

MINUTES OF THE BOARD OF SELECTMEN

May 11, 2020

Recorded from Town Hall, 139 Main Street, Rowley, MA

1:00 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 1:01 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/768476805> or you can also [+1 \(646\) 749-3122](tel:+16467493122) and using access code 768-476-805. 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.

Chairman Pierce said Mr. McCarthy from the 1:00 p.m. Appointment is not present yet and we will take this item up later in the meeting.

GENERAL BUSINESS

1. Letter of resignation from Rachel Anderson from the Board of Shellfish Commissioners

Chairman Pierce read the following:

The Board needs to vote to accept Rachel's resignation and post the vacancy by a roll call vote. Ms. Anderson's term expires in 2021.

Because this is a vacancy in an elected position, the Board of Selectmen and Board of Shellfish Commissioners will have to meet jointly, in accordance with G.L. c. 41§11, to fill this vacancy with a registered voter. The appointed term will run up to the 2021 Annual Town Election.

Bob Snow made a motion to accept Rachel Anderson's resignation from the Board of Shellfish Commissioners, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

NEW BUSINESS

1. Request from the Board of Water Commissioners to use funds from the Emergency and Unforeseen budget line to complete the Prospect Hill Storage Tank inspection and cleaning project

Chairman Pierce read the following:

Please see attached request from Water Superintendent Robert Gray. The Water Department had planned to do this work in May and had an article on the Town Meeting Warrant to do this work. However, with the delay of Town Meeting, the Water Department cannot wait to complete this important work.

On April 27, the Board of Selectmen approved a transfer request of \$44,000 from the Water Board for the replacement of two compressors at the Water Treatment Plant, making the current balance in the Extraordinary and Unforeseen Line \$31,000.

If the Board votes to approve this transfer, it must be a roll call vote.

Dave Petersen made a motion to approve the request from the Board of Water Commissioners to use \$5,000 from the Emergency and Unforeseen budget line to complete the Prospect Hill Storage Tank inspection and cleaning project, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Dave Petersen made a motion to take the Water Department article, #11, off the draft Annual Town Meeting Warrant, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

2. Notice of Intent to sell Chapter 61 land from Bruce E. Tompkins and Stephanie Desjardins, Trustees for the Tompkins-Desjardins Trust of approximately 23.8 acres of land identified as Lot 23 on Assessors Map 9 located on Daniels Road

Chairman Pierce asked Joe Perry to handle this agenda item and Old Business #1 since he has a conflict of interest.

Vice Chairman Perry read the following:

We received a Notice of Intent to Sell and Convert Chapter 61 forestry land at "0" Daniels Road as shown on Assessors Map 9 Lot 23. The Planning Board, Conservation Commission, and Open Space Committee have indicated that they have no issues with the Town waiving its right of first refusal for this parcel.

Attached is an email from Town Planner Kirk Baker and a memo from Conservation Agent Brent Baeslack. The Assessor will be compiling the tax roll-back.

If the Board agrees, they should vote by a ROLL CALL vote to waive the Town's right of first refusal to purchase the parcel.

Dave Petersen made a motion to waive the Town's right of first refusal to purchase this parcel, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye. Cliff Pierce – ABSTAIN

OLD BUSINESS

1. Discuss Notice of Intent and Stormwater Applications for the intersection of Taylor Lane and Wethersfield Street

Vice Chairman Perry read the following:

During last week's meeting, the Board of discussed the role of the Board of Selectmen in the re-construction of the intersection of Wethersfield Street and Taylor Lane. The developer, Taylor Lane LLC, has an application before the Planning Board for an Open Space Residential Development on Taylor Lane. Because Taylor Lane will intersect with Wethersfield Street, which is a public road, the Board of Selectmen will be responsible for overseeing the construction work on Wethersfield Street. Town Counsel Tom Mullen has been in contact with the developer's attorney, Jill Mann.

At today's meeting, the Board of Selectmen needs to do the following:

- 1) *Vote (ROLL CALL) on Town Counsel Tom Mullen's list of items related to the construction on the road. The Board reviewed them last week and they are as follows: Peer Review of Plans; Insurance; Bonds; Indemnification; Prevailing Wage; Street Acceptance; and Developer as Applicant. Attorney Mann has responded to Tom's list and Tom is satisfied with the responses. Please see list below and email is attached.*
- 2) *Vote (ROLL CALL) to approve the filing of the Notice of Intent, Wetlands Permit, and Stormwater Application forms, pending Tom Mullen's approval and corrections being made. As of Saturday, May 9 the applications were being corrected for errors on the contact section and therefore are not included in the meeting packet. They will be send to you on Monday, upon receipt from Attorney Mann and approval by Tom Mullen.*

List of Items

Tom Mullen presented the following list of items he feels that need to be addressed in the re-construction of Wethersfield Street. Attorney Mann's responses are in italics below. Tom is satisfied with the responses.

Dave Petersen made a motion to approve the list of items from Town Counsel Tom Mullen, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye. Cliff Pierce – ABSTAIN

Eagan said the applications have been corrected and Tom Mullen is satisfied. She said she sent these to the Board earlier today, after the meeting packets had been distributed. She said the errors have been corrected and Mullen is attending the meeting if there are questions.

Bob Snow made a motion to approve the filing of the Notice of Intent, Wetlands Permit, and Stormwater Application forms and to authorize Joe Perry to sign them as the owner of the land, Dave Petersen second, all in favor – aye - roll call vote: Bob Snow – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye. Cliff Pierce – ABSTAIN

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

- 1) Request from Town Administrator to transfer funds from Litigation to Town Hall Expense to pay for a shortfall in the FY 20 line

Bob Snow made a motion to approve the MGL Ch. 44 § 33B(b) Budget Transfer to transfer \$1,400 from Litigation to Town Hall Expense to pay for a shortfall in the FY 20 line, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

- 2) Request from Town Administrator to transfer funds from Litigation to Town Hall Annex expense to pay for a shortfall in the FY 20 line

Dave Petersen made a motion to approve the MGL Ch. 44 § 33B(b) Budget Transfer to transfer \$3,180 from Litigation to Town Hall Annex Expense to pay for a shortfall in the FY 20 line, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

- 3) Request from Cemetery/Town Administrator to transfer funds from Unemployment to Cemetery Department Wage line

Deana Ziev made a motion to approve the MGL Ch. 44 § 33B(b) Budget Transfer to transfer \$2,900 from Unemployment to Cemetery Department Wage line, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Deana Ziev – aye. Dave Petersen – ABSTAINED

FY 21 Re-Appointments

<u>Position or Board/Commission Member</u>	<u>Appointee</u>	<u>Expiration Date</u>
Harbormaster one year term	William DiMento	6/30/2021
Harbormaster one year term	David S. Kent, Deputy	6/30/2021
Harbormaster one year term	Fred Hardy, Assistant	6/30/2021
Harbormaster one year term	Jenna DiMento, Assistant	6/30/2021
Harbormaster one year term	Frank Price, Assistant	6/30/2021

Sandy Point Committee Member	William DiMento	6/30/2021
Sandy Point Committee Member	John Manning	6/30/2021
Planning Board	Kevin Moriarty, Associate	6/30/2021
Limited Lighting Bylaw Enforcement Agent <i>one year term</i>	Kirk Baker	6/30/2021
Plumbing and Gas Inspector, <i>three yr term, 1 yr for alternate</i>	William Wendt, Alternate	6/30/2021
Building Inspector <i>three yr term, 1 yr for alternate</i>	Sam Joslin, Alternate	6/30/2021
Wiring Inspector <i>three yr term, 1 yr for alternate</i>	James Cotter, Alternate	6/30/2021

Bob Snow made a motion to re-appoint the following individuals to the Harbormaster Department through June 30, 2021,

William DiMento	Frank Price, Assistant
Fred Hardy, Assistant	Jenna DiMento, Assistant
David S. Kent, Deputy	

Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Dave Petersen made a motion to re-appoint William DiMento and John Manning to the Sandy Point Committee through June 30, 2021, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Joe Perry made a motion to re-appoint Kevin Moriarty as an Associate member of the Planning Board through June 30, 2021, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Bob Snow made a motion to re-appoint Kirk Baker as the Limited Lighting Bylaw Enforcement Agent through June 30, 2021, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Bob Snow made a motion to re-appoint William Wendt as the Alternate Plumbing and Gas Inspector through June 30, 2021, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Bob Snow made a motion to re-appoint Sam Joslin as the Alternate Building Inspector through June 30, 2021, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

Bob Snow made a motion to re-appoint James Cotter as the Alternate Wiring Inspector through June 30, 2021, Deana Ziev second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

1:00 p.m. Appointment Jodie McCarthy of Ipswich Pharmaceutical Associates to discuss transfer of Host Agreement

Chairman Pierce asked Mr. McCarthy if this is a request to transfer the Host Agreement to Fine Fettle of Hartford Connecticut.

Jodie McCarthy said yes, that is correct. He said he would like to provide a brief overview of where things stand today. He said he is the President and CEO of Ipswich Pharmaceutical Associates and he resides at 53 Farm Town Road in Ipswich. He said the facility is 100% licensed for medical retail sales and for recreational retail sales. He said Ipswich Pharmaceuticals also owns a vertically integrated medical license along with a recreational cultivation license. He said today they have product in the safe and they are waiting for the final inspection from the State, which the State is trying to do virtually in the next couple of weeks. He said would like to give the Board tours prior to the opening and transfer of the license. He said he took out substantial private and personal loans, the loans were called, there was a stock transaction and the transfer is needed so he can pay the loans back.

McCarthy said the license contains a lease for the Rowley retail location, and the facility in Hinsdale Massachusetts is for the cultivation and manufacturing. He said the Hinsdale facility is still owned by him and Elizabeth McCarthy, and the new owners will rent the Rowley facility until they find a location to build their own facility. He said they are still the owners of the infrastructure, and the proposed operators are quite capable. He said Fine Fiddle is a family owned operation out of Hartford Connecticut. He said the Cannabis Control Commission still needs to approve the transfer. He said Fine Fettle operates two medical facilities in the Hartford area as well as a facility in Rhode Island. McCarthy said he is a local person and the Board gave him the opportunity to move forward with his proposal. He said he would like to give the Board the opportunity to ask any questions before talking to the proposed owners. Pierce asked if McCarthy proposed the transfer to the State and if he is awaiting approval. McCarthy said yes, and they will ask if the transfer of the Host Agreement has been accepted by the municipality. He said Fine Fettle is better prepared to move forward. Pierce asked McCarthy what his role will be. McCarthy said the lease goes to Fine Fettle and he

owns the infrastructure in Hinsdale. He said he will have no role in the Rowley location, and as part of the agreement he and his wife resign from the role in Rowley. Pierce read the email from Town Counsel Tom Mullen on this.

Bob Snow made a motion to approve the reassignment of the Host Agreement to Fine Fettle, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev - aye

ADJOURN

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

Meeting adjourned at 1:33 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding General Business #1: Letter of resignation from Rachel Anderson from the Board of Shellfish Commissioners
2. Letter of resignation from Rachel Anderson from the Board of Shellfish Commissioners
3. Meeting memo regarding New Business #1: Request from the Board of Water Commissioners to use funds from the Emergency and Unforeseen budget line to complete the Prospect Hill Storage Tank inspection and cleaning project
4. Request from the Board of Water Commissioners to use funds from the Emergency and Unforeseen budget line to complete the Prospect Hill Storage Tank inspection and cleaning project
5. Request from Water Superintendent Bob Gray to remove the article on the Town Meeting Warrant for the Prospect Hill Storage Tank inspection and cleaning project
6. Meeting memo regarding New Business #2: Notice of Intent to sell Chapter 61 land from Bruce E. Tompkins and Stephanie Desjardins, Trustees for the Tompkins-Desjardins Trust of approximately 23.8 acres of land identified as Lot 23 on Assessors Map 9 located on Daniels Road
7. Memo from Conservation Agent Brent Baeslack regarding Right of First Refusal for 0 Daniels Road
8. Email from Town Planner Kirk Baker regarding Right of First Refusal for 0 Daniels Road
9. Notice of Intent to sell Chapter 61 land from Bruce E. Tompkins and Stephanie Desjardins, Trustees for the Tompkins-Desjardins Trust of approximately 23.8 acres of land identified as Lot 23 on Assessors Map 9 located on Daniels Road from Mann & Mann, P.C., including enclosures as noted

10. Meeting memo regarding Old Business #1: Discuss Notice of Intent and Stormwater Applications for the intersection of Taylor Lane and Wethersfield Street
11. Email from Tom Mullen regarding Intersection of Taylor Lane and Wethersfield Street
12. Meeting memo regarding FY 20 MGL Ch. 44 § 33B(b) Budget Transfers
13. FY 20 MGL Ch. 44 § 33B(b) Budget Transfer: Request from Town Administrator to transfer funds from Litigation to
Town Hall Expense to pay for a shortfall in the FY 20 line
14. FY 20 MGL Ch. 44 § 33B(b) Budget Transfer: Request from Town Administrator to transfer funds from Litigation to
Town Hall Annex expense to pay for a shortfall in the FY 20 line
15. FY 20 MGL Ch. 44 § 33B(b) Budget Transfer: Request from Cemetery/Town Administrator to transfer funds from Unemployment to Cemetery Department Wage line
16. Letter from Dave Petersen of the Board of Cemetery Commissioners regarding transfer request
17. Memo from Deborah Eagan to Board of Selectmen and Finance Committee regarding transfer of funds from Unemployment to Cemetery Department Wage line
18. Meeting memo regarding FY21 Re-appointments
19. Email from Bill DiMento regarding Sandy Point Committee
20. Meeting memo regarding 1:00 p.m. Appointment: Jodie McCarthy of Ipswich Pharmaceutical Associates to discuss transfer of Host Agreement
21. Email from Tom Mullen regarding Host Agreement
22. Host Agreement with Ipswich Pharmaceutical Associates