

MINUTES OF THE BOARD OF SELECTMEN

September 16, 2019

Meeting held at Town Hall, 139 Main Street, Rowley, MA
7:00 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)

PUBLIC ATTENDEES: Bruce Spaulding – Skins Inc.; Bernie Cullen – 283 Wethersfield St.; Corey Matthews – 255 Newburyport Turnpike Rowley LLC; Michael McCarthy – 255 Newburyport Turnpike Rowley LLC; Larry White – Finance Committee

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

GENERAL BUSINESS

1. Request from Police Chief Scott Dumas to appoint Christina Richards as Reserve/Per Diem Dispatcher

Bob Snow made a motion to appoint Christina Richards as a Reserve Dispatcher, Dave Petersen second, all in favor – aye (5-0).

2. Letter from Dispatcher Sheri David regarding Lead Dispatcher position

Chairman Pierce read the letter from Sheri David.

Joe Perry made a motion to accept Sheri David's resignation from the Lead Dispatcher position and to appoint her as Full-Time Dispatcher, Bob Snow second, all in favor – aye (5-0).

3. Request from the Pine Grove School Parent Teacher Association (PTA) to hold Annual Fall Festival on the Town Common on Sunday, October 13, 2019 from 3:00 p.m. to 5:00 p.m.

Chairman Pierce read the following:

The request from Fall Fest Coordinator Nesa Ulyshen and the completed application for the use of the Town Common are attached. Below is a synopsis of key details:

- *Date of event: Sunday October 13, 2019 from 3:00-5:00 p.m., rain date Sunday, October 20, 2019 from 3-5 p.m., with set up beginning at 12:00 p.m. and cleanup after the event*
- *They are requesting to hang a banner on the Town Common backstop to promote this event.*
- *The Police Chief has asked that the “PTA to communicate to folks to come with a friend if at all possible to mitigate any parking issues we may have.” The Fire Chief and Highway Surveyor have no concerns.*
- *The PTA is still working on getting their food permits from the Health Department.*
- *Estimated 300+ attendees*
- *No cost for admission, those attending asked to bring non-perishable food item for Rowley Food Pantry*
- *A variety of food will be for sale from food trucks.*
- *A variety of planned events, including pony rides*
- *PTA has provided an insurance certificate naming the Town of Rowley as an additional insured with limits of \$1,000,000 per occurrence and \$2,000,000 general aggregate*

Dave Petersen made a motion to approve this request, including the hanging of the banner, Joe Perry second, all in favor – aye (4-0). Deana Ziev - ABSTAINED

OLD BUSINESS

1. Update on Pine Grove School Project

Joe Perry said they had a construction meeting last Thursday, and they didn't have a full week look ahead report like they normally do, but they will have it this week. He said everything is progressing and they are working on landscaping and finishing the ballpark.

2. Review Cannabis Control Commission Municipal Response form for Old Planters of Cape Ann, Inc.'s application for a Marijuana Retail License at 300 Newburyport Turnpike

Chairman Pierce read the following:

The Cannabis Control Commission (CCC) has sent the Town a notice of completed adult-use marijuana establishment application for Old Planters of Cape Ann, Inc.'s. The CCC is asking the Town to confirm that this applicant is in compliance with municipal bylaws or ordinances by completing the Municipal Response form.

Town Planner Kirk Baker has provided the following information regarding the applicant's permitting status:

Special Permit is approved, they have a building permit and they are doing the interior renovations, but they have not yet requested a review for Certificate of Compliance from the Planning Board.

I would add that the exterior improvements all appear to be done at 300 NBPT including upgrade to the catch basins in the parking area, so for the retail marijuana operation to go forward the only thing they need from us will be the formal confirmation of compliance with the terms of the SP/SPR.

The applicant still needs to obtain an occupancy permit.

The attached Municipal Response forms for Old Planters of Cape Ann, Inc. has been completed by checking off the box that they are in compliance with municipal bylaws, with a note that this is contingent upon the approval of the local licenses and permits. David Lakeman from the CCC said this is how other municipalities are completing this form when the local licensing and permitting process is not yet complete.

David Lakeman said this Municipal Response form is needed for them to grant the applicants provisional licenses. The CCC will check back with the Town to verify that the local licenses and permits have been granted before issuing their final licenses.

Please vote to authorize Chairman Pierce to sign this form.

Bob Snow made a motion to authorize Chairman Pierce to sign the Municipal Response forms for Old Planters of Cape Ann, Inc., Deana Ziev second, all in favor – aye (5-0).

MINUTES

- September 9, 2019

Bob Snow made a motion to approve the minutes of September 9, 2019, Joe Perry second, all in favor – aye (5-0).

- Executive Session – September 9, 2019

Joe Perry made a motion to approve the minutes of Executive Session - September 9, 2019, Bob Snow second, all in favor – aye (4-0). Deana Ziev – ABSTAINED.

7:05 to 7:10 p.m. PUBLIC COMMENT

There were no public comments.

ANNOUNCEMENTS

- Vacancies:
 - 1) Planning Board Associate;
 - 2) Two vacancies on the Conservation Commission;

- 3) One vacancy on the Zoning Board of Appeals Associate seat; and
 - 4) Several vacancies on the Rowley Cultural Council
- Interested residents should send a letter of interest to the Board of Selectmen or call the Selectmen's Office at 948-2372.

Snow said since there are a few minutes before the Public Hearing, he would like to give an update on the September 11th Memorial. He said he went to the Memorial last Wednesday, like he does annually, and Chief Broderick was there with Captain Emery and the two new firefighters. He said the Chief explained to the new Firefighters how the Town got the pieces of the Memorial, and about the two Rowley families, the Trentini's and the Olsen's, who were involved in the tragedy.

Ziev said this year they had a ceremony at the Pine Grove School. She said the students wore red, white and blue, and they sang outside in front of the new flag pole. She said it is important for the kids to understand what happened.

7:15 p.m. PUBLIC HEARING - Liquor License Transfer Application submitted by 255 Newburyport Turnpike Rowley LLC to transfer license from Skin's Incorporated, doing business as Spud's restaurant at 255 Newburyport Turnpike

Chairman Pierce read the following:

NOTE: A copy of the redacted application has been included in your packet. A copy of the floor plan is in the Chairman's packet. All other supporting documentation to the application is in the file for this transfer application.

Chairman Pierce read the notice of public hearing. Chairman Pierce stated that the hearing was advertised in the September 4, 2019 edition of The Daily News. He called for a motion to open the hearing.

Bob Snow made a motion to open the Public Hearing, Joe Perry second, all in favor – aye (5-0).

Public Hearing opened at 7:16 p.m.

Michael McCarthy said he represents the applicant Corey Matthews. He said Mr. Spaulding, the current owner of Spud's, is also present tonight. He said Matthews is requesting the transfer of the liquor license. He said Matthews has a strong history in the business, and is the proprietor of the Boathouse and the Blue Marlin restaurants located in Essex. He said they are here to change the owners, but aren't here to change the nature of the restaurant. He said Matthews plans to provide a good product at a good price in a family friendly environment. He said if there are future upgrades, such as floor plan changes, they will come to the Board. He said Matthews grew up in the restaurant business and his character is suitable for this type of establishment.

Chairman Pierce read the following:

There are no overdue taxes, water bills or electric bills at this location.

Site Plan / Special Permit: *The Town Planner provided a copy of the approved site plan and Special Permit for this location. If the applicant plans to make any changes from these approvals, they will need to go to the Planning Board.*

Matthews said they aren't making changes at this time, but they may need to file for a modification.

Pierce continued:

Septic system capacity issue: *The Town Planner noted that they are asking for 190 seats, but the Health Services Coordinator pointed out that the septic system has been designed for 181 seats including bar seating. Applicant should notify Health Department of any proposed changes of seating in the dining room.*

McCarthy said the 190 seats is on the Occupancy Permit, and they will go to the Board of Health for the 190 seats.

Pierce continued:

Illuminated Sign Concern: *Any significant dimensional changes to the grandfathered illuminated sign would require Special Permit approval by the Planning Board*

Matthews said they are aware of this and they will be changing the cover on the sign only to reflect the new restaurant name.

Pierce continued:

Food Licenses: *Contact Health Department regarding Food License or the Food Establishment Plan Review applications.*

Petersen said Spud's has been well run and is popular, and many of the Board members have been to the Blue Marlin/Boathouse which are also well run, so this is a good fit.

Matthews confirmed the following:

- The hours for serving alcohol will remain the same as they currently are: Monday – Sunday 11:00 a.m. until midnight.
- Servers and managers will be required to be TIPS certified.
- If he plans to have future modifications to the liquor license, such as a change of the floor plan, he will bring proposed changes forward.

Joe Perry said he goes to Spud's on Wednesdays and receives a Senior Discount, and he hopes that Matthews considers keeping the Senior Discount.

Joe Perry made a motion to close the Public Hearing, Bob Snow second, all in favor – aye (5-0).

Public Hearing closed at 7:24 p.m.

Joe Perry made a motion to approve the transfer of the liquor license, Deana Ziev second, all in favor – aye (5-0).

Pierce continued:

Amy will prepare the Local Licensing Authority Summary Form tomorrow, and will let the Board know when this is ready to be signed. The application, along with the Summary Form, needs to go to the ABCC for further review and approval.

ADJOURN

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Joe Perry second, all in favor - aye (5-0).

Meeting adjourned at 7:30 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Request from Police Chief Scott Dumas to appoint Christina Richards as Reserve/Per Diem Dispatcher
2. Letter from Dispatcher Sheri David regarding Lead Dispatcher position
3. Meeting memo regarding General Business #3: Request from the Pine Grove School Parent Teacher Association (PTA) to hold Annual Fall Festival on the Town Common on Sunday, October 13, 2019 from 3:00 p.m. to 5:00 p.m.
4. Request from the Pine Grove School Parent Teacher Association (PTA) to hold Annual Fall Festival on the Town Common on Sunday, October 13, 2019 from 3:00 p.m. to 5:00 p.m.
5. Completed Application for the Use of the Town Common submitted by the Pine Grove School Parent Teacher Association
6. Certificate of Insurance provided by the Pine Grove School Parent Teacher Association
7. Meeting memo regarding Old Business #1: Update on Pine Grove School Project

8. Meeting memo regarding Old Business #2: Review Cannabis Control Commission Municipal Response form for Old Planters of Cape Ann, Inc.'s application for a Marijuana Retail License at 300 Newburyport Turnpike
9. Notice from the Cannabis Control Commission regarding Municipal Notification of a Marijuana Establishment for Old Planters of Cape Ann, Inc.
10. Draft Minutes of September 9, 2019
11. Meeting memo regarding 7:15 p.m. Public Hearing- Liquor License Transfer Application submitted by 255 Newburyport Turnpike Rowley LLC to transfer license from Skin's Incorporated, doing business as Spud's restaurant at 255 Newburyport Turnpike
12. Public Hearing Notice for Liquor License Transfer Application submitted by 255 Newburyport Turnpike Rowley LLC to transfer license from Skin's Incorporated, doing business as Spud's restaurant
13. Copy of newspaper advertisement for Public Hearing Notice
14. Copy of current liquor license issued to Skin's Incorporated, doing business as Spud's restaurant
15. Memo from Amy Lydon to Board of Selectmen regarding Department Head Comments/Concerns on the Transfer of Liquor License currently issued to Spud's at 255 Newburyport Turnpike, including attachments
16. Completed Application for a Transfer of License for Liquor License Transfer Application submitted by 255 Newburyport Turnpike Rowley LLC
17. Affidavit of Notice to Abutters and Others, including attached Certified Abutters List for Liquor License Transfer Application submitted by 255 Newburyport Turnpike Rowley LLC
18. Floor Plan for Spud's Restaurant dated August 29, 1985