

## **MINUTES OF THE BOARD OF SELECTMEN**

May 9, 2022

Town Hall, 139 Main Street, Rowley, MA

6:00 p.m.

**MEMBERS PRESENT:** Chairman Cliff Pierce; Vice Chairman Deana M.P. Ziev; Clerk Robert Snow; Joseph Perry; David Petersen (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**

The Pledge of Allegiance was recited.

### **6:00 P.M. TO 6:05 p.m. PUBLIC COMMENT**

There were no public comments.

### **6:05 p.m. APPOINTMENT** Conservation Agent Brent Baeslack to discuss the following:

- acceptance of deed for open space parcel on Saunders Lane
- donation by SLS Outdoor Living of services for the control and suppression of invasive species on the Town Dodge Reservation Conservation Land.

### **Open space parcel on Saunders Lane**

Baeslack distributed a map showing the parcel to the Board of Selectmen. He said that the developers trust did not pay the taxes due, and Parcel A and Parcel L were taken by the Town. He said they are requesting that the Board of Selectmen approve the Conservation Commission's acceptance of this parcel. He said although they were unable to get a clear title on the property, Town Counsel doesn't see this as an issue since it will be held for conservation purposes only, and not developed.

Joe Perry made a motion to approve the acceptance of this parcel by the Conservation Commission, Deana Ziev second, all in favor - aye (5-0).

### **Donation by SLS Outdoor Living of services**

Baeslack distributed a map showing the project area to the Board of Selectmen. He said SLS is looking to do a community service project to control an invasive species in an area on the Dodge Reservation. He said the location is where there is a old cellar hole from a home, where the previous owners planted an early non-hybrid version of burning bush which is shading out the groundcover. He said this species spreads by seed and is spreading into the Smith Lane trail. He said SLS is professionally certified and the treatment will be applied to cut stems, with no broadcast spraying. He said the Conservation Commission is in favor of this and the work will be done over two Saturday mornings.

Deana Ziev made a motion to approve the acceptance of a donation of services as described from SLS Outdoor Living, Bob Snow second, all in favor - aye (5-0).

**6:15 p.m. APPOINTMENT** Triton Superintendent Brian Forget, Triton School Committee Member Nerissa Wallen, and Pine Grove School Principal Nicole LaPerriere to discuss Pine Grove School classroom modifications and surplus chairs from building project

**Surplus chairs from building project**

Superintendent Forget said rocking chairs were purchased as part of the renovation project, but it was determined that these chairs were destroying the floors, and new chairs were purchased. He said there are about 350 of these chairs in storage, and since they are Town property, the Town is being asked to dispose of them. Eagan said we will need to calculate their estimated value, and we can look at the invoices to help determine this. Principal LaPerriere said some chairs were also falling apart, and others were kept in the classrooms as requested by staff. She said originally 372 chairs were purchased and they estimate that there are 350 available for sale. Eagan said if the Board of Selectmen vote to authorize the disposition of this property, we could do an auction or a bid.

Joe Perry made a motion to authorize the disposition of this property and authorize the staff to determine which way this will be done, Deanna Ziev second, all in favor - aye (5-0).

**Pine Grove School classroom modifications**

Forget said they want to put this issue on the Board's radar. He said the Pine Grove School is 91,000 square feet, and when the building study was done, a building of 63,000 square feet was approved based on population. He said the State allowed us to modify all 91,000 square feet, with the requirement that the extra space be utilized for extended learning spaces. He said they knew down the road that these spaces might need to be turned back into classrooms, and we aren't there yet, but will be soon with the housing developments in town. He said the space used by the first and second grades will need to be converted first, and then maybe convert one per year as the larger cohorts move up the grades. Snow asked if Newbury and Salisbury are having the same issue. Nerissa Wallen said no. Petersen said Rowley has single family developments which are kid friendly, Salisbury has condos and Newbury doesn't have as much development. He said the problem in Rowley is that there is land available, and he would like to see alternate types of residential developments, but we aren't getting them. He asked what type of work is needed for the modifications. Forget said the spaces are open to the hallway, so there needs to be a wall to close it in, plus a door and door hardware. He said lights may need to be reconfigured. He said Newbury is seeing an uptick in enrollments, but not as much as Rowley, with less new construction and more turnover of homes to families. Forget suggested meeting with Eagan and reaching out to Dore & Whittier regarding next steps. He said he thinks the upward tick in numbers will rise, and in the 2023 / 2024 school year they will need the space from the first and second grade floor wing, and maybe another space will be

needed. Snow said with the price increases and the economy, he isn't sure where this is going. Wallen said we are seeing more families now that remote work is possible. Perry said he thinks the growth will continue. Forget said there are extended learning spaces with one space per grade level in grades 1-4, and one space split between grades 5 & 6. He said the STEM lab could also be converted if needed. He said they try to keep the class size to 20 to 22 in the lower elementary.

Dave Petersen made a motion to authorize Forget and representatives of the school to meet with the Town Administrator and map out a plan, and to come back to the Board of Selectmen sooner rather than later, Bob Snow second, all in favor - aye (5-0).

Perry said it is great to have this option due to the planning by Dore & Whittier. Forget said this plan allowed these spaces to be reimbursable. Eagan said the funding for this work would need to be approved at the next Town Meeting, and we can go out to bid subject to funding. She said we can use one contractor and phase the work in over the next three summers. Petersen said he suggests having two or three options to choose from in the fall / winter. Snow said we will have a better picture on student enrollments by then. Ziev asked if enrollments decrease again, can the spaces be used as extended learning spaces again, and if so would more tables be needed. Forget said the district has the capacity to handle the tables if they are needed.

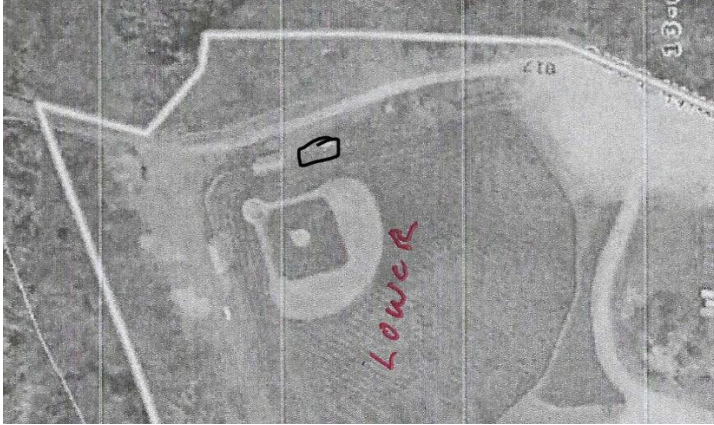
**6:30 p.m. APPOINTMENT** Parks and Recreation Committee Chairman David Zizza and Vice Chairman Tim Southall to discuss installing a permanent steel storage container at Eiras Park

Chairman Pierce read the following:

*There are two sheds at Lower Eiras used for Parks & Recreation storage needs that are in disrepair and have been deemed unviable for use by the Park & Recreation Committee – see pictures and descriptions of issues on attached document. The Parks and Recreation Committee has discussed all options for the permanent replacement of these sheds and have settled on a steel container. The low maintenance aspect to this makes this the best option in the Committee's opinion. The lead time for getting this container is about 6 weeks.*

*The unit is a 20 X 8 foot container and costs \$9,950.00, which includes delivery. The Committee plans to pay for this from the revolving account.*

*The Parks and Recreation Committee would like to place the container in the area marked on the map below, after removing the two existing sheds. This is the same area where the temporary pod is being placed.*



*Does the Board support the Parks and Recreation Committee's request to purchase the container and to place it in the area shown above?*

Tim Southall said one shed is 40 years old and completely destroyed and the other shed is 25 years old and the door has been ripped off. He said kids break into the old wooden sheds and a steel shed will be more secure and require less maintenance.

Joe Perry made a motion to support the Parks and Recreation Committee's request to purchase the container and to place it in the area indicated, Bob Snow second, all in favor - aye (5-0).

### **GENERAL BUSINESS**

1. Request from Neurofibromatosis Northeast to travel through Rowley and to set up a rest stop at the Town Common during the Coast to Cure cycle event on September 10, 2022

Chairman Pierce read the following:

*Please see the attached request from Neurofibromatosis Northeast for their Annual Coast to the Cure Bike Ride to come through Rowley on September 10, 2022. The Rowley roads included are Cross Street, Central Street, Bennett Hill Road, Wethersfield Street, Independent Street, Summer Street and Main Street. They have also requested a water stop on the Town Common.*

*The Police Chief, Fire Chief, Health Director and Highway Surveyor have reviewed this request - their questions / concerns are detailed below. The applicant's responses regarding the portable toilets and trash have satisfied the Health Director and Highway Surveyor. The applicant confirmed that the event will be from 9:30 a.m. to 1:30 p.m. and they will need to hire a police detail for four hours to cover this. The Police Chief's concerns have been satisfied.*

*Does the Board wish to approve this request with the condition that they contact the Police Department for a detail a few days in advance?*

Joe Perry made a motion to authorize the annual Coast to Cure Cycle event held by Neurofibromatosis Northeast to travel through Rowley and to set up a rest stop at the Town Common on September 10, 2022, with the conditions that they contact the Police Department for a detail a few days in advance, that they remove any trash from the event the same day and that portable toilets be removed the day after the event, Bob Snow second, all in favor - aye (5-0).

2. Request from Fire Captain Mark Emery to appoint Dylan Merrill as a Probationary Call Firefighter

Bob Snow made a motion to appoint Dylan Merrill as a Probationary Call Firefighter, Deanna Ziev second, all in favor - aye (5-0).

3. Request from Town Clerk Catie McClenaghan to appoint the following individuals as Election Workers: Arlene Damon, Jennifer Genet, Anne Girard, Maryellen MacDonald, MaryEllen Mighill, Joan Petersen, Jay Scheuer, Linda Snow, Jeanette Southall, Kimberly Waring-Wright

Deanna Ziev made a motion to appoint the following individuals as Election Workers: Arlene Damon, Jennifer Genet, Anne Girard, Maryellen MacDonald, MaryEllen Mighill, Joan Petersen, Jay Scheuer, Linda Snow, Jeanette Southall, Kimberly Waring-Wright,

Bob Snow second, all in favor - aye (5-0).

4. Request from the Council on Aging to use the Fire Station truck bay for the Annual Barbeque on June 16, 2022 at 12:30 p.m.

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

5. Request from the Historical Society to hold annual plant sale on May 14, 2022 at the Margaret Scott Green with rain date of May 15, 2022

Chairman Pierce read the following:

*The Rowley Historical Society is requesting the use of the Margaret Scott Green (at the intersection of Main Street and Pleasant Street) for their annual plant sale on Saturday, May 14, 2022, with a rain date of Sunday, May 15, 2022.*

*The request was circulated to the Fire, Police, Health, and Highway Departments. The relevant Department Heads do not have any concerns regarding this event.*

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

6. Request from Police Chief Scott Dumas for permission to apply for a State Executive Office of Public Safety Bridge Academy reimbursement grant for the cost of sending an officer to the Bridge Academy and to authorize Chief Dumas to sign the grant forms

Chairman Pierce read the following:

*The Chief is applying for a State Bridge Academy reimbursement grant. The Board needs to vote as follows:*

- *Authorize Chief Dumas to apply for the grant*
- *Authorize Chief Dumas to be the contractor authorized signatory on the grant and all the grant recipient forms*
- *Authorize Chairman Pierce to sign the State Contractor Authorized Signatory List form naming Chief Dumas as the Contractor Authorized Signatory (This form will be signed by Chairman Pierce after the meeting.)*

Joe Perry made a motion to authorize Chief Dumas to apply for the grant; authorize Chief Dumas to be the contractor authorized signatory on the grant and all the grant recipient forms; and to authorize Chairman Pierce to sign the State Contractor Authorized Signatory List form naming Chief Dumas as the Contractor Authorized Signatory, Bob Snow second, all in favor - aye (5-0).

7. Request from Rowley Community Media Director Janet Morrissey to appoint Sean McCormack to the position of Production Technician

Bob Snow made a motion to appoint Sean McCormack to the position of Production Technician, Deana Ziev second, all in favor - aye (5-0).

### **NEW BUSINESS**

1. Discuss State law allowing temporary outdoor dining extension

Chairman Pierce read the following:

*On April 1, 2022 Governor Baker signed an Act into law which allows towns to approve requests for temporary outdoor seating and liquor license expansion, and for the takeaway/delivery of alcohol, until April 1, 2023. Please see the details from the ABCC on the attached advisory about this.*

*Two establishments in Town have applied for temporary liquor licenses to allow them to serve alcohol in temporary outdoor areas: Off the Vine and Anonymous Brewing. The Bradford Tavern has indicated that they intend to apply as well.*

*Last season, the Board issued two of these temporary licenses to Off the Vine and Blue Boat, with an expiration date of November 1<sup>st</sup>, with any business wishing to extend beyond this date to submit a new application. This was due to the many concerns*

*brought up by department heads regarding enclosed tents, egress issues and complications due to the use of heaters and snow removal. No businesses applied for an extension beyond November 1<sup>st</sup> last year.*

*Does the Board wish to allow temporary outdoor dining under this Act? If so, we recommend the following approach:*

- 1. Like last year, extend the expiration date to November 1<sup>st</sup>, and require a new application to extend into the winter season. This would allow these businesses to use temporary outdoor dining spaces throughout the fall of 2022, but not all the way through the winter and early spring. Unless the law changes again, this would be the final expiration date for these temporary licenses.*
- 2. If a business wishes to utilize the temporary outdoor dining spaces from November 2, 2022 – April 1, 2023, they would need to complete a new application form to address the various concerns of the department heads.*

Petersen said this worked well last year. Ziev agreed.

Dave Petersen made a motion to allow temporary outdoor dining and liquor license expansion as outlined above, Deana Ziev second, all in favor - aye (5-0).

2. Application from PieMar, Inc. doing business as Off The Vine of 150 Newburyport Turnpike for Temporary Outdoor Seating and Liquor License Expansion as part of the State COVID Emergency Legislation

Chairman Pierce read the following:

*Off the Vine has submitted the attached application for temporary outdoor dining and liquor license expansion. This has been sent to the following departments for review: Fire, Inspection/Zoning Officer, Health, Police, Planning and ZBA.*

*The Fire, Inspection, ZBA and Health Departments did not have any concerns.*

*Town Planner Kirk Baker's comments are as follows:*

*Debbie,*

*No issues from a Planning or site layout perspective. Since they are reducing their patio area within the confines of the original area and they are adding a safety barrier between vehicles and customer seating there is no warrant for amending the site plan.*

*Thanks*

*Kirk*

*The Police Chief's concerns were sent to the applicant, who sent a response that satisfied Chief Dumas's concerns. Please see details below.*

**Chief Dumas' concerns:**

*Based on the seating off to the right if facing the restaurant, there does not appear to be a clear view from inside staff monitoring the alcohol service. Will there be a dedicated staff person assigned outside? The boulders are great but it also needs to be roped off. I have attached the 2015 ABCC advisory. If this is taken care of, I am all set.*

**Applicant's response that satisfied Chief Dumas' concerns:**

*In regards to our proposed outdoor seating area, we will have dedicated "outdoor servers" as well as a dedicated host/hostess stationed outside. We have operated this way over the last two summers so that all customers seated outside were properly taken care of. It has proven to work very well for us, and our customers. I will also rope off the entire area so that the dining area is enclosed.*

*Thank you very much for your consideration, and please let me know if there is anything else you need from us.*

Greg Wick

- *Does the Board wish to approve this application?*
- *If so, for what expiration date?*
- *Debbie will sign the approved license as the Board authorized her to do in the past.*

Joe Perry made a motion to approve this application with an expiration date of November 1, 2022, Deana Ziev second, all in favor - aye (5-0).

3. Applications from Anonymous Brewing of 60 Main Street for the following:
  - a. 1 Day Entertainment License for a fundraiser event on May 21, 2022 from 1:00 p.m. to 5:00 p.m.
  - b. Temporary Outdoor Seating & Liquor License Expansion as part of the State COVID Emergency Legislation

Chairman Pierce read the following:

*Anonymous Brewing has submitted these two applications which have been sent to the following departments for review: Fire, Building Inspector/Zoning Officer, Health, Police, Planning and ZBA. Below are the comments we have received so far:*

**Selectman Petersen:** *He had advertising on Rowley Talks so I would expect an overflow crowd. Where will people park and have the neighbors been advised? This will be a problem in the future I think.*

**Building Inspector/Zoning Enforcement Officer Ken Ward:** *My only concern is that the planning board only approved him using the limited space on the existing pad, according to Kirk. Now, my understanding is he wants to use more space. How will this*



*affect the parking? I think the Selectmen should have all the facts before they issue a permit.*

**Town Planner Kirk Baker Comment #1:**

*Baker: From a Planning Board perspective I would note the Planning Board did not prohibit them from using the outdoor pad for seating or gathering, but like other one day events like this they should have a crowd manager on hand to make certain that not too many people gather outdoors and that the noise levels be kept to a level to avoid being a nuisance to the abutting residential properties.*

*I would recommend alcohol service be confined to the inside of the facility.*

**Moriarty's response:** *Service will be inside, but we are requesting outdoor consumption.*

*Baker: Also they mention they will have a live acoustic musician. They should clarify whether there will be a PA system involved. Either way I would recommend the crowd manage(r) make certain to keep the music volume levels down to a point where they don't pose a nuisance to the abutting residential properties.*

**Moriarty's response:** *This is not a problem; my intention is to ensure that we are not a nuisance. The first step here was to limit the event to the hours of 1p to 5p.*

**Town Planner Kirk Baker Comment #2:**

*Baker: I see these two applications come with separate parameters and even durations. I'll will run this by the Planning Board at next week's regular meeting, but I would say if he's proposing to use an outdoor seating area that goes beyond the existing concrete pad and he intends to use an expanded area on a long term basis then he still needs to amend his SPR.*

**Moriarty's response:** *Given the current state guidance, we are not required to have a SPR to acquire the temporary outdoor seating permit. Additionally, there is no change being made to the site plan other than a temporary fence.*

*Baker: This is because at the time of the initial review and approval for the layout, the concrete structure that could serve as a patio already existed and he only needed to get the permission to add the outdoor seating. For comparison, if he does propose to use only the existing pad for outdoor seating then he will not need an SPR amendment even if he wants to have the extended duration.*

**Town Planner Kirk Baker's response to Moriarty's responses:** *I will be discussing the intended future use of the patio area for outdoor seating with the Planning Board at this Wednesdays meeting (May 11) and they will determine whether a SPR amendment would be necessary allow for an extended area which seems to be defined by a fence installment. I don't know if the enclosure of the area via a fence would be a specific trigger for a SPR modification in the way the extended construction of the concrete pad would be but I will check with the Board to get their take. So I will keep you posted.*

*I will also run the issue of the food truck parking. While there are no standards in the Bylaw or Rules and Regs for Food Trucks I do think the Board can consider whether a better location could be found rather than taking up one or more parking spots or potentially reducing vehicular drive aisle width.*

**Police Chief Dumas:** *It appears he has met the requirements of the ABCC for the outdoor seating based on what I am reading in his application. I would echo an earlier comment of Kirk's, now the request for expanded outdoor seating is being requested/expanded in a residential area, mitigation, whether that be limited hours or no amplified sound in those areas be considered. I do plan on stopping by just to get a better idea on how the area will be cordoned off.*

**Fire Chief Broderick:**

- 1. There must be an emergency access from the proposed beer garden besides entering it from the inside of the building.*
- 2. For live entertainment they must not exceed the occupancy limit for the building. This occupancy limit includes all staff, entertainers, and the public*
- 3. They must have a crowd manger see this link for training and details [Crowd Manager Regulations and Training Program | Mass.gov](#)*
- 4. These requirements would be for if they just have a one day license or if they plan on doing this regularly until Nov 1<sup>st</sup>.*

*If there are questions they can contact the Fire Department at 978-948-3812.*

**Health Director Frank Marchegiani:** *The Health Department received a food truck application for the event on May 21, attached is a drawing showing where the food truck is proposed to be parked for your review. It is my understanding that during the site plan review there was not a designated spot established for a food truck to be parked.*

**Abutter Dan Szczepanski:** *Hi Debbie - I understand that Anonymous Brewing has a request before the board of selectmen for outdoor seating , food trucks and entertainment and the matter is on the agenda for next Monday's meeting. I have serious concerns about these requests because they were specifically addressed by the planning board and not allowed during public hearing process that approved a "tasting room" concept. The neighborhood and abutters need to be provided with an opportunity to be part of the process and therefore the matter should be referred to the planning board. For the record - there was a food truck operating on the property a couple of*

*Saturdays ago, in violation of the current approval. This I believe shows the intention of the business to ignore the agreed upon terms and conditions, another big concern of mine.*

Pierce said he feels that a site plan review is warranted. He said changes are being made that affect the density substantially, and there needs to be an opportunity for the abutters to be heard.

Moriarty introduced Matt Allen, a representative for the fund raiser, and asked if there are questions regarding the event on May 21<sup>st</sup>. Pierce said there was a site plan review process done with abutter participation, this is an expansion of that, and the abutters need another opportunity to be heard. He said the Planning Board will review this on Wednesday. He said the Board of Selectmen shouldn't approve this at this time. He said this is a tight site for parking and there is no area shown for the food truck. He said there needs to be designated areas for outdoor seating. He said there will be issues regarding noise and entertainment; there will be a lot of issues for residents to review and provide input. He said the Planning Board is the entity that would hold the public hearing to see if this should be allowed. Moriarty said if there are no changes to the original plan, the Planning Board didn't deny the use of the outdoor concrete pad. Pierce said it isn't enough to not deny the use, they have to approve the uses including conditions if necessary.

Moriarty said they are requesting permission to hold a one-day event with live music on a Saturday from 1:00 – 5:00 for a fundraiser. Snow said this needs site plan review. He said as he recalls this was a tasting room concept, and now food trucks are being added which will take up parking spaces. He said this needs site plan review. Perry said he agrees. Pierce said in the long run, it will be better for him to go through the Public Hearing process to work out these issues. Moriarty said he wants to keep the abutters happy and he wanted outdoor space as part of the liquor license, but the Selectmen took it off. Petersen said this site is crowded when he drives by, and no parking is allowed on Route 1A. He said the other outdoor licenses approved are in business areas, not residential areas. Pierce said there is sufficient parking at Off the Vine, and there are no abutters. He said the proposal includes 30 indoor seats and 20 outdoor seats for 50 seats total, with a used car dealer next door. Moriarty said there is more than enough parking and he has spoken with an abutter about overflow parking, if needed, and he has spoken to the organization hosting the event about carpooling. He said it is news to him that he can't have food trucks, and Frank Marchegiani said it is fine if the company has a food permit. Pierce said the Health Department might have no issue, but this is a Planning Board issue. Moriarty asked if they can have live music on that Saturday. Allen said he is the representative from the fundraising group, and they do seasonal fund raising events. He said he understands the challenges with the Anonymous Brewing location and asked if the Board would be willing to approve the request if they removed the live music and instead used the in house sound system, as well as posting signs about parking and having parking attendants. He said he feels this will be a lucrative event, and he is looking for a compromise so that this event can

happen. Snow said this needs to go back to the Planning Board to address the issues. Pierce said the abutters need to participate.

Moriarty said he is a member of the community for the past eight years, he is dedicated to the community and has kids in the school. He said he wants his business to be an asset to the community and not a hindrance. Pierce said to go through the site plan review, make his arguments, and listen to the neighbors, but that can't be done tonight. Moriarty asked if the one-day event could be approved upon the condition that the Planning Board has no issues with the food truck. Petersen said he supports the event, but there isn't much time, and we know there will be issues. He said the concern is that this is in a residential area, and the Selectmen need to be careful they are not overstepping the bounds of other boards. He said with 50 seats, there will be at least 25 cars, and there could be 50 to 60 cars. He said the neighbors should at least be advised about this event. He said he has no problem with the outside area, but it shouldn't be expanded. He said they should plan for a day in July or August which will give enough time to review this. Moriarty said he expanded it only because the State requires direct view of the outdoor area from inside. He said being on the Planning Board makes it difficult for him to accurately communicate his vision.

David Zizza from 156 Hillside said he has been at Selectmen's meetings for the American BBQ, the RVA and the Grove for outdoor dining, and he asked if they all went before the Planning Board. Pierce said yes for the American BBQ and the Grove. He said every situation is unique, this is a small lot with a lot of uses and a high potential for problems. He said the best thing to do for the business is to get a site plan review. Moriarty said the abutters he has spoken to have been happy. Pierce said Moriarty is on the Planning Board so he should understand the value of having a public hearing.

Dave Petersen made a motion to refer both requests to the Planning Board, Joe Perry second, all in favor - aye (5-0).

4. Discuss and approve agreement with VADAR Systems for financial accounting software package

Chairman Pierce read the following:

*We received funding at the May 2, 2022 for the purchase of a new financial accounting software package. We are purchasing a package from Vadar Systems from State Contract #ITS75 through SHI International Corporation. (See attached.)*

*Town Counsel Tom Mullen has reviewed the form of contract and has no issues with it. He notes that the proposed contract gives the Town a right of renewal after three years for a further three-year term. He says that we will have to go to Town Meeting for approval if we desire to renew, since a contract for more than three years requires Town Meeting approval.*

*We are asking the Board to approve the following:*

- 1) *Approve the VADAR Systems, Inc. Software Application Agreement and authorize Chairman Pierce to sign it*
- 2) *Approve the Application Services Provision Agreement and authorize Chairman Pierce to sign it.*

Bernie Cullen asked if the Water Department will have access to this system. I.S. Coordinator Karen Summit said the financial software the Town is using is very old, and all Departments will be inputting their vendor bills into the system. She said this is not a system that the Water Department can use for their accounting needs as it doesn't have functionality for Enterprise Funds, but it is replacing the Town's current system (BMSI) and some collecting software.

Dave Petersen made a motion to approve the VADAR Systems, Inc. Software Application Agreement and authorize Chairman Pierce to sign it, and to approve the Application Services Provision Agreement and authorize Chairman Pierce to sign it, Bob Snow second, all in favor - aye (5-0).

#### 5. Review Fire Lieutenant job description

Eagan said the Personnel Advisory Committee met today and has edits to this job description, and that version is not included in the packet. She said Petersen can attest to the changes, or the Board can table this item. Petersen said the changes are basically grammatical, and he recommends that the Board approves this since there are no fundamental changes and this needs to be posted as soon as possible.

Dave Petersen made a motion to approve the Fire Lieutenant job description, Bob Snow second, all in favor - aye (5-0).

#### 6. Discuss Employee Performance Appraisal – Town Administrator Deborah Eagan

Pierce read the list of projects that Eagan has been working on. Pierce said he can't say enough about Eagan and she sets the tone for the office. Perry said a tribute to all Eagan has done is how smoothly Town Meeting went, and she plans very well. Snow said Eagan works on the weekends and keeps the Board updates on what is going on. Petersen said he has been the Selectmen's representative on many projects, and her leadership with the two Assistant Town Administrators gets a lot of projects done. He said we will be in trouble if she leaves because she does it all. Pierce said Eagan is an excellent communicator, and she deserves an excellent ranking in each category. Bernie Cullen said Eagan saw the ability to use the ARPA money for the water main projects through the complications, and this is a huge benefit. He said they depend heavily on Eagan for procurement. Ziev thanked Eagan and her staff. Snow said Eagan never gets flustered. Petersen said over the winter Eagan with the help of the Assistant Town Administrators would keep the boiler going over the weekends and holidays. He said she covers the Janitor's duties when needed. Snow said Eagan is straightforward and tells them when they are off the mark, and this comes with her years of experience.

Bob Snow made a motion rate Eagan “excellent” in each category on the form, Joe Perry second, all in favor - aye (5-0).

Eagan said there are a lot of good people working here, there is a team environment, and there is a great team with Amy, Natalie and Elaine in the office. She said the financial teams and the department heads are a pleasure to work with. She said thank-you for the kind compliments and said it has been a pleasure to work for such an esteemed Board, and she will miss Dave Petersen.

### **OLD BUSINESS**

#### **1. Approve revised meeting schedule**

Chairman Pierce read the following:

*At the April 25<sup>th</sup> meeting, the Board approved a meeting schedule for the months of May, June, July, and August. The Board typically meets twice a month in June, July, and August. We had a meeting scheduled for Monday, June 20. However, we realized after the meeting schedule was approved, that Town Offices will closed that day because Sunday, June 19, 2022, is the Juneteenth Holiday. The revised schedule is as follows:*

*May 9, 2022 - 6:00 p.m. – This is Dave’s last meeting*

*May 16, 2022 6:00 p.m. – A new Selectman will be joining the Board at this meeting. The Board normally re-organizes at the first meeting following the Annual Town Election*

*May 23, 2022 - 6:00 p.m.*

*May 30, 2022 – MEMORIAL DAY – No Meeting*

### **SUMMER MEETING SCHEDULE STARTS**

*June 6, 2022 – 6:00 p.m.*

*June 20, 2022 – JUNETEENTH HOLIDAY – No meeting*

*June 27, 2022 – 6:00 p.m.*

*July 4, 2022 – INDEPENDENCE DAY – No meeting*

*July 11, 2022 – 6:00 p.m.*

*July 25, 2022 - 6:00 p.m.*

*August 8, 2022 – 6:00 p.m.*

*August 22, 2022 – 6:00 p.m.*

*Can the Board please vote to approve the revised schedule?*

Joe Perry made a motion to approve the revised meeting schedule, Bob Snow second, all in favor - aye (5-0).

2. Discuss Cindy Lane and Bell Circle

Chairman Pierce read the following:

*Now that Town Meeting has approved the acceptance of Cindy Lane and Bell Circle, Debbie is working on the final steps to finalize the acceptance.*

*The Board needs to vote to sign the following:*

- *Order of Taking of Cindy Lane and Bell Circle*
- *Acceptance of Grant*

Bob Snow made a motion to sign the Order of Taking of Cindy Lane and Bell Circle and sign the Acceptance of Grant, Dave Petersen second, all in favor - aye (5-0).

3. Discuss petitioning the General Court to enact legislation authorizing the appointment of retired police officers as special police officers in the Town of Rowley

Chairman Pierce read the following:

*The May 2, 2022 Town Meeting approved #36, which authorizes the Board of Selectmen to petition the General Court to enact legislation to authorize the Board to appoint retired police officers as Special Police Officers. The text of the proposed legislation was printed in the Town Meeting Warrant and is attached. Town Counsel Tom Mullen provided this draft legislation.*

*Does the Board wish to vote to send the draft legislation to Senator Tarr and Representative Belsito and request that they work to enact it?*

Dave Petersen made a motion to send the draft legislation to Senator Tarr and Representative Belsito and request that they work to enact it, Bob Snow second, all in favor - aye (5-0).

**FY 23 RE-APPOINTMENTS**

<b><u>Position or Board</u></b>	<b><u>Name</u></b>	<b><u>Expiration</u></b>
Board of Appeals, Ch. 41 Section 81 5-year term	Thomas Heidgerd	6/30/2027
Zoning Board of Appeals (ZBA) 5-year term	Thomas Heidgerd	6/30/2027
CPA Administrator 1-year term	Karen O'Donnell	6/30/2023
Alternate Plumbing & Gas Inspector, 1-year term	William Wendt	6/30/2023
Alternate Building Inspector 1-year term	Sam Joslin	6/30/2023
Alternate Wiring Inspector 1-year term	James Cotter	6/30/2023

Chairman Pierce read the list of reappointments.

Bob Snow made a motion to make the reappointments as detailed, Deana Ziev second, all in favor - aye (5-0).

## **FY 22 BUDGET TRANSFERS**

### **1. Health, Life & Medicare Expenses to Town Accountant Expenses**

Dave Petersen made a motion to approve this FY22 budget transfer, Bob Snow second, all in favor - aye (5-0).

### **2. Litigation to Unemployment**

Joe Perry made a motion to approve this FY22 budget transfer, Bob Snow second, all in favor - aye (5-0).

### **3. Water Treatment Plant Design Interest to Water Treatment Plant State Revolving Fund Principal**

Dave Petersen made a motion to approve this FY22 budget transfer, Bob Snow second, all in favor - aye (5-0).

### **4. Pine Grove School Renovation III Principal to Pine Grove School Renovation III Interest**

Joe Perry made a motion to approve this FY22 budget transfer, Bob Snow second, all in favor - aye (5-0).

### **5. Fire Pumper Truck Principal and Pine Grove School III Principal to Fire Pumper Truck Interest**

Joe Perry made a motion to approve this FY22 budget transfer, Dave Petersen second, all in favor - aye (5-0).

## **MINUTES**

- Executive Session – April 20, 2022

Bob Snow made a motion to approve the Executive Session Minutes from April 20, 2022, Joe Perry second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

- Executive Session – April 25, 2022

Bob Snow made a motion to approve the Executive Session Minutes from April 25, 2022, Joe Perry second, all in favor - aye (4-0). Deana Ziev - ABSTAINED

## **ANNOUNCEMENTS**

1. The Annual Town Election will be held Tuesday, May 10, 2022 from 12:00 p.m. to 8:00 p.m. at St. Mary's Church Hall
2. The Town has the following board vacancies:



- **Conservation Commission.** Interested residents should send a letter of interest to the Board of Selectmen. Position is open until filled.
  - **Open Space Committee.** Interested residents should send a letter of interest to the Board of Selectmen. Position is open until filled.
  - **Parks and Recreation Committee.** Interested residents should send a letter of interest to the Board of Selectmen. Position is open until filled.
3. The Ipswich-Rowley Rotary is sponsoring a Flags for Heroes project on the Rowley Town Common from June 18 – July 9, 2022. The public is invited to sponsor a “Hero” who may be a veteran, teacher, medical professional, mentor or any person would they like to honor. Up to 100 Flags for Heroes will be placed on the Town Common. For more information on how to sponsor a hero flag, go to [ipswichrotary.org](http://ipswichrotary.org).
  4. The Rowley Board of Health would like to remind residents and employees that although COVID-19 cases are minimal right now, some towns have seen outbreaks in populations where close contact is inevitable. We recommend that residents continue to be cautious in resuming their day-to-day activities.
  5. The Northeast Massachusetts Mosquito Control & Wetlands Management District will conduct helicopter applications of the biological larvicide, VectoBac12AS, to control mosquito larvae over salt marshes in Rowley and neighboring towns during daylight hours from May 12, 2022 through May 24, 2022. The material to be applied is a natural bacterium found in soil and water and is a very selective larvicide with little or no effect on humans, pets, wildlife, pollinators and most other beneficial insects. Residents need not take any special precautions due to the safety of VectoBac12AS because applications will occur directly over wetlands.

Snow said this is a special night and we are losing one of our most valuable Selectmen. He said he has served with Dave for over a decade, and he can't say enough about Dave, and Dave has done a great job. Petersen said he has served for 16 years, although not continuous. He said he first served in 1991 before there was a Town Administrator and he helped put the Town Meeting warrant together. He said things got more difficult over the years and the office staff was hired. He said he has worked well with the departments in Town and it has been a pleasure to work with a great set of employees and appointed / elected officials. He said the Board of Selectmen works well together, and they don't always agree but come up with compromises. He said Eagan keeps them informed. He said it is time for him to go and to give someone else a chance to serve. He said it has been a pleasure to serve for the past 30 years, and he will still be a Cemetery Commissioner next year. Snow said Petersen has been the voice of the Board. Petersen said he thinks people deserve that the Board asks questions and he has enjoyed serving, and he regrets leaving with so much work still to be done. He said the Town has grown and is feeling the growing pains, and he has much respect for the other Board members.

**ADJOURN**

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

Meeting adjourned at 7:59 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

**ATTACHMENTS:**

1. Board of Selectmen Public Comment Policy
2. Meeting memo regarding 6:05 p.m. Appointment: Conservation Agent Brent Baeslack to discuss the following: acceptance of deed for open space parcel on Saunders Lane and donation by SLS Outdoor Living of services for the control and suppression of invasive species on the Town Dodge Reservation Conservation Land
3. Acceptance of Quitclaim Deed for parcel on Saunders Lane
4. Approval by the Board of Selectmen document for parcel on Saunders Lane
5. Email from Brent Baeslack regarding Acceptance of Deed for Saunders Ln "Parcel A" Open Space
6. Email from Brent Baeslack regarding Szczechowicz Landscape Services, Inc, COI, including attached insurance certificate
7. Map 17, Parcel 36, Lot 28 Tax title lien
8. Map of Dodge Reservation showing site of invasive species control project
9. Meeting memo regarding 6:15 p.m. Appointment: Triton Superintendent Brian Forget, Triton School Committee Member Nerissa Wallen, and Pine Grove School Principal Nicole LaPerriere to discuss Pine Grove School classroom modifications and surplus chairs from building project
10. Email from Brian Forget regarding Pine Grove – Enrollments
11. Email from Nicole LaPerriere regarding Chairs
12. Meeting memo regarding 6:30 p.m. Appointment: Parks and Recreation Committee Chairman David Zizza and Vice Chairman Tim Southall to discuss installing a permanent steel storage container at Eiras Park
13. Quote from Mini Warehousing, Inc. for steel storage container
14. Photos of proposed steel storage container and existing deteriorated sheds
15. Meeting memo regarding General Business #1: Request from Neurofibromatosis Northeast to travel through Rowley and to set up a rest stop at the Town Common during the Coast to Cure cycle event on September 10, 2022
16. Request from Neurofibromatosis Northeast to travel through Rowley and to set up a rest stop at the Town Common during the Coast to Cure cycle event on September 10, 2022
17. Meeting memo regarding General Business #2: Request from Fire Captain Mark Emery to appoint Dylan Merrill as a Probationary Call Firefighter
18. Request from Fire Captain Mark Emery to appoint Dylan Merrill as a Probationary Call Firefighter
19. Request from Town Clerk Catie McClenaghan to appoint the following individuals as Election Workers: Arlene Damon, Jennifer Genet, Anne Girard, Maryellen

- MacDonald, MaryEllen Mighill, Joan Petersen, Jay Scheuer, Linda Snow, Jeanette Southall, Kimberly Waring-Wright
20. Meeting memo regarding General Business #4: Request from the Council on Aging to use the Fire Station truck bay for the Annual Barbeque on June 16, 2022 at 12:30 p.m.
  21. Request from the Council on Aging to use the Fire Station truck bay for the Annual Barbeque on June 16, 2022 at 12:30 p.m.
  22. Approval from Fire Captain Mark Emery for the COA to use the Fire Station truck bay for Annual Barbeque event
  23. Meeting memo regarding General Business #5: Request from the Historical Society to hold annual plant sale on May 14, 2022 at the Margaret Scott Green with rain date of May 15, 2022
  24. Request from the Historical Society to hold annual plant sale on May 14, 2022 at the Margaret Scott Green with rain date of May 15, 2022
  25. Meeting memo regarding General Business #6: Request from Police Chief Scott Dumas for permission to apply for a State Executive Office of Public Safety Bridge Academy reimbursement grant for the cost of sending an officer to the Bridge Academy and to authorize Chief Dumas to sign the grant forms
  26. State Executive Office of Public Safety Bridge Academy reimbursement grant forms
  27. Meeting memo regarding General Business #7: Request from Rowley Community Media Director Janet Morrissey to appoint Sean McCormack to the position of Production Technician
  28. Request from Rowley Community Media Director Janet Morrissey to appoint Sean McCormack to the position of Production Technician
  29. Meeting memo regarding New Business #1: Discuss State law allowing temporary outdoor dining extension
  30. Advisory from Alcoholic Beverages Control Commission regarding the further expansion of patio service and takeaway/delivery of alcohol by on-premises licensees
  31. KP Law eUpdate, "State Extends Pandemic –Era Outdoor Table Service and Alcohol To Go Provisions"
  32. Meeting memo regarding New Business #2: Application from PieMar, Inc. doing business as Off The Vine of 150 Newburyport Turnpike for Temporary Outdoor Seating and Liquor License Expansion as part of the State COVID Emergency Legislation
  33. Application from PieMar, Inc. doing business as Off The Vine of 150 Newburyport Turnpike for Temporary Outdoor Seating and Liquor License Expansion as part of the State COVID Emergency Legislation
  34. Meeting memo regarding New Business #3: Applications from Anonymous Brewing of 60 Main Street for the following: 1 Day Entertainment License for a fundraiser event on May 21, 2022 from 1:00 p.m. to 5:00 p.m., and Temporary Outdoor Seating & Liquor License Expansion as part of the State COVID Emergency Legislation
  35. Email from Kevin Moriarty regarding Taproom Event 5/21

36. Application from Anonymous Brewing for Temporary Outdoor Seating & Liquor License Expansion as part of the State COVID Emergency Legislation
37. Application from Anonymous Brewing for a 1 Day Entertainment License for a fundraiser event on May 21, 2022 from 1:00 p.m. to 5:00 p.m.
38. Email from Kevin Moriarty regarding Applications
39. Email from ABCC Director Ralph Sacramone with clarifications on Advisory from Alcoholic Beverages Control Commission regarding the further expansion of patio service and takeaway/delivery of alcohol by on-premises licensees
40. Site Plan Review Approval for 60 Main Street
41. Meeting memo regarding New Business #4: Discuss and approve agreement with VADAR Systems for financial accounting software package
42. Agreement with VADAR Systems for financial accounting software package
43. Meeting memo regarding New Business #5: Review Fire Lieutenant job description
44. Email from Mark Emery regarding career Lieutenant job description, including attached job description
45. Meeting memo regarding New Business #6: Discuss Employee Performance Appraisal – Town Administrator Deborah Eagan
46. Memo from Deborah Eagan regarding performance appraisal, including attachments Employee Performance Appraisal form for Town Administrator Deborah Eagan
47. Meeting memo regarding Old Business #1: Approve revised meeting schedule
48. Meeting memo regarding Old Business #2: Discuss Cindy Lane and Bell Circle
49. Order of Taking of Cindy Lane and Bell Circle
50. Acceptance of Grant for Cindy Lane and Bell Circle
51. Meeting memo regarding Old Business #3: Discuss petitioning the General Court to enact legislation authorizing the appointment of retired police officers as special police officers in the Town of Rowley
52. Text of Town Meeting Article #36 regarding legislation authorizing the appointment of retired police officers as special police officers in the Town of Rowley
53. Excerpt from May 2, 2022 Town Meeting warrant for Article #36
54. Meeting memo regarding FY 23 Re-Appointments
55. Meeting memo regarding FY 22 Budget Transfers, including five attached transfer requests