
- Request from Town Administrator to transfer funds from Litigation to Parks and Recreation Committee Field Expenses
- Request from Town Administrator to transfer funds from Litigation to Town Counsel Professional Services
- 4) Request from Treasurer/Collector Karen Summit to transfer funds from Treasurer/Collector Expenses to Administrative Assistant Wages\*\*

#### **MINUTES**

- March 19, 2018
- April 30, 2018

#### **ANNOUNCEMENTS**

- Special Town Meeting will be held on Monday, June 18, 2018 at 7:00 p.m. in the Pine Grove School Gymnasium
- The Rowley Highway Department is conducting road work on Christopher Road and Intervale Circle starting May 21 and running through the end of June
- Annual Independence Day Celebration on the Town Common to be held on Saturday, June 30. The Children's Parade starts at 8:30 a.m. from the VFW parking lot followed by races, food and music on the Town Common
- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- The Town has the following vacancies:
  - a. Planning Board Associate
  - b. Agricultural Commission Associate
  - c. Fence Viewer three positions;
  - d. Wood, Lumber & Bark Inspector;
  - e. Zoning Board of Appeals Associate three seats;
  - f. Parks and Recreation Committee one seat; and
  - g. **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, Joe Perry second, all in favor - (5-0).

Open meeting adjourned at 6:35 p.m. Respectfully submitted, Amy Lydon Assistant Town Administrator

#### **ATTACHMENTS**

- Meeting memo regarding 5:45 p.m. Appointment: Steven Pierro to discuss Liquor License Change of Hours Application for The Great American Barbeque, 5 Railroad Avenue
- 2. Memo from Amy Lydon regarding The Great American Barbeque Liquor License
- 3. Application for change of hours from The Great American Barbeque
- 4. Email from Tom Mullen regarding Change of hours All Alcohol Annual Restaurant License
- 5. Email from Lisa Lozzi of the ZBA regarding American BBQ
- 6. Letter of resignation from Library Youth Services Associate Hermayne Gordon
- 7. Request from Library Director Pam Jacobson to lift the hiring freeze for the position Library Associate for Youth Services
- 8. Letter from Fire Chief James Broderick regarding the retirement of Call Captain Donald Merry
- 9. Request from Rowley Youth Baseball and Softball to use the Town Common on June 21, 2018 from 6:00 p.m. to 7:00 p.m. for an end of the season gathering
- 10. Request from the Board of Water Commissioners to appoint Ryan McDonald to the position of Water Distribution Utility Maintenance Laborer 2
- 11. Meeting memo regarding 6:00 p.m. Appointment: Edward Dello Iacono, Sr. to discuss Atlantic Auto Solutions, 185 Newburyport Turnpike Class II Dealer's License
- 12. Email from Edward Dello Iacono regarding Board of Selectmen Meeting June 18, 2018
- 13. Letter dated June 5, 2018 from Amy Lydon to Edward Dello Iacono, including enclosure
- 14. Class II Dealer's License issued to Edward Dello Iacono, Sr., Atlantic Auto Solutions, 185 Newburyport Turnpike
- 15. Application package for a Class II Dealer's License from Edward Dello Iacono, Sr., Atlantic Auto Solutions, 185 Newburyport Turnpike
- 16. Massachusetts General Law Chapter 140, Section 58
- 17. Meeting memo regarding New Business #3: Discuss intersection of Route 1 and Central and Glen Streets
- 18. Pertinent records pertaining to intersection of Route 1 and Central and Glen Streets

- 19. Meeting memo regarding New Business #2: Discuss One-day Entertainment License Application filed by Katherine DeSilva of Pumpkin Vines LLC for July 14, 2018 at 283 Main Street for the New England Parenting Expo
- 20. Flea Market license issued to Todd Farm LLC 283 Main Street
- 21. Antique/Junk Dealer's license issued to Todd Farm LLC 283 Main Street
- 22. Memo from Amy Lydon regarding 1-Day Entertainment License Application 283 Main Street, and attached comments from Police Chief and Fire Chief
- 23. Katherine DeSilva email response to comments from Police Chief and Fire Chief
- 24. Email from Town Planner regarding 1-Day Entertainment License Application
- 25. Email from Health Services Coordinator regarding New England Family Market Event
- 26. Email from Katherine DeSilva regarding Permit Application, and attached application for a 1-Day Entertainment License
- 27. Meeting memo regarding Old Business #1: Update on Fire Station and Police Station Addition Project
- 28. Meeting memo regarding Old Business #2: Pine Grove School project update
- 29. Email from Debbie Eagan reading MHEC Registration
- 30. Terms of Participation for National IPA Participation Agreement
- 31. Webpage printouts from <a href="http://www.nationalipa.org">http://www.nationalipa.org</a> (4 pages total)
- 32. Meeting memo regarding Old Business #3: Review June 18, 2018 Town Meeting motions
- 33. Seven written motions for June 18, 2018 Town Meeting
- 34. Meeting memo regarding Old Business #4: Discuss Annual Independence Day celebration
- 35. Event matrix for Annual Independence Day celebration
- 36. Meeting memo regarding Old Business #5: Discuss Division of Marine Fisheries FY 18 Green Crab Trapping Program
- 37. Email from Travis Kneeland regarding FY 18 Green Crab Trapping Program contract
- 38. Meeting memo regarding New Business #1: Discuss MBTA Advisory Committee meeting
- 39. Listing of FY 19 Re-appointments
- 40. Request from Building Inspector Ken Ward to transfer funds from Inspection Department Expenses to Inspection Department Salaries
- 41. Request from Town Administrator to transfer funds from Litigation to Parks and Recreation Committee Field Expenses
- 42. Request from Town Administrator to transfer funds from Litigation to Town Counsel Professional Services
- 43. Request from Treasurer/Collector Karen Summit to transfer funds from Treasurer/Collector Expenses to Administrative Assistant Wages\*\*
- 44. Draft minutes of March 19, 2018
- 45. Draft minutes of April 30, 2018