

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

May 18, 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 1:02 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](http://www.townofrowley.net) or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/516275325> or you can also dial in using your phone by calling +1 (872) 240-3212-and using access code 516-275-325. 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.

### **GENERAL BUSINESS**

1. Letter of resignation from Police Officer Andrew Lawrence

Bob Snow made a motion to accept the resignation from Police Officer Andrew Lawrence, Joe Perry second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye. Deana Ziev - ABSTAIN

2. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time police officer

Joe Perry made a motion to lift the hiring freeze for the position of full-time police officer, Bob Snow second, all in favor – aye - roll call vote: Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye. Deana Ziev - ABSTAIN

3. Request from Council on Aging Director Brienne Walsh to hold a drive-by vehicle parade on May 27

Chairman Pierce said the proposed parade will be eight vehicles, four from the COA and various vehicles from the Police, Fire and Highway Departments. He said the

parade route, “will start at the Annex parking lot, travel to the Plantation, go around the circle there, come back out onto Central Street through town past the Town Hall and up onto 133 to travel down past the Mill River senior housing.” He read the comments from Health Director Frank Marchegiani as follows:

- *There should be no more than one employee in each of the Town vehicles.*
- *If the parade is watched from outdoors: safe social distancing with face coverings needs to be achieved and seniors should not enter and exit the buildings through a common entrance/exit at the same time.*

Bob Snow made a motion to authorize COA Director Brienne Walsh to hold drive-by vehicle parade on May 27, 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. Letter from Gregory and Nancy Glynn regarding poultry noise and smell issues at 6 Railroad Avenue

### **Chairman Pierce read the following:**

*We received the attached letter form Mr. and Mrs. Glynn of 374 Main Street regarding the poultry operation taking place at 6 Railroad Avenue.*

*The Agricultural Commission has tried to mediate the situation in the past with the owners of 6 Railroad Avenue due to neighborhood complaints.*

*The Agricultural Commission has provided the owners of the chickens, Susan and Larry Kendall, their brochure titled, “Recommendations for Keeping Chickens.” Please see attached.*

*Agricultural Commission Chairwoman Libby Tucker provided an update on Friday, May 15:*

*Hi Debbie,*

*In my opinion, until there is some entity with authority to make a decision about this situation, there is nothing further the Agricultural Commission can do under the Right to Farm Bylaw. They are not a farm under any definition of the word in our zoning bylaws. We have had a hearing in which the Kendalls had promised there would be no roosters and the number of birds would be limited to 20. Also, the Ag Com wrote guidelines for keeping chickens as a result of the first complaint but they are obviously being ignored. Since that time they have been inspected and report filed by the Board of Health who found no excessive odor on a cool, windless day.*

*I have spoken to the Kendalls who will “take care” of the rooster problem this weekend. (Previously, they slaughtered them.) They claim that the pandemic has caused the problem, how*

*I don't know but I refuted their excuse of needing more hens and rather than purchasing them, they got breeding roosters. This is not appropriate on a 1/3 of an acre parcel that is not a farm. I wonder about slaughtering them as well.*

*Again, I don't know what else the Ag Com can effectively do that we haven't done already especially since they are not a farm.*

*Thanks,*

*Libby Tucker  
Agricultural Commission Chair*

*Libby also points out that the Town's Zoning Bylaw 4.8.1 Uses Permitted in All Districts Section c states:*

*(c) Agriculture, horticulture, floriculture, and viticulture, provided that such uses shall be limited to parcels of land containing at least two (2) acres.*

*Some of the options for the Board to consider:*

- Request the owners of the chickens and rooster (Susan and Larry Kendell) to meet with the Board of Selectmen to discuss the issues;*
- Send a letter to Mr. and Mrs. Kendell requesting them to follow the guidelines on keeping chickens and include a copy of the Agricultural Commission's brochure, and requesting them to provide the Board of Selectmen with an update on their conformance to the guidelines; and*
- Request the Building Inspector/Zoning Enforcement Officer to investigate the property under 4.8.1. (c) and report their findings to the Board of Selectmen*

Pierce said he doesn't know if they eliminated the roosters over the weekend, but they have a lot of chickens. He said there are 20 birds on a small parcel in a congested neighborhood. He asked the Board what they would like to do. Petersen asked if they indicated how they are removing the manure. Pierce said no, but the Board of Health previously found that there was no excessive odor. Pierce said he proposes that the Board chooses the second option to, "Send a letter to Mr. and Mrs. Kendell requesting them to follow the guidelines on keeping chickens and include a copy of the Agricultural Commission's brochure, and requesting them to provide the Board of Selectmen with an update on their conformance to the guidelines." He said then if they aren't following the guidelines the Board can decide on further action. Petersen said if the Board of Health inspected on a cool low humidity day, when the weather turns humid the odor will be a larger problem. Eagan said she sent this letter to the Board of Health for review under their regulations. She said she can ask them to revisit the site and file a report with the Board of Selectmen on the status of the manure and other odors. Petersen said we should send a letter and request the Board of Health to inspect the site and find out about the disposal of the manure, confirm there are no more roosters and provide a count of the number of chickens on the property.

Agricultural Commission Chairwoman Libby Tucker said this issue goes back years. She said she spoke to the Kendalls on Friday and they told her that they slaughtered the roosters, but this problem goes back to 2016. She said they have had up to 40 birds, the USDA and Frank Marchegiani measured, and the number of birds on the lot was equal to the USDA recommendations for farms based on square footage needed per bird. She said the Kendalls have received the brochure from the Agricultural Commission. She said they are compliant with the USDA recommendations, but maybe Frank can revisit on a hot and humid day. She said they were told to remove the manure, but she is not sure where it is going or how they are doing it. She said last year there was a rat issue and the Kendalls now have two rat terriers to address this issue. She asked if the Board needs the timeline for the letter they will be sending. She said a stronger voice from the Board of Selectmen may help them adhere to the guidelines. She said there is nothing the Agricultural Commission can do under the Right to Farm, and this falls under a neighborhood issue or Animal Control and this is not a farm. She said they also have water fowl, which needs more square footage per bird.

Pierce said we need to let them know the Board's concerns, and if they ignore or don't adequately address the issues, then the Board may need to consider a chicken bylaw. Tucker said 99.9% of the people have done the right thing over her tenure, and there have been only five complaints. She said when there is more than one rooster, they tend to compete with each other. She said it is hard to think about having a bylaw when most people are neighborly.

Petersen asked if they are allowed to sell the eggs. Tucker said they were selling them in front of their house at one point, but she didn't see them for sale when she drove by a couple of months ago. She said they would have to be doing something with the eggs, as the eggs from only ten chickens would be too many for one family. She said she is concerned about the slaughtering on property, but it is allowed for personal consumption.

Dave Petersen made a motion to send a letter to the Kendalls and the Board of Health, 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.

## **OLD BUSINESS**

1. Discuss Special Town Meeting articles

Chairman Pierce read the following:

*Town Planner Kirk Baker has informed us that Cindy Lane and Belle Circle are ready for the Town to accept them as public roads. Does the Board wish to open the Special Town Meeting Warrant to put articles on to accept these roads? If so, the Board should vote by a roll call vote.*

Pierce said he thinks this should be accepted at this Town meeting. He said this has been unaccepted for decades, it is a bad situation, and we need to have it accepted so the people who live on these roads can have the roads plowed and maintained by the Town. Ziev and Snow agreed. Petersen said the roads are in excellent condition and this is overdue.

Bob Snow made a motion to open the Special Town Meeting Warrant and put the articles on the warrant to accept these roads, 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.

Pierce read the following:

*Also, the Parks and Recreation Committee received approval from the Community Preservation Committee last week to fund three projects. We have been working with the Parks and Recreation Committee on preparing articles to fund the basketball court and improvements to the baseball fields. Does the Board wish to open the warrant to put articles on to accept the following three articles? If so, the Board should vote by roll call vote.*

Bob Snow made a motion to open the Special Town Meeting Warrant and place the three articles on the warrant for the Parks & Recreation Committee projects, 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. Discuss Stretch Code Bylaw remote public hearing

Chairman Pierce read the following:

*We have an article to accept the Stretch Code Bylaw on the Annual Town Meeting Warrant. Passage of the bylaw is one of the eligibility requirements of the Town's application to become a Massachusetts Green Community. If the Town achieves Green Community status from the State, the Town will be eligible to receive grant funding for a variety of energy efficient projects. Green Communities Coordinator Neal Duffy strongly suggests we hold a "remote" public hearing on the bylaw before Town Meeting. We had originally planned to hold an in-person public hearing in April, but we were unable to do this because of the COVID emergency.*

*We have a remote hearing scheduled for Wednesday, June 10 at 10:00 a.m.*

*Debbie has arranged to have: Chairman Pierce, Neal Duffy, Building Inspector Ken Ward, and Will D'Arrigo from ICF International at the "remote" hearing. Will D'Arrigo assists the Green Communities Program with Stretch Code training, education and outreach.*

Attached is a copy of the Stretch Code General Bylaw that will be on the Annual Town Meeting Warrant. The Green Communities application also requires a change in the Zoning Bylaws regarding solar fields. The Planning Board has an article on the zoning change on the Special Town Meeting Warrant.

Bob Snow made a motion to approve the draft Stretch Code General Bylaw, 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.

Eagan said no vote is required for the article on the Special Town Meeting Warrant.

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

- 1) Request from Town Accountant to transfer funds from Accounting Department Expenses to Assistant Town Accountant Wages to cover extra work hours

Dave Petersen made a motion to approve the MGL Ch. 44 33B(b) transfer request for \$700 from Accounting Expenses to Assistant Town Accountant wages, 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.

#### **FY 21 Re-Appointments**

<b><u>Position or Board/Commission Member</u></b>	<b><u>Appointee</u></b>	<b><u>Expiration Date</u></b>
<b>Council on Aging</b> <i>three year term</i>	Joan Lyons	6/30/2023
<b>Board of Health</b> <i>three year term</i>	John Melcher	6/30/2023
<b>Keeper of the Rowley Police Station Lockup facility as required under MGL Ch. 40, Sec 35</b> <i>one year term</i>	Scott Dumas	6/30/2021
<b>Police Department</b> <i>three year term</i>	David P. Sedgwick, Captain	6/30/2023
<b>Police Department</b> <i>three year term</i>	David MacMullen, Sergeant	6/30/2023
<b>Police Department</b> <i>three year term</i>	Matthew Ziev, Sergeant	6/30/2023
<b>Police Department</b> <i>three year term</i>	Charles Hazen, Jr., Sergeant	6/30/2023
<b>Police Department</b> <i>three year term</i>	Robert Adams, Detective	6/30/2023
<b>Police Department</b> <i>three year term</i>	Christopher W. Ottani, Patrolman	6/30/2023
<b>Police Department</b> <i>three year term</i>	Gavin Forni, Patrolman	6/30/2023
<b>Police Department</b> <i>three year term</i>	Stephen M. Levesque, Patrolman	6/30/2023
<b>Police Department</b> <i>three year term</i>	Carolyn Lynch, Reserve Patrolman	6/30/2023
<b>Police Department</b> <i>three year term</i>	Ronald Knuuttila, Reserve Patrolman	6/30/2023
<b>Police Department</b> <i>three year term</i>	Dorothy M. Tobin, Assistant to the Chief / Matron	6/30/2023
<b>Police Department</b> <i>three year term</i>	Sheri A. David, Full Time Dispatcher / Matron	6/30/2023

<b>Police Department</b> <i>three year term</i>	Lynne M. Neary, Full Time Dispatcher / Matron.	6/30/2023
<b>Police Department</b> <i>three year term</i>	Marc Pelletier, Full Time Dispatcher	6/30/2023
<b>Police Department</b> <i>three year term</i>	Jessie Mazzie, Regular Reserve Dispatcher	6/30/2023

Bob Snow made a motion to re-appoint Joan Lyons to the Council on Aging through June 30, 2023, 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 John Melcher to the Board of Health through June 30, 2023, 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 Scott Dumas as the Keeper of the Rowley Police Station Lockup facility as required under MGL Ch. 40, Sec 35 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 - ABSTAINED

Joe Perry made a motion to re-appoint the following individuals to the Police Department through June 30, 2023,

David P. Sedgwick, Captain	Carolyn Lynch, Reserve Patrolman
David MacMullen, Sergeant	Ronald Knuuttila, Reserve Patrolman
Matthew Ziev, Sergeant	Dorothy M. Tobin, Assistant to the Chief / Matron
Charles Hazen, Jr., Sergeant	Sheri A. David, Full Time Dispatcher / Matron
Robert Adams, Detective	Lynne M. Neary, Full Time Dispatcher / Matron.
Christopher W. Ottani, Patrolman	Marc Pelletier, Full Time Dispatcher
Gavin Forni, Patrolman	Jessie Mazzie, Regular Reserve Dispatcher
Stephen M. Levesque, Patrolman	

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

## **ADJOURN**

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, 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

Meeting adjourned at 1:29 p.m.

Respectfully submitted,  
Amy Lydon  
Assistant Town Administrator

## **ATTACHMENTS:**

1. Letter of resignation from Police Officer Andrew Lawrence

2. Request from Police Chief Scott Dumas to lift the hiring freeze for the position of full-time police officer
3. Meeting Memo regarding General Business #3: Request from Council on Aging Director Brienne Walsh to hold a drive-by vehicle parade on May 27
4. Meeting Memo regarding New Business #1: Letter from Gregory and Nancy Glynn regarding poultry noise and smell issues at 6 Railroad Avenue
5. Letter from Gregory and Nancy Glynn regarding poultry noise and smell issues at 6 Railroad Avenue
6. Email from Libby Tucker regarding RR Ave Chickens
7. Pamphlet from Rowley Agricultural Commission – Recommendations for Keeping Chickens
8. Town of Rowley Right To Farm Bylaw
9. Massachusetts Department of Agricultural Resources Agricultural Law Memo regarding Small Plot Farming: Amendments to Chapter 40A, Section 3
10. Excerpt of Rowley Protective Zoning Bylaw - Uses Permitted in All Districts
11. Meeting Memo regarding Old Business #1: Discuss Special Town Meeting articles
12. Email from Kirk Baker regarding Revised Warrant Articles
13. Meeting Memo regarding Old Business #2: Discuss Stretch Code Bylaw remote public hearing
14. Draft Stretch Code Bylaw
15. FY 20 MGL Ch. 44 § 33B(b) Budget Transfer: Request from Town Accountant to transfer funds from Accounting Department Expenses to Assistant Town Accountant Wages to cover extra work hours
16. Meeting memo regarding FY21 Re-Appointments