

MINUTES OF THE BOARD OF SELECTMEN MEETING

September 11, 2017

Meeting held at Town Hall, 139 Main Street, Rowley, MA
7:00 p.m.

MEMBERS PRESENT: Chairman Joseph Perry, Vice Chairman Robert Snow, Clerk Cliff Pierce, David Petersen, Robert Merry (Town Administrator Deborah Eagan, Assistant Town Administrator Amy Lydon)

PUBLIC ATTENDEES: Larry White – Finance Committee; Bernard Cullen – 283 Wethersfield Street; Henry Rolfe

CALL MEETING TO ORDER

Chairman Perry called the meeting to order at 7:00 p.m. He said the meeting is being audio and video recorded digitally.

MOMENT OF SILENCE IN HONOR OF THE VICTIMS OF SEPTEMBER 11, 2001 TERRORISM ATTACK

A Moment of Silence was observed in honor of the victims of the September 11, 2001 terrorism attack.

Bernie Cullen said he was in New York City across the street from the World Trade Center the morning of the terrorism attack. He said the towers were clad in aluminum and the siding peeled off in sheets once they got hot. He said it was incredible to see giant shrapnel peeling, and the first responders continued to enter the buildings to rescue people as people were exiting the buildings. He said this is a memory he will never forget.

PLEDGE OF ALLEGIANCE

Bernie Cullen led the Pledge of Allegiance.

GENERAL BUSINESS

1. Discuss Rotary Club of Ipswich clean-up of September 11, 2001 Town memorial on Cross and Pleasant Streets

Chairman Perry read the following:

Vice Chairman Bob Snow sent the attached pictures of the Rotary Club of Ipswich working to clean up the September 11 Memorial on Cross and Pleasant Streets.

Does the Board wish to send a thank you to the group for their work?

Perry said they did a fine job and the Rotary is very kind to keep up the September 11, 2001 Town memorial. Snow said the Rotary volunteered to lead this effort, and there were seven volunteers working on this. He said Country Gardens donated the materials, and the planting were complete in about an hour. He said he went to the memorial this morning between 8:40 and 8:45, and after sixteen years this tragedy still sticks in people's minds.

Dave Petersen made a motion to send letters of thanks and appreciation to the Rotary Club and Country Gardens, Cliff Pierce second, all in favor - aye (4-0). Bob Snow – RECUSED as he is a member of the Rotary Club.

2. Request from the Agricultural Commission to hold a Tractor Show and have live music during the Sunday, September 24, 2017 Farmers' Market

Chairman Perry read the request letter.

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

3. Letter of resignation from Call Firefighter Andrew Nardone

Chairman Perry read Andrew Nardone's resignation letter.

Dave Petersen made a motion to accept this resignation and to send a thank-you letter, Bob Snow second, all in favor - aye (5-0).

4. Letter of resignation from Council on Aging Board member Robert Kirsner

Chairman Perry read Robert Kirsner's resignation letter.

Dave Petersen made a motion to accept this resignation and to send a thank-you letter, Bob Snow second, all in favor - aye (5-0).

5. Request from Council on Aging Board to issue Proclamation to Robert Kirsner in recognition of serving on the Council on Aging Board for 30 years

Chairman Perry read the following:

The Council on Aging Board has requested that the Board of Selectmen recognize the service of Robert Kirsner as a member of the Council on Aging for 30 years. Mr. Kirsner was also a founding member of the COA board.

Could the Board vote to issue and sign the attached proclamation for Robert Kirsner?

Dave Petersen made a motion to issue the proclamation to Robert Kirsner, Cliff Pierce second, all in favor - aye (5-0).

The Selectmen signed the Proclamation.

7:10 – 7:15 p.m. CITIZEN QUERY

Larry White of Central Street said he understands that the Selectmen met with Triton regarding the upcoming budget. He reminded the Board that over the past five years there have been ten overrides, and he hopes the Selectmen will consider a no increase budget for Triton. He said Triton would get a flat budget, and no increase of a portion of the Town's 2.5% increase. He said if Triton needs more funds, they should put in for an override. Perry said two Rowley Selectmen as well as two members of the Salisbury Selectmen attended the meeting with the School Committee.

GENERAL BUSINESS

6. Review Road Opening Permits from National Grid for the following:
 - to open 190 Haverhill Street for gas valve repair
 - to open intersection of Meadows Lane and Haverhill Street for gas valve repair
 - to open 981 Haverhill Street for gas valve repair
 - to open 6 Bradford Street for gas valve repair
 - to open intersection of Haverhill Street and Daniels Road near 585 Haverhill Street for gas valve repair

Bernie Cullen asked why there are so many gas valve repairs and if there is an issue with them. Snow said National Grid periodically runs a machine to detect gases through the ground as part of their maintenance procedures. Cullen said it is a legitimate question to ask National Grid if there is an issue with the valves. Snow said we can check into this, but it is probably routine maintenance.

7. Invitation from Archbishop Sean O'Malley to attend a special Mass for public safety personnel on October 1, 2017

Chairman Perry read the invitation. Bob Snow said he will check his schedule to see if he can attend this.

8. Invitation from Suzanne Dubus, Chief Executive Officer of the Jeanne Geiger Crisis Center, to attend Annual Walk Against Domestic Violence on October 1, 2017

Chairman Perry read the invitation.

9. Set meeting schedule for October, November and December 2017

Chairman Perry read the following:

The proposed meeting schedule for the next three months is as follows:

October 2, 2017

October 9, 2017 – no meeting Columbus Day holiday

October 16, 2017

October 23, 2017

October 30, 2017

November 6, 2017

November 13, 2017

November 20, 2017

November 27, 2017 – no meeting – due to shortened agenda posting schedule because of the closing of Town Hall for the Thanksgiving holiday

December 4, 2017

December 11, 2017

December 18, 2017

December 25, 2017 - no meeting Christmas Day holiday

Bob Snow made a motion to set the meeting schedule as presented, Cliff Pierce second, all in favor - aye (5-0).

Cliff Pierce said he cannot make the meeting on October 2, 2017.

OLD BUSINESS

1. Massachusetts Bay Transportation Authority train service update

Chairman Perry read the following:

The MBTA has confirmed that weekend train service was restored on Labor Day weekend. Weekday and weekend train service is running on a normal schedule.

2. Update on Pine Grove School Project

Chairman Perry read the following:

The Massachusetts School Building Authority has signed and returned the fully-executed Project Scope and Budget Agreement. With the execution of this document, the project now is “full steam ahead.”

Chairman Perry will provide an update on this project.

Perry said we should be going out to bid soon for several items. He said the target start date is June 2018, work will continue through 2018 and 2019, and should finish by September 2019. He said the total project budget has been signed off on and we are good to go. He said Dore & Whittier is doing a fabulous job, and we are getting a lot for our money.

3. Update on August 23, 2017 Triton School Committee meeting on FY 19 Budget

Chairman Perry read the following:

Chairman Perry and Selectman Petersen met with the Triton School Committee on August 23, 2017 to discuss the FY 19 budget.

Finance Committee Chairman Larry White and representative from the Salisbury Board of Selectmen also attended this meeting.

Chairman Perry and Selectman Petersen will update the Board on the meeting.

Perry said they made a presentation and because they were listed on the School Committee agenda, they were not limited to three minutes. He said both he and Petersen spoke, and Larry White also made a presentation. He said they did a good job in telling Triton what we need and want for their budget. He said to accomplish what they have been asked will take some work on the School Committee's part, and Salisbury supports Rowley's position.

Petersen said they listened and on page two of the packet there is a recent history of the yearly budget increases from Triton. He said he outlined for them how free cash has been used to fund the Triton budget for the past three years. He said over the last three years, Triton's budget has increased by \$1,326,940, and Rowley can't continue to use free cash to fund this. He said in 2007, an override for \$590,000 was passed to fund the budget. He said in 2011, another override for \$130,000 for the Triton budget did not pass. He said in 2015 an override for the Triton stadium passed, in 2016 overrides for the Police and Fire Station project and Pine Grove School Feasibility study both passed, and in 2017 an override for \$39,000,000 passed for the Pine Grove School renovation. He said the taxpayers have done more than their fair share to support Triton and the Town projects. He said he hopes the School Committee keeps

all of this in mind as they set the budget. He said Triton's budget is stripping all of the other Town budgets. He said he appreciated that Salisbury Selectmen attended the meeting. He said we know that Triton is in control of the budget and we have let them know upfront what the Town's fiscal situation is.

Perry said Rowley pays \$818,000 per month to Triton for twelve months to fund their budget. Petersen said this doesn't include what the Town pays for Whittier and Essex Aggie.

Bernie Cullen asked if the Board will take any follow up steps to find out what Triton is doing about this. He said it is great that Rowley went to them early in the process, but if they still plan on waiting until January to start the budget, nothing will change. He asked if we will find out when the School Committee plans to start the budget. Perry said he can contact Superintendent Forget to ask him to keep Rowley up to date about where they are in the budget process. Cullen said we should know what the budget schedule is as soon as possible and push back on it if it leaves Rowley no time to push back on the submitted budget. Petersen said we have zero power and the best we can do is make them aware of our situation. He said they will do what they are going to do and we can hope that they will listen to us. He said this is one of the drawbacks to a regional school system. Perry said the timing of this meeting was good as they are in teacher's negotiations. He said in January, they plan to meet with the school Principals. Cullen asked if we can respectfully ask that they begin the budget in December and not in January. Snow said the taxpayers have control over the budget and they need to go to the School Committee meetings and voice their opinions. He said it is not healthy to dip into free cash and we would appreciate it if the taxpayers take an interest in this, otherwise it will hit the tax bills. Petersen said taxpayers can call or write letters to the School Committee. He said Rowley has been alone for the past few years asking the School Committee to watch the budget, and it is effective when a couple of the Towns and the taxpayers get involved.

4. Update on the Fire Station and Police Station Addition project

Petersen said the Committee met this morning and they have been meeting every two weeks. He said they are in the final stages and within the next week or two the bid documents will be ready and they will go out to bid. He said all of the permits needed from the Conservation Commission, Planning Board and the ZBA are in motion. He said the ZBA hearing for the Special Permit is scheduled for October 18th and by then the documents will be drawn up. He said they hope there aren't any major issues with the permitting as the target is to go out to bid in October and start construction in late fall or early winter. Pierce said it may make sense to delay going out to bid until the

permitting is complete. He said the site plan review may lead to some changes. Petersen said this is a Town project with few abutters, and is not a subdivision in a residential area. He said they don't see any potential issues with the ZBA since it is just for the 50 foot setback, and the architect and OPM agree with this. He said any changes should be minor and wouldn't have an impact on the bid documents. Pierce said Larry Graham, engineer, has to look at this project the same way he looks at any sort of development. Petersen said if Graham sees a problem, they will hold up the bid documents. He said they have not received many complaints, and one abutter expressed concerns about the fire truck horns. Eagan said the architect and the OPM are concerned about pushing the deadline out. She said they plan to issue addendums for the permits, and they will extend the bid deadline if there are significant changes.

5. Discuss the Didax building, 395 Main Street

Chairman Perry read the following:

Town Counsel Judy Pickett, in her August 18, 2017 memo, outlined the steps the Board of Selectmen needs to follow in accepting the gift of the Didax building and the parcel it sits on.

To recap, we need to do the following:

- 1) Place an article on the Town Meeting warrant authorizing the Board of Selectmen to accept the land for municipal purposes (G.L. c.40§14)*
- 2) Undertake a Title Examination*
- 3) Hire a surveyor/engineer to prepare an ANR plan of the site. As part of that process we will need to work out an agreement with Didax on the roadway configuration because the roadway is shown as a separate untaxed parcel on the Assessor's Map.*
- 4) Undertake a Title V (septic) inspection*
- 5) Undertake a site assessment by a licensed site professional (Debbie has asked Peter Termini for a copy of Didax's 21E site assessment)*
- 6) Hire an inspector to inspect the building, similar to a "home inspection" (Debbie has run this by Building Inspector Ken Ward and he agrees that this should be done)*
- 7) Have Town Counsel Judy Pickett work with the Didax attorney on an agreement, similar to a Purchase and Sale Agreement*

Perry asked if there are concerns about this being ready for the Fall Town Meeting. Eagan said we can discuss that under the Fall Town Meeting agenda item. She said she is looking for authorization to start the title work. She said she is hopefully that Mr. Termini will provide her with a copy of the 21E site assessment already done, which she

can use to get a price to do a new site assessment and to determine if a Phase 1 or Phase 2 assessment is needed. She said she can get a quote for a building assessment which is like a home inspection. She said Town Counsel can work on an agreement similar to a Purchase and Sales Agreement, and the Town Meeting vote is the authorization. She said we will need funding to do survey work and a subdivision plan to use before the Planning Board regarding the terms of the future roadway that will be used to access the municipal property and the offshoot to the residential area behind it.

Bob Snow made a motion to authorize Eagan to work on the title examination and the other items outlined above, Bob Merry second, all in favor - aye (5-0).

6. Update on the purchase of the rear of 221 Main Street

Chairman Perry read the following:

Debbie and Town Counsel Judy Pickett are finalizing the wording on the Purchase and Sales agreement with the seller's attorney.

There is a cedar tree on the property that the seller has asked the Town to preserve. It has been marked on the plan.

The seller's attorney has been away and is due back this week. We plan to finalize the wording in the P&S and they have it signed by the seller. We will have it back to the Selectmen in final form at either the September 18 or September 25 meeting. Once the P&S has been fully-executed, Debbie will file the subdivision plan with the Planning Board.

Merry said he has a full sized plan available tonight, as the small version in the packet is hard to read. Petersen said we have discussed this many times and Merry has done a nice job dealing with the owners and making sure the wording in the P&S is what is wanted. Merry said they wish to preserve a cedar tree which was planted by their grandfather. He said the tree sits on the property line with the other lots that were purchased years ago by the Town. Pierce said the tree is on the lot boundary now, but once the Town owns the Gwinn land, it will be in the middle of municipal property, and it may be located where the Town wishes to put a ballfield. He said the language now says, "to the extent possible," which commits the Town to preserving the tree. He said the language should be changed to, "the Town will endeavor to preserve the cedar tree, as long as its' preservation is not inconsistent with the intended use of the property." He said he hates to lock the Town into saving this tree. Petersen said the back lot line of the property the Town is buying is 227 feet long, so we can easily fit a ballfield there

without interfering with the tree. He said he thinks we can work around the tree. Pierce said he is not suggesting that the language be deleted, but he's suggesting that it be re-phrased. Petersen said the Town will bend over backwards not to remove the tree and he thinks we can accommodate this without a problem. He said if we re-work the language now, we may run into resistance, and a lot of work has been put into this. He said maybe a plaque can be installed recognizing the Gwinn family. Merry said we mentioned naming a field after them, but the family is very attached to that tree as they remember the grandfather planting it. Petersen said we want to expedite this and we have \$221,000 in CPC money to design and build the first field. Pierce said Town Counsel can easily come up with language to satisfy both parties. Eagan said she would like the Board to vote if the Purchase and Sales agreement is good to go or if the language should be revised. She said the Town Counsel advised that there is no language about the tree in the deed. Pierce said language stating a good faith effort would be fine. Petersen said he is satisfied and the Town Counsel is satisfied. He said Merry has discussed this with the Gwinn family. Bernie Cullen said if the Town is paying fair market value for the property, that we shouldn't add a caveat into the agreement. Petersen said we are making a mountain out of mole hill. Merry agreed with Petersen. Petersen said if needed we can slice into the Bradstreet property for fields, and the language allows the Town to take the tree down if needed.

Dave Petersen made a motion to approve the wording on the draft Purchase and Sales agreement, Bob Snow second, all in favor - aye (4-0). Cliff Pierce – OPPOSED.

NEW BUSINESS

1. Review Zoning Board of Appeals Special Permit Application filed by Margaret Henry to change the name from Day Care to Montessori school by adding two classroom to accommodate existing grades 1-3 and adding grades 4-6 at 121 Wethersfield Street

Chairman Perry read the following:

The Zoning Board of Appeals has distributed copies of a special permit application submitted by the North School Montessori School to change the name from 'daycare' to 'school'. Since that application was filed, a cease and desist has been issued by Building Inspector, Ken Ward.

Does the Board have any comments it would like to send to the Zoning Board of Appeals?

Pierce said the Building Inspector's cease and desist order is based on a very narrow issue that under State law, you cannot provide daycare for kids over the age of eight,

which may be right or wrong. He said in reviewing the application the bigger issue is the addition of two new classrooms, without an indication of the number of new students and staff. He said this expansion calls for a site plan review to be done by the ZBA. He said the Town needs to make sure that parking is adequate, that there are no safety concerns, and that storm water management is being handled properly. He said this business is located in a residential neighborhood, and access to the business is provided by someone else's very narrow driveway. He said he thinks the Board's comments to the ZBA should be that they conduct a site plan review to look at parking, traffic safety, storm water management and anything else the Board feels they should review. Perry said the application does indicate that the maximum number of students is 75. Pierce said they currently have 40 students, so the increase would be 35 students.

Eagan said an abutter of this property came to the Board of Selectmen raising concerns, and he did his research. She said an educational institution is allowed in all districts in Rowley if they are a non-profit. She said the North School Montessori School is a for-profit business, confirmed by the Assessor's Office. She said the owner's attorney called the Building Inspector to report that they had changed to a non-profit status, but we haven't received paperwork on this. She said a Planning Board site plan review is required for a non-profit educational institution under the Zoning by-law. She said the Building Inspector issued the permit to the business under the daycare provision, which allows daycares to operate anywhere in town. She said schools are not allowed anywhere in town, and are only allowed as provided under the Zoning bylaw. She said there are a lot of issues involved with this. She said the Building Inspector has asked Town Counsel Tom Mullen for guidance, who will be at the hearing on this. She said there has been a stay on the cease and desist, and the school is operating. She said if they have changed to a non-profit, they should be going before the Planning Board for a site plan review as required under the Zoning by-law.

Petersen asked if they are going from a daycare to a school. Eagan said it is not clear if they are abandoning their daycare permit which is under the State Office for Children, which may have different building code requirements than what is required for schools. She said this is part of the Building Inspector's concerns. Petersen said if the business is changing from a daycare to a school, the neighbors will be up in arms, and we should request that this go through the review process with the Planning Board. He said this is a change of use and an expansion of use, and if the Planning Board can't review this, there is a flaw in the laws. He said this location is surrounded by houses. He said with a daycare, you would have a small outside play area, but with grades one through six, the play area would have to be greatly expanded. He said we should ask the ZBA to get a site plan review through the Planning Board. He said this will definitely affect the neighborhood.

Snow said he is an abutter, and he recuses himself from this topic.

Pierce said he hasn't looked at the State law called the Dover amendment in sometime, and he is not aware of the distinction between profit or non-profit educational institutions. He said his understanding of the law is that a town can't require an educational facility to get a special permit, but the town can review the plan for parking and traffic safety.

Cliff Pierce made a motion to request the ZBA to do the following:

- Consider conducting a site plan review because of the significant expansion of the business
- Consider that the applicant is doubling the size of the business in a residential neighborhood and changing the size and scope of the business
- Make a determination if this should go before the Planning Board and not before the ZBA under Zoning bylaw 4.8.1.(d)
- Address the traffic issues involved with drop-off/pick-ups, parent nights, kids activities given that the access driveway is small

and to authorize the ZBA to use Town Counsel to whatever extent is needed on this issue, Dave Petersen second, all in favor - aye (4-0). Bob Snow – RECUSED

Bernie Cullen voiced his concerns about the additional traffic on that road, which he is familiar with since he lives on that road.

2. Review Zoning Board of Appeals Application filed by Michael Sabatini appealing the Building Inspector's Cease and Desist Order for all commercial and business activities including agribusiness at 239 Main Street

Chairman Perry read the following:

Building Inspector Ken Ward issued a Cease and Desist for all commercial and business activities, including agritourism at 239 Main Street. The Zoning Board of Appeals has scheduled a hearing on this matter for September 21, 2017.

A copy of the Cease and Desist is attached.

A copy of the 2009 Subdivision Approval for the Bradstreet Farm at 239 Main Street is attached. Please see page 4 regarding the "driveway."

Does the Board of Selectmen wish to send the ZBA any comments regarding Mr. Sabatini's application?

Petersen said the driveway is a big issue since it is a driveway to be used for access to the property and not a right-of-way to be used for commercial purposes. Merry said the future developer of the land to be sold by the Town for an affordable housing development would be responsible for building the road. Petersen said there is a legal issue with having a business at the end of a driveway. He said this is a one lane driveway and is not meant for 50 to 100 people to use to attend an event. He said the ZBA may want to require a police detail if events are permitted to be held. Eagan said it is clear in the subdivision approval that the type of road to be built would be under Chapter 41, Section 81, and it would be a standard subdivision specified road that would go through a process through the Planning Board. Pierce said the type of road to be built is laid out in the subdivision agreement. Eagan said the town has held off on the affordable housing development because the town planned to develop ball fields on the active recreation portion of the Bradstreet land, and would need to access this portion through the affordable housing portion to complete the fields. She said the Town had discovered that the terrain on the active recreation portion of the Bradstreet land is not suitable for building the fields

Petersen said "agribusiness" is a scary subject. He said the law requires that a function hall being run as an agribusiness needs to use produce from its farm or another local farm. He said if Sabatini is allowed to run a function hall without using his own produce, it will open the door for similar businesses to operate anywhere there is a barn. Eagan said in April we received a legal opinion on this and it was recommended that we create a zoning by-law to define agritourism and the permitting process that needs to be followed. Pierce said this creation of a bylaw was discussed by the Zoning Review Committee, and it was impossible to reach a consensus. He said it will be difficult to create a by-law that adequately defines agritourism, who will make sure that the requirements are being met? He said this is a can of worms. He said in the absence of a bylaw, the ZBA needs to determine on a case by case basis if a business qualifies for agricultural which is protected under State law. Eagan said agricultural land needs to be under Chapter 61A and is reported as such to the Assessor's Office so that they get a lower tax rate for being a farm. Merry said the value of the products produced through agricultural land need to be reported for the lower tax rate. Perry said he is concerned about them holding functions and not having a liquor license. Petersen said that will be their next battle if they are permitted for agritourism. Perry said he is also concerned about the barn not meeting building codes. Petersen said he spoke with Building Inspector Ken Ward and there is no way that the barn meets the codes with the Fire Chief and Building Inspector. He said if this is approved as agribusiness, then renovations to the barn would be needed. He said currently, birds and rain are able to enter the barn and there is no fire alarm or sprinkler system. Pierce said the access

drive does not meet the code. Petersen said he is personally opposed to this business, but he is unsure how to define what his opposition is under the law.

Larry White said he can see the back of the barn from his plot at the Community Garden and the barn is not falling apart anymore. Petersen said from his understanding, there has been a lot of work done to the barn, but it is unpermitted work. He said there is a website advertising the function venue, but the renovations have not been brought forth before the Historical Commission or the Building Inspector. Pierce said the primary reason this is before the ZBA is to determine if this is a permitted use.

Cliff Pierce made a motion to notify the ZBA that the Selectmen are concerned about whether or not the proposed use falls within the definition of agriculture under State law; that the use may be unauthorized under the Town's Zoning bylaws and authorize the ZBA to consult with Town Counsel on this matter, Dave Petersen second, all in favor - aye (5-0).

Eagan said Town Counsel will be present at the hearing because the Building Inspector requested him to be to help present the Building Inspector's findings, and the applicant has an attorney.

3. Request from ZBA Associate Donna Thibodeau to be appointed to a full ZBA member

Chairman Perry read the request from Donna Thibodeau.

Dave Petersen made a motion to appoint Donna Thibodeau as a full ZBA member, Bob Snow second, all in favor - aye (5-0).

4. Discuss Open Space Committee openings and letter of recommendation from Conservation Commission to appoint Jena Haag to one of the openings

Chairman Perry read the following:

There are two openings on the Open Space Committee. Four residents initially expressed interest in serving on this committee.

Conservation Agent Brent Baeslack reached out to all four residents. Ms. Jena Haag responded to Brent and attended a recent Conservation Commission meeting to discuss her interest in serving on the Open Space Committee. The Conservation Commission has submitted a letter to the Board of Selectmen recommending that Ms. Haag be appointed to one of the vacancies. (Please see attached letter.) Does the Board wish to schedule a time at an upcoming meeting for Ms. Haag to discuss her interest in serving the Town on the Open Space Committee?

Also, Brent reached out twice by email to the other three residents regarding the Open Space Committee. He has not received any responses from them.

Petersen said since Haag has met with Baeslack, she has attended a recent Conservation Commission meeting, and they recommend her, he is in favor of appointing her.

Dave Petersen made a motion to appoint Jena Haag to the Open Space Committee, Bob Snow second, all in favor - aye (5-0).

5. Discuss setting a date for the Fall Special Town Meeting.

Chairman Perry read the following:

We were initially planning to hold a Fall Town Meeting for the purpose of seeking funds for Phase 2 (construction) of the Elevator project. However, due to significant amount of handicap accessibility upgrades that need to be made to the building, outside of the actual purchase and installation of the elevator, Debbie is thinking that we won't have enough time to get an article ready for the Fall Town Meeting. She is recommending that we hold off on the Phase 2 Elevator Article if the Board plans to hold a Fall Town Meeting. We may be ready for a special January Town Meeting, if the Board thinks that would be a possibility.

The other potential articles for a Fall/Winter Town Meeting are:

- *Planning Board has a zoning bylaw amendment article on recreational marijuana.*
- *Authorization to accept the 395 Main Street (Didax building).*

How does the Board wish to proceed?

Petersen said he has been involved in the elevator project, and after going through the building two to three times now, the number of ADA required changes has grown substantially from what they initially anticipated. He said the State will require the Town's commitment to do all of these ADA changes within one year. He said the project was initially estimated at \$800,000, but these details need to be nailed down, and the \$800,000 won't cover it. He said they may make some of the ADA changes first, then do the elevator. He said if they ask the CPC for funding now, they will have to ask the CPC to commit next year's money to the project. He said the elevator project was the primary reason for the Fall Town Meeting. He said he prefers fulfilling the design contract, getting an estimate of the entire cost and the look at phasing this project in. He said if the Town gets the Didax building, we may not put the elevator in. He said if we don't get the Didax building, we will need additional funds for the elevator. He said we won't be prepared for a Fall Town Meeting for this project. He said he

would rather continue on the design work, get the ducks in a row, and if we want to move forward to do it at the Spring Town Meeting. He said it doesn't make sense to spend six to eight thousand dollars to hold a Fall Town Meeting, and he thinks we should hold off on this. Snow said he is concerned about the potential impact the weather would have on a winter Town Meeting. Eagan said the Spring Town Meeting will be on April 30, 2018, and if an agreement is worked out with Didax, the April 30th Town Meeting would be an option instead of a January Town Meeting. Petersen said don't schedule a November Fall Town Meeting.

MINUTES

- June 28, 2017

Bob Snow made a motion to approve the June 28, 2017 meeting minutes, Cliff Pierce second, all in favor - aye (5-0).

- June 28, 2017 Executive Session

Dave Petersen made a motion to approve the June 28, 2017 Executive Session meeting minutes, Bob Snow second, all in favor - aye (5-0).

- August 21, 2017

Dave Petersen made a motion to approve the August 21, 2017 meeting minutes, Bob Merry second, all in favor - aye (4-0). Bob Snow – ABSTAINED since he was absent from this meeting.

- August 21, 2017 Executive Session

Dave Petersen made a motion to approve the August 21, 2017 meeting minutes, Bob Merry second, all in favor - aye (4-0). Bob Snow – ABSTAINED since he was absent from this meeting.

ANNOUNCEMENTS

- A mandatory water ban is in effect. No outside watering is permitted from 9:00 a.m. to 5:00 p.m.
- Friends of the Rowley Public Library Chili Cookoff to be held September 30, 2017 from 2:00 p.m. until dusk, with a rain date of Sunday October 1, 2017
- Attention all Korean War Veterans who served in Korea. The Eastern Essex Veterans Services District is issuing the Korean Ambassador for Peace Medal. Please contact the Veterans Office at 978-356-3915

- Information on the Pine Grove School project is available on the Town's website at www.townofrowley.net.
- The Town has the following vacancies:
 - a. **Cultural Council**- two seats
 - b. **Open Space Committee** – two seats
 - c. **Fence Viewer** – three positions;
 - d. **Wood, Lumber & Bark Inspector**;
 - e. **Zoning Board of Appeals** – one seat
 - f. **Zoning Board of Appeals Associate** – two seats
 - g. **Parks and Recreation Committee** – one seat;
 - h. **Deputy Shellfish Constables** – two positionsFor more information on these positions, please contact the Selectmen's Office at 948-2372.
- The Rowley Food Pantry is in need of donations. Donations can be left at the Rowley Public Library. The Food Pantry is open on Tuesdays from 10:00 a.m. to 12:00 p.m. and on Thursdays from 5:30 p.m. to 7:00 p.m.

ADJOURN

There being no further business before the Board, Chairman Perry called for a motion to adjourn. Bob Snow so moved, Cliff Pierce second, all in favor - aye (5-0).

Open meeting adjourned at 8:57 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting Memo regarding General Business #1: Discuss Rotary Club of Ipswich clean-up of September 11, 2001 Town memorial on Cross and Pleasant Streets
2. Photos of volunteers cleaning-up the September 11, 2001 Town memorial on Cross and Pleasant Streets
3. Email request from the Agricultural Commission to hold a Tractor Show and have live music during the Sunday, September 24, 2017 Farmers' Market
4. Flyer regarding Annual Tractor Show
5. Rowley Farmers Market Rules and Regulations
6. Farmers Market Application
7. Letter of resignation from Call Firefighter Andrew Nardone
8. Email from Andrew Nardone to Chief Broderick regarding Resignation Letter
9. Letter from Chief Broderick to Deborah Eagan regarding Resignation Letter of Andrew Nardone
10. Letter of resignation from Council on Aging Board member Robert Kirsner

11. Meeting Memo regarding General Business #5: Request from Council on Aging Board to issue Proclamation to Robert Kirsner in recognition of serving on the Council on Aging Board for 30 years
12. Proclamation issued to Robert Kirsner in recognition of serving on the Council on Aging Board for 30 years
13. Meeting Memo regarding General Business #6: Review Road Opening Permits from National Grid for the following: to open 190 Haverhill Street for gas valve repair; to open intersection of Meadows Lane and Haverhill Street for gas valve repair; to open 981 Haverhill Street for gas valve repair; to open 6 Bradford Street for gas valve repair; to open intersection of Haverhill Street and Daniels Road near 585 Haverhill Street for gas valve repair
14. Invitation from Archbishop Sean O'Malley to attend a special Mass for public safety personnel on October 1, 2017, including flyer
15. Invitation from Suzanne Dubus, Chief Executive Officer of the Jeanne Geiger Crisis Center, to attend Annual Walk Against Domestic Violence on October 1, 2017
16. Meeting Memo regarding General Business #9: Set meeting schedule for October, November and December 2017
17. Meeting Memo regarding Old Business #1: Massachusetts Bay Transportation Authority train service update
18. Meeting Memo regarding Old Business #2: Update on Pine Grove School Project
19. Letter from MSBA regarding fully executed Project Scope and Budget Agreement, including agreement
20. Meeting Memo regarding Old Business #3: Update on August 23, 2017 Triton School Committee meeting on FY 19 Budget
21. Dave Petersen's hand-written Triton budget data
22. Meeting Memo regarding Old Business #4: Update on the Fire Station and Police Station Addition project
23. Application to the ZBA for Special Permits on Behalf of the Rowley Building Committee and The Carell Group, Inc.
24. Site plan of land permit set for 477 & ____ Haverhill Street prepared by The Carell Group
25. Meeting Memo regarding Old Business #5: Discuss the Didax building, 395 Main Street
26. Memo from Judy Pickett regarding Didax Incorporated/Real Estate Gift
27. Meeting Memo regarding Old Business #6: Update on the purchase of the rear of 221 Main Street
28. Plan of Land for 221 Main Street
29. Email from Judy Pickett to Deborah Eagan regarding Gwinn, including attached draft Purchase and Sales Agreement
30. Meeting Memo regarding New Business #1: Review Zoning Board of Appeals Special Permit Application filed by Margaret Henry to change the name from Day Care to Montessori school by adding two classroom to accommodate existing grades 1-3 and adding grades 4-6 at 121 Wethersfield Street

31. Letter from Building Inspector Ken Ward to Margaret Henry regarding business at 121 Wethersfield Street
32. Assessors property cards for 121 Wethersfield Street
33. Zoning Board of Appeals Special Permit Application filed by Margaret Henry to change the name from Day Care to Montessori school by adding two classroom to accommodate existing grades 1-3 and adding grades 4-6 at 121 Wethersfield Street
34. Meeting Memo regarding New Business #2: Review Zoning Board of Appeals Application filed by Michael Sabatini appealing the Building Inspector's Cease and Desist Order for all commercial and business activities including agribusiness at 239 Main Street
35. Definitive Subdivision Plan Approval for the Bradstreet Farm, 239 Main Street, Rowley, MA
36. Certification from Town Clerk Susan Hazen that there were no appeals on the Definitive Subdivision Plan Approval for the Bradstreet Farm, 239 Main Street, Rowley, MA
37. Zoning Board of Appeals Application filed by Michael Sabatini appealing the Building Inspector's Cease and Desist Order for all commercial and business activities including agribusiness at 239 Main Street
38. Request from ZBA Associate Donna Thibodeau to be appointed to a full ZBA member
39. Meeting Memo regarding New Business #4: Discuss Open Space Committee openings and letter of recommendation from Conservation Commission to appoint Jena Haag to one of the openings
40. Letter from Conservation Commission Chairman Arthur Page regarding support of Jena Haag's appointment to the Open Space Committee
41. Meeting Memo regarding New Business #5: Discuss setting a date for the Fall Special Town Meeting.
42. Draft June 28, 2017 Minutes
43. Draft August 21, 2017 Minutes