

MINUTES OF THE BOARD OF SELECTMEN

September 13, 2021

Town Hall Annex, 39 Central Street, Rowley, MA

7:00 p.m.

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

PUBLIC ATTENDEES: Catherine McClenaghan – Town Clerk; Scott Dumas – Police Chief; Kevin Moriarty – Anonymous Brewing; Jill Mann – Anonymous Brewing; James DeCoulas – Danielsville LLC

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 7:00 p.m. He said the meeting is being video and audio recorded and will be televised by Rowley Community Media.

7:00 p.m. APPOINTMENT Town Clerk Catie McClenaghan to discuss State rescinding of voter re-precinct order

Chairman Pierce read the following:

The Town Clerk is reporting that the 2020 Federal Census reports that the Town's population is 6,161, which is lower than expected. Due to that fact, the Town no longer needs to establish two voting precincts.

ACTION REQUIRED - The Board of Selectmen needs to vote to remain one (1) voting precinct. The Board needs to sign the attached letter addressed to the State Local Election District Review Commission. Town Clerk Catie McClenaghan needs to witness and attest to the vote. The Board also needs to sign the Single Precinct Authorization Form.

Bob Snow made a motion to sign the attached letter addressed to the State Local Election District Review Commission, Deana Ziev seconded, all in favor – aye (5-0).

Bob Snow made a motion to sign the Single Precinct Authorization Form, Deana Ziev seconded, all in favor – aye (5-0).

The Board signed the documents and the Town Clerk witnessed and attested the vote as required.

GENERAL BUSINESS

1. Letter of resignation from Library Youth Services Assistant Marypat Pomaranski

Deana Ziev made a motion to accept the resignation with regrets, Bob Snow seconded, all in favor – aye (5-0).

2. Request from Library Director Pamela Jacobson to lift the hiring freeze for the position of Youth Services Assistant

Chairman Pierce read the following:

With the resignation of Marypat Pomaranski, Library Director Pam Jacobson is asking the Board to lift the hiring freeze so that the position of Youth Services Assistant can be posted.

Joe Perry made a motion to lift the hiring freeze as requested, Deana Ziev seconded, all in favor – aye (5-0).

3. Request from Police Chief Scott Dumas to appoint and to set the hiring pay rate of Joy C. Stanton to the position of Executive Assistant to the Chief of Police

Chairman Pierce read the following:

Chief Dumas is requesting the Board of Selectmen to do the following:

- 1) *appoint Joy C. Stanton to the vacant position of Executive Assistant to the Chief of Police, and*
- 2) *set Ms. Stanton's starting rate of pay at Step 4 of the position's pay grade due to the high level of qualifications and experience she will bring to this position. The Personnel Officer and Personnel Advisory Committee reviewed and approved this request and are requesting the Board Selectmen vote to support this request as well.*

Dave Petersen made a motion to appoint Joy C. Stanton to the vacant position of Executive Assistant to the Chief of Police, and to set Ms. Stanton's starting rate of pay at Step 4 of the position's pay grade due to the high level of qualifications and experience she will bring to this position, Joe Perry seconded, all in favor – aye (4-0).
Deana Ziev - ABSTAINED

4. Request from Council on Aging Director Ellie Davis to hold the Annual Council on Aging Barbeque in the apparatus bay of the Rowley Fire Station on October 13, 2021

Chairman Pierce read the following:

The COA is requesting to hold their annual barbeque on Wednesday, October 13 in the apparatus bay in the Fire Station. The event was held in this location last year and worked out well. The event is still in the planning stages and depending upon the COVID situation and the number of people signed-up they may not hold it in Fire Station, but may look at using the outside of the Annex under the tent.

The meal will not be a buffet due to COVID concerns. The meals will be individually packaged, similar to last year's event.

Chief Broderick has no objections to using the apparatus bay in the Fire Station. (See attached.)

If the Board supports this request, please vote to authorize the COA Annual Barbeque in the Fire Station Apparatus Bay on October 13, 2021.

Dave Petersen made a motion to authorize the COA Annual Barbeque in the Fire Station Apparatus Bay on October 13, 2021, Bob Snow seconded, all in favor – aye (5-0).

5. Road Opening Permit Applications from National Grid for the following:
 - a. to install new gas service at 640 Wethersfield Street
 - b. to repair a gas leak at 24 Stoney Brook Road

The Board did not have any questions or concerns about these permits.

NEW BUSINESS

1. Approve proposal from Haley Ward for landfill test-well monitoring service

Chairman Pierce read the following:

Debbie is asking the Board of Selectmen to authorize her to contract with Haley Ward for landfill monitoring for the Fall of 2021 and the Spring of 2022. Haley Ward has been providing this service for the past several years and the Town files post-closure monitoring reports with the Mass DEP. The cost is \$19,900, which is within the \$20,000 budget line.

Dave Petersen made a motion to authorize Debbie to contract with Haley Ward for landfill monitoring for the Fall of 2021 and the Spring of 2022, Bob Snow seconded, all in favor – aye (5-0).

7:05 P.M. TO 7:10 P.M. PUBLIC COMMENT

There were no public comments.

NEW BUSINESS

2. Discuss request from Conservation Agent Brent Baeslack to use Merrimack Valley Planning Commission Local Technical Assistance for update on the Town Open Space and Recreation Plan and discuss funding options for balance of project

Chairman Pierce read the following:

Conservation Agent Brent Baeslack is working on an update to the Town's Open Space and Recreation Plan. The plan needed to be updated. Brent has contacted MVPC and they will need 16 Local Technical Assistance (LTA) hours to do this work along with a \$1,500 cost. If we don't use the LTA hours then the cost for MVPC to do this work will be \$2,500. The Open Space Committee does not have a budget, nor is there a Town Meeting appropriation to cover the cost of updating the Open Space and Recreation Plan. Brent thought this work would be entirely covered under the LTA program and that there would not be any cost, as it had been in 2014, when he worked on a similar update to the plan. Debbie suggested that in the absence of any funding resources for this work, a Reserve Fund Transfer request be filed with the Finance Committee.

Brent has submitted two detailed memos covering this.

The action requested of the Board of Selectmen is the following:

- 1) Vote to support Brent filing a Reserve Fund Transfer Request with the Finance Committee for \$1,500 and have the funds transferred into the FY 22 ConCom Expense Budget line to cover the balance of the work needed to complete the update to the Town's plan.*
- 2) Approve the MVPC Scope of Services Contract and to authorize the Chairman to sign it, PENDING, the Finance Committee's approval of the Reserve Fund Transfer. If the FinCom approves the transfer, Chairman Pierce will then sign the contract.*
- 3) Approve the 16 MVPC LTA hours, PENDING, the Finance Committee's approval of the Reserve Fund Transfer. If the FinCom approves the transfer, Selectman Bob Snow will then sign the LTA Authorization.*

Joe Perry made a motion to:

- 1) Vote to support Brent filing a Reserve Fund Transfer Request with the Finance Committee for \$1,500 and have the funds transferred into the FY 22 ConCom Expense Budget line to cover the balance of the work needed to complete the update to the Town's plan;
- 2) Approve the MVPC Scope of Services Contract and to authorize the Chairman to sign it, pending, the Finance Committee's approval of the Reserve Fund Transfer;
- 3) Approve the 16 MVPC LTA hours, pending, the Finance Committee's approval of the Reserve Fund Transfer,

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

7:10 p.m. PUBLIC HEARING (Continued) – Farmer Series Pouring Permit Liquor License Application filed by Anonymous Brewing LLC for 60 Main Street

Chairman Pierce read the following:

This hearing is continued from August 23, 2021, and from July 26, 2021. Mr. Moriarty had requested the continuance because the Planning Board was reviewing the site plan application on September 8, 2021.

Town Planner Kirk Baker has confirmed that the Planning Board has approved the site plan and sent the following email message with attached plan.

Debbie,

Yes they actually approved the attached site plan (parking layout plan) with a few revisions like the inner berm being swapped for a painted line, the residential building rear fence being relocated to allow passenger exit of parallel parked vehicles, reduced number of parallel parking spaces, and the 2 front spaces are being designated for employee parking/loading for the retail space in the house. Its going to take me a day or so get the decision written up.

BTW we asked Mr. Souza to advise the BOS about the changes to the parking layout as they affect the auto sales use which he noted would be less intense than the approval permitted for in that he would have fewer cars on-site for that use.

Thanks

Kirk

Debbie,

No, not yet, it'll be middle this week when its ready and signed and filed with the Clerk. The pertinent conditions are all contained in that email I sent though.

The Board did not approve any outdoor seating, however, they intentionally chose not to prohibit it so in case the Board of Selectmen wanted to permit outdoor seating with the license, they could do so and set pertinent parameters. Just to clarify, the Planning Board kept its review strictly to site plan review criteria, specifically focusing on parking configuration and flow, making sure that there would be parking allocated to each of the existing permitted uses. They didn't touch on stormwater drainage because there's no new structures being proposed at this time and the only paving is over existing compacted gravel.

Hope that helps.

Thanks

Kirk

The updated approved site plan is attached.

- 1. The Board needs to review the approved site plan and make sure that it conforms with the liquor license application, especially concerning the proposed outdoor patio area. Kirk has informed us that the Planning Board did not approve an outdoor seating for this business, though the Liquor License Application shows a beer garden. Attached is a copy of the ABCC's Advisory with guidelines on outdoor areas and patios. The Board will need to set the hours for service of alcohol. Also, the Board should also make sure that the parking spaces for this*

proposed business do not impact the parking spaces for the Class II Dealer's License that was issued On May 17, 2021, in accordance with the 1995 ZBA site plan.

2. *The Board received written comments from Attorney William Sheehan who serves as a trustee of the Rowley Village Green Condominium Association.*
3. *The Board received email messages from the following individuals, which are attached:*
 - *Jordan Kane, 159 Dodge Road*
 - *Christopher and Kristen Morgeses, 60 Wilson Pond Lane*
 - *Nichole Biersteker 88 Main Street*
 - *Derek Biersteker, 88 Main Street*
 - *Christina & Brian Carmody, 11 Kittery Ave*
 - *Bonnie Friis, 14 Cindy Lane*
 - *Cristina Bonasera, 78 Trowbridge Circle*
 - *Christine Lyman (no address provided)*
 - *Amy Penniman (no address provided)*
 - *Lisa Cotter (no address provided)*
 - *Heather (no last name or address provided)*
 - *Colette Burl (no address provided)*
 - *Sara Spaulding, 47 Newbury Road*
 - *Sara Earley, 42 Wilson Pond Lane*
 - *Novemba Rogers, 17 Daniels Road*
 - *Sara Stanley, 32 Pleasant Street*

Chairman Pierce asked if there is anyone present who would like to speak on the application.

Jill Mann said that she is here on behalf of Kevin Moriarty. She gave the Board a copy of the approved site plan by the Planning Board. She said they have been before the Planning Board a couple of times and Larry Graham was involved. She said through the process they created a plan that has been accepted by the Planning Board that incorporates the following: designation of parking spaces, which were made angled, requested signage, designated areas for snow storage and vehicle exiting plan. She said for the used car business, the plan reflects only 7 parking spaces rather than the original 10 spaces. She said the plan shows 18 spaces for Moriarty's business, 7 spaces for used car business, 2 spaces for the residence and the remaining spaces for the front retail use. She said there is ample space on the site.

Petersen asked if the Class II license should be updated for the new number of spaces. Pierce said the approved 13 spaces has been reduced to 7 and he would like to see an application. Mann said the used car business will store three cars inside. Eagan said the Class II license was based on the 1995 ZBA plan and asked if they are abandoning the grandfathered non-conforming use. Petersen asked where the three cars will be parked inside. Mann said the building is split and they will use part of the inside. She

said the Planning Board did not approve the outdoor area. Snow tried to determine the square footage of the split building. Eagan read the square footage on the application excluding the outdoor area, which totaled 2,349 square feet. Moriarty said he isn't sure of the square footage for the car business. Petersen said he believes the car business said they would not be doing car repairs, and his concern is that there is way too much stuff on the property. He asked if they will be allowing tastings of beer and selling beer and merchandise to go. Mann said it is not a typical tasting room. She said it is a pouring license under Section 19 and if you do not have a manufacturing facility, you cannot get this pouring license. She said Moriarty has the two licenses from the State and they have been moved to this address. She said he will brew the beer and offer tasting on-site. She said this will be similar to the tasting room at Total Wines. Ziev said he can provide samples of what he is making. Mann said he can only offer the beers brewed on site, and cannot offer any other drink. Petersen asked if this is Moriarty's only brewing location. Moriarty said yes, for on-site consumption. Mann said Moriarty has a relationship with another company that manufactures Moriarty's beer in commercial quantities, which is allowed under the State.

Snow asked if the concrete pad is included. Mann said that area was originally intended for the Beer Garden, which the Planning Board wanted to wait on approving. Eagan said this is the first Farmer Brewery in Town, and to have a tasting room requires a pouring license. She said it is required that the beer is brewed on site. She said the Farmer Brewery license is issued by the State, but the pouring license is issued by the local board. Petersen said the Planning Board didn't approve the outdoor area but didn't prohibit it. Mann said the Planning Board didn't make a determination on the outdoor area, and they would have to go back to the Planning Board for review if they decide to apply for that in the future. Petersen said he is willing to approve this license with a stipulation of no outdoor area, he said there is a lot going on here and this is in a residential area. Snow asked how much beer will be manufactured. Moriarty said the system has the capacity for one barrel, and they will likely brew two barrels a week, and this is a test kitchen. Snow asked how much water is used. Moriarty said each batch uses 45 gallons. Snow asked if this is the only location in Rowley where he will be brewing. Moriarty said yes.

Petersen asked how the business will run with the tasting, selling and serving larger steins. He asked if this will be like a bar room and it sounds like a bar room to him. Moriarty said they will be providing full pours, and the concept has been derived from other smaller breweries offering on-site consumption. He said people can purchase either a pint or flights of samples. He said there will be free samples and beer for sale. He said they will bottle the beer on site. Snow said they will be brewing 45 gallons per week. Moriarty said yes they will have about six styles of beer and there will be a schedule for brewing. Petersen asked about the food trucks. He said his concern that this will move from a nano-brewery to a bar with food, like a restaurant. Moriarty said food trucks are traditional to this style facility, or people bring their own food. He said without a kitchen they cannot provide food. He said they are only allowed to sell beer, not food, under the Farmer Brewery permit.

Petersen asked what hours are being proposed. Moriarty said initially they will only be open Thursday – Sunday as follows:

Thursday and Friday: 4:00 p.m. – 9:00 p.m.

Saturday: 12:00 p.m. – 9:00 p.m.

Sunday: 12:00 p.m. – 6:00 p.m.

Pierce asked if the Planning Board set hours. Mann said no, they said that was the purview of the Board of Selectmen. Pierce said he is comfortable with the 9:00 p.m. closing time and asked if they plan to have entertainment. Moriarty said no. Mann said if they want entertainment down the line they will come back for a one-day entertainment license. Ziev said she likes the idea of the food truck so people will have access to food with the beer. She said the truck should be small and parked on the side with one takeout window. She said she doesn't think it will be disruptive to have one truck for certain hours. Ziev said the Bradford Tavern and RVA are also surrounded by houses. Petersen said he is opposed to outdoor seating. Moriarty said part of their approach is to allow the Town to oversee this. He said they want to start with just the indoor area first and then ease into other things such as the trucks and outdoor seating. Mann said the intent is to showcase the beer, and they may try to have events but are willing to phase this in. Eagan said this is not a Common Victualler license. Snow asked how big the septic tank is. Mann said 1,125 and because this isn't a restaurant with a small amount of seating, the demand is small. Moriarty said the waste water from the brewing is stored in an underground tank and tanked off the site so it doesn't flow through the septic system. Perry asked how many seats there will be. Moriarty said the capacity is 66, but due to parking limits they can only have 36 seats.

Bob Snow made a motion to close the Public Hearing, Deana Ziev seconded, all in favor – aye (5-0).

Public Hearing closed at 7:41 p.m.

Pierce said the license can be approved with conditions as follows: all liquor to be consumed inside, no outdoor area approved; no live entertainment; close at 9:00 p.m. with hours of operation of Thursday and Friday 4:00 p.m. - 9:00 p.m., Saturday 12:00 p.m. - 9:00 p.m., Sunday 12:00 p.m. - 6:00 p.m.; no public nuisances.

Petersen said he is concerned because this is in a residential area and the site has a lot of uses, and if legitimate complaints are brought forward, the applicant may need to come in to address them. He said the Board is going out on a limb with this.

Deana Ziev made a motion to approve the license with these conditions: all liquor to be consumed inside, no outdoor area approved; no live entertainment; close at 9:00 p.m. with hours of operation of Thursday and Friday 4:00 p.m. - 9:00 p.m., Saturday 12:00 p.m. - 9:00 p.m., Sunday 12:00 p.m. - 6:00 p.m.; no public nuisances, Joe Perry seconded, all in favor – aye (5-0).

7:20 p.m. APPOINTMENT James Decoulas to discuss the following items pertaining to an Open Space Residential Development Application off Daniels Road:

- three private sewer easements crossing under a proposed right-of-way, and
- the operation and maintenance of proposed underground stormwater basins

Chairman Pierce read the following email from Town Counsel Tom Mullen dated August 19, 2021:

Debbie:

You asked me to comment on a proposed OSRD plan where some of the houses would be served by septic systems located on a separate lot on the other side of a private way, and where some of the underground stormwater structures serving the subdivision would lie under the private way. It is contemplated that the Town would eventually accept the private way as a public way, subject to easements for the pipes connecting the houses to the leaching fields and for the stormwater structures under the roadbed.

1. Septic System Issue. My biggest legal concern would be whether the Board of Health can approve the location of the septic systems. The Sanitary Code provides that "Locating a system component or any part thereof beyond a property line of the facility, whether pursuant to an easement or otherwise, requires a variance issued in accordance with 310 CMR 15.410." 310 CMR 15.211(1)(Table, note 5). But a variance may be allowed only if the Board determines that requiring compliance "would be manifestly unjust," which is defined in the case of new construction to mean that compliance would "deprive the applicant of substantially all beneficial use of the subject property." 310 CMR 15.410(1-2). Is it really true that denial of a variance to construct septic systems on a separate lot would deprive the developer of substantially all beneficial use of the land?

*2. Public Way Issues. While not forbidden by any law, the proposal to run easements under the public way raises serious practical problems and would require very careful drafting of the easements, the instrument creating a homeowners' association, and the Town Meeting article and vote to accept the way subject to such easements. We would have to insist that there be a homeowners' association that was responsible for all work on the septic systems and stormwater structures, as well as the full restoration of the roadway after any such work and reimbursement to the Town for all costs associated with the shut-down of a public way. We might also insist that the association coordinate with the Town, except in emergencies, as to the best times to do such work, and of course that they comply with DPW rules about, and pay applicable fees for, street openings. We would want to require curb-to-curb resurfacing, not the skimpy trench work that public utilities are allowed to get away with. We should have veto power over the form of instrument used to create the homeowners' association, so it's clear that all maintenance of the easements is the association's responsibility, and that the Town has the power (but not the duty) to do the work at the association's expense if they delay unreasonably in performing any necessary work. We should be given the right to sue the association for our costs in a contract action and to collect our fees, with any judgment secured by liens on the property of the association members (*i.e.*, the homeowners), who will be jointly and severally liable with the association. (I have several examples of homeowners' association instruments of the kind just*

described.) We might also require that the association post a bond or deposit which the Town can draw upon if it needs to do such work or if it is harmed by the use or neglect of the easements. We may want to think about whether we need the right to demand relocation, or at least temporary relocation, of some of the easements to permit installation and maintenance of utilities in the way. Finally, our Town Meeting article and vote will have to make clear that we are accepting the way as a public way subject to the easements which we have approved.

I hope this is helpful. Feel free to call me any time. Thanks.

Tom

Thomas A. Mullen, Esq.

Pierce said all of this would need to get worked out ahead of Town Meeting.

James Decoulas said he represents Danielsville, LLC and he placed two sets of plans on the easel (hard copies also distributed to the Board) and presented the following to the Board:

- He responded to Tom Mullen's August 19th email on August 24th
- On August 26th, Mullen agreed that no variance was required, which means a shared septic doesn't require a variance in a private subdivision.
- He said they are proposing this system because they want to create a "Town Common" in the subdivision with the shared septic system within the area of land that is being cleared that has excellent soils.
- He said this is a 21 acre parcel, and 14 acres will remain as open space.
- The "Town Common" will have a homeowners association, but will be open space
- The only remaining issue brought up by Mullen are the three sewer easements which he showed on the map
- Town Counsel has concerns about the need to tear up a town-owned road to access the septic system
- They have abandoned the original stormwater management system
- They plan to encase the sewer pipe in a concrete sleeve so that if there is a failure of the pipe, they can slide it out of the concrete sleeve and put a new one in without the need to tear up the road.
- They want to propose the way for acceptance at Town Meeting, and are before the Planning Board now.

Pierce said the procedure is to accept a road after the subdivision is built, which is many years away, and there will likely be a different Board of Selectmen. Decoulas said they are trying to deal with any potential issues now, before the road is built. Petersen said the 8" pvc pipe will go in a 12" concrete sleeve and asked if this will all be underground, and said he has concerns about animals nesting in the pipe/encasement. Decoulas said nothing will be visible, all will be underground, and there will be 100 pound manhole covers flush to the ground. He said having this be a public way rather than a

private way allows for public plowing, public safety access and three public parking spaces to access the Conservation land. He said there will be a sidewalk on the easterly side of the road to the three public parking spaces and a proposed boardwalk across the wetlands to the other conservation land. Petersen asked if it will be the Town's responsibility to clear the parking spaces and sidewalk and if the utilities will be underground. Decoulas said yes to both questions. Petersen asked how close this is to the Falcon Ridge development. Decoulas said about 3,000 feet. Petersen asked about the intersection with Daniels Road. Decoulas said they will have a stop sign, they are cutting out 150 feet of pavement which will be a significant improvement on the curve's safety. Snow asked if we know how many houses could be developed on the land previously considered for the racetrack because this could create future water issues that need to be planned for. Decoulas said the best way to connect to Falcon Ridge is through the Ricker property, which needs to be cleaned up, but if used, they wouldn't need to fill in any wetlands.

Petersen said his questions have been answered, he has no particular problem with the easements, and the biggest issue will be to get the Town to approve the road at Town Meeting. Decoulas said he doesn't need a vote of the Board, he just wanted to get the Board's feedback.

7:30 p.m. APPOINTMENT Police Chief Scott Dumas to discuss filing home rule legislation to authorize retired police officers to work detail shifts

Chairman Pierce read the following:

Chief Dumas would like to discuss the possibility of filing special legislation to allow the Town to hire retired police officers to work on detail shifts.

The mandatory State retirement age for police officers is 65. The only option to do this is for a municipality to file special legislation.

Attached are the following:

- 1) Memo from Chief Dumas*
- 2) Letter from Labor Counsel Joe Fair regarding appointing retired full-time police officers as reserve police officers*
- 3) Sample Special Act for the Town of Watertown*

Pierce said the letter from Labor Counsel Joe Fair recommends not to appoint officers beyond the age 65 mandatory retirement, and asked if Chief Dumas disagrees. Dumas said we received Fair's advice after a police officer resigned and wanted to be appointed as a reserve police officer in 2017. He said Fair's recommendation was not to do anything until we have special legislation in place. He said this has come up again with another retirement, so he is looking to find out if the Selectmen want to have a home rule petition. He said he suggests that if we do this, that we use them as full reserve police officers with full police powers and functions, which would have impacts to the budget for benefits and 111F. He said if the Board does want to proceed, he can

work with Eagan and Fair on drafting it, and then bring it back to the Selectmen. Eagan said the Chief has a concern about filling details with some pending retirements, and there is some interest from senior officers who are retiring to work details, which has brought this back up. She said Fair provided a sample from Watertown which can be customized to what the Chief is looking for. Dumas said the reserve police officers are part of the collective bargaining unit in Rowley, which isn't the same in all towns. He said if we do proceed with this, we need to clearly define the criteria. Petersen said if they are appointed as reserves, they will need to maintain their training and pass required physicals. Pierce said he has no objection and it seems worth it to pursue this. Eagan said if the Board agrees to the concept, the Chief can work with Joe Fair to customize it to the Town of Rowley to be approved by the Board of Selectmen, Town Meeting and to file the legislation. Petersen said when you retire you can only work 16 hours per week, and after the required trainings, it will only leave a couple of hours per week. He said there are a lot of issues with this, and there will be a lot of legal fees, and he would like to see agreements from some other towns. He said we need to be careful about what we are getting into. Dumas said he isn't in favor of this if they won't be acting as full reserve police officers, and he can find agreements from other jurisdictions. Petersen said we should let Joe Fair do a preliminary look at this to outline the legal issues. He said passing special legislation can be a 2 to 4 year process. Eagan said this has to pass at Town Meeting first then be filed. She said if we get some examples from other North Shore communities, the Chief can work on different features and then Joe Fair can take a preliminary look at this to outline the issues. Perry said it would be nice to have an example from a smaller and closer community.

NEW BUSINESS

3. Discuss contract for services with the Merrimack Valley Planning Commission Fiscal Year 22 Stormwater Mobile Collection application used in inspections of stormwater drainage infrastructure

Chairman Pierce read the following:

Conservation Agent Brent Baeslack, who oversees the Town's compliance with the National Pollution Discharge Elimination System (NPDES), has been working with MVPC under a contract to inspect stormwater drainage structures. He has been using a mobile "app" to do this work. He is requesting the Board of Selectmen approve an extension of the Stormwater Management contract with MVPC for FY 22. The cost is \$1,500 and will be expended through the Town's FY 22 Stormwater Budget.

If the Board is in agreement, the Board needs to vote to approve the contract and to authorize Chairman Pierce to sign it.

Joe Perry made a motion to approve the contract with MVPC and to authorize Chairman Pierce to sign it, Bob Snow seconded, all in favor – aye (5-0).

4. Request from Personnel Advisory Committee to rescind hiring freeze

Chairman Pierce read the following:

The PAC is asking that this policy be rescinded. It has been in place for more than 10 years and the circumstances in which it was put in place no longer exist. The positions that are posted through the Personnel Department have funded in existing budgets. There is a long lag time between when an employee files a notice of resignation and when the position can be posted.

Please see attached memo from the PAC.

Petersen said he is the Chairman of the PAC and the hiring freeze was implemented a long time ago when we had a budget crunch. He said he doesn't recall the Selectmen ever not lifting the freeze to post a position, all of which are essential. He said rescinding this policy eliminates extra work for the staff, the PAC highly recommends this and we can bring this back if it is needed.

Dave Petersen made a motion to rescind the hiring freeze policy, Bob Snow seconded, all in favor – aye (5-0).

5. Review Zoning Board of Appeals application filed by Jay Stanley appealing the Building Inspector's stop work order and an application for a special permit for an expansion of a non-conform use at 600 Newburyport Turnpike

Chairman Pierce read the following:

The Zoning Board of Appeals has submitted a copy of an application they received from Jay Stanley appealing the Building Inspector's stop work order and an application for a special permit for an expansion of a non-conform use at 600 Newburyport Turnpike.

This past April, the ZBA sent an application to the Board of Selectmen to review an application filed by Jay Stanley for a Special Permit for an expanded business at 600 Newburyport Turnpike. The Selectmen, at their April 26, 2021 meeting reviewed the application and provided the following response to the ZBA via email on April 26:

Lisa,

The Board of Selectmen discussed ZBA Application #21.06 from Jay Stanley for 600 Newburyport Turnpike and had the following comments:

The business has too many trucks parked on too small of a lot. The trucks on this property are backed out onto Route 1, stopping traffic, and then park in the breakdown lane. This creates a very dangerous area at times.

*Sincerely,
Natalie*

Natalie Lovett
Assistant Town Administrator
Town of Rowley

How does the Board wish to respond to this current filing concerning this business?

Pierce said he isn't sure why we are getting this again. Eagan said the notice says the applicant is appealing a decision at 600 Newburyport Turnpike, but what they filed is an application for a special permit under Section 5.2. Pierce said there is a letter from Don Thurston that explains this. He said he thinks the comments should be the same as the last time.

Dave Petersen made a motion to repeat the Board's previous comments on this application, Deana Ziev seconded, all in favor – aye (5-0).

OLD BUSINESS

1. Accept donation from the Friends of the Rowley COA for Council on Aging flooring project and authorize purchase order to Pavilion Floors Inc. for the Council on Aging flooring project

Chairman Pierce read the following:

*Pavilion Floors Inc. provided the attached quote to refinish the hardwood floors in the main COA room for a total of \$9,755.68, which is **\$728.68** above the \$9,027 funds available for this project, if there are no unforeseen conditions that require additional work.*

The Friends of the COA has sent the Board of Selectmen a letter offering to donate \$728.68 for the floor refinishing project, and if needed the Friends will make an additional donation to cover any unknown costs discovered once the project is underway. Please see the attached letter from the Friends of the COA about this.

- *Please vote to accept this donation from the Friends of the COA.*
- *Please vote to issue a Purchase Order to Pavilion Floors Inc. for the work detailed in the attached quote for a total of \$9,755.68.*

Bob Snow made a motion to accept this donation and issue a Purchase Order to Pavilion Floors Inc., Joe Perry seconded, all in favor – aye (5-0).

MINUTES

- August 23, 2021

Bob Snow made a motion to approve the minutes of August 23, 2021, Dave Petersen seconded, all in favor – aye (5-0).

ANNOUNCEMENT

- The new fire engine will be dedicated in memory of G. Robert Merry on Saturday, September 25, at 2:00 p.m. at the Rowley Fire Station. All are welcome.
- There are openings on the Conservation Commission, Open Space Committee, and Board of Shellfish Commissioners. Please check the Town website under Board/Committee Vacancies for more information or call the Selectmen's Office at 948-2372.

ADJOURN

Bob Snow made a motion to adjourn, Deana Ziev seconded, all in favor – aye (5-0).

Meeting adjourned at 8:46 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 7:00 p.m. Appointment: Town Clerk Catie McClenaghan to discuss State rescinding of voter re-precinct order
2. Signed letter addressed to the State Local Election District Review Commission
3. Signed Single Precinct Authorization Form
4. Letter of resignation from Library Youth Services Assistant Marypat Pomaranski
5. Meeting memo regarding General Business #2: Request from Library Director Pamela Jacobson to lift the hiring freeze for the position of Youth Services Assistant
6. Meeting memo regarding General Business #3: Request from Police Chief Scott Dumas to appoint and to set the hiring pay rate of Joy C. Stanton to the position of Executive Assistant to the Chief of Police
7. Memo from Deb Eagan regarding Start Rate Pay Request – Joy C. Stanton
8. Request from Police Chief Scott Dumas to appoint and to set the hiring pay rate of Joy C. Stanton to the position of Executive Assistant to the Chief of Police
9. Letter from Police Chief Scott Dumas to Personnel Advisory Committee regarding A7-3 Implementation of Compensation Schedule
10. Resume for Joy C. Stanton
11. Meeting memo regarding General Business #4: Request from Council on Aging Director Ellie Davis to hold the Annual Council on Aging Barbeque in the apparatus bay of the Rowley Fire Station on October 13, 2021
12. Email from Fire Chief Broderick regarding Use of Fire Station for Council on Aging BBQ
13. Meeting memo regarding General Business #5: Road Opening Permit Applications from National Grid for the following: to install new gas service at 640 Wethersfield Street; to repair a gas leak at 24 Stoney Brook Road

14. Opening Permit Applications from National Grid to install new gas service at 640 Wethersfield Street
15. Opening Permit Applications from National Grid to repair a gas leak at 24 Stoney Brook Road
16. Meeting memo regarding New Business #1: Approve proposal from Haley Ward for landfill test-well monitoring service
17. Proposal from Haley Ward for landfill test-well monitoring service
18. Meeting memo regarding New Business #2: Discuss request from Conservation Agent Brent Baeslack to use Merrimack Valley Planning Commission Local Technical Assistance for update on the Town Open Space and Recreation Plan and discuss funding options for balance of project
19. Memo from Brent Baeslack regarding Request for Approval of Local Technical Assistance from MVPC and Funds for Generating Required Plans for the Open Space and Recreation Plan Update
20. Memo from Brent Baeslack regarding Addendum to Request for Approval of Local Technical Assistance from MVPC and Funds for Generating Required Plans for the Open Space and Recreation Plan Update
21. Local Technical Assistance from MVPC request form
22. MVPC Open Space and Recreation Plan GIS Mapping – Scope of Services
23. Contract for Services between MVPC and Town of Rowley
24. Meeting memo regarding 7:10 p.m. Public Hearing (Continued) – Farmer Series Pouring Permit Liquor License Application filed by Anonymous Brewing LLC for 60 Main Street
25. Approved site plan for 60 Main Street
26. Email from Kirk Baker regarding Conditions for approval of 60 Main Parking Plan (outdoor seating)
27. Email from Kirk Baker regarding 60 Main Street (site plan approval)
28. Narrative for proposed outdoor patio area – 60 Main Street
29. Plan for outdoor Beer Garden
30. Plan for outdoor interior of building
31. ABCC Advisory regarding Guidelines for Extension of Premises to Patio and Outdoor Area
32. Narrative for proposed outdoor patio area – 60 Main Street
33. Plan for outdoor Beer Garden
34. Class II License issued to 60 Main Street with attached approved ZBA approved site plan
35. Email from William Sheehan regarding Rowley vlg grn ltr re beer hall ppsd use, including attached letter, including exhibits
36. Meeting memo dated July 26, 2021 regarding 7:30 p.m. Public Hearing – Farmer Series Pouring Permit Liquor License Application filed by Anonymous Brewing LLC for 60 Main Street
37. Notice of Public Hearing for Anonymous Brewing LLC for 60 Main Street
38. Tear sheet for Notice of Public Hearing for Anonymous Brewing LLC for 60 Main Street
39. ABCC Advisory for New Farmer Series Pouring Permits for Farmer-Breweries, Famer-Wineries & Farmer Distilleries

40. Email from Kevin Moriarty regarding liquor license hearing
41. Email from Amy Lydon to Board of Selectmen regarding Liquor License Application – Anonymous Brewing, LLC – 60 Main Street, including attached application; meeting memo and information from June 21, 2021 regarding New Business #3; and email sent to Kevin Moriarty regarding Board of Selectmen Request
42. Supplemental information provided by Kevin Moriarty for liquor license application
43. Class II License issued to Automotive Transport Service Inc. at 60 Main Street, including attached site plan
44. Site Plan of Land for 60 Main Street provided by Jill Mann at meeting
45. Meeting memo regarding 7:20 p.m. Appointment: James Decoulas to discuss the following items pertaining to an Open Space Residential Development Application off Daniels Road: three private sewer easements crossing under a proposed right-of-way, and the operation and maintenance of proposed underground stormwater basins, including attachments detailed in meeting memo
46. Plan of land for OSRD Concept off Daniels Road
47. Meeting memo regarding 7:30 p.m. Appointment: Police Chief Scott Dumas to discuss filing home rule legislation to authorize retired police officers to work detail shifts, including attachments detailed in meeting memo
48. Meeting memo regarding New Business #3: Discuss contract for services with the Merrimack Valley Planning Commission Fiscal Year 22 Stormwater Mobile Collection application used in inspections of stormwater drainage infrastructure
49. Email from Brent Baeslack regarding FY22 GIS App Stormwater Contract, including two attachments
50. Meeting memo regarding New Business #4: Request from Personnel Advisory Committee to rescind hiring freeze
51. Memo from Personnel Advisory Committee to rescind hiring freeze
52. Meeting memo regarding New Business #5: Review Zoning Board of Appeals application filed by Jay Stanley appealing the Building Inspector's stop work order and an application for a special permit for an expansion of a non-conform use at 600 Newburyport Turnpike
53. Email from Natalie Lovett regarding ZBA Application #21.06
54. Email from Lisa Lozzi regarding ZBA New Business – Case #22.02 and attached Zoning Board of Appeals application filed by Jay Stanley appealing the Building Inspector's stop work order and an application for a special permit for an expansion of a non-conform use at 600 Newburyport Turnpike
55. Meeting memo regarding Old Business #1: Accept donation from the Friends of the Rowley COA for Council on Aging flooring project and authorize purchase order to Pavilion Floors Inc. for the Council on Aging flooring project
56. Donation letter from the Friends of the Rowley COA for Council on Aging flooring project
57. Quote from Pavilion Floors for Council on Aging flooring project
58. Draft minutes of August 23, 2021

