

MINUTES OF THE BOARD OF SELECTMEN

April 5, 2021

Recorded from Town Hall, 139 Main Street, Rowley, MA

1:00 p.m.

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

CALL MEETING TO ORDER

Chairman Pierce called the meeting to order at 1:02 p.m. He read the following:

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the open session portion of the meeting in real time. Persons who wish to do so are invited to watch the open session portion of the meeting on Rowley Community Media TV / listen live on the RCM page on the Town's website at www.townofrowley.net or join the meeting from your computer, tablet or smartphone by using the link: <https://global.gotomeeting.com/join/990306581> or also dial in using your phone by calling +1 (669) 224-3412 and using access code 990-306-581. In the event that live transmission proves infeasible, an audio or video recording, transcript or other comprehensive record of the open session portion of the meeting will be made available on the Town's website as soon as possible.

1:00 p.m. APPOINTMENT Town Moderator Joan Petersen to discuss May 3, 2021 Town Meeting Quorum reduction

Chairman Pierce read the following:

The Board is meeting today with Town Moderator Joan Petersen to discuss lowering the quorum of the May 3, 2021 Annual Town Meeting and May 3, 2021 Special Town Meeting pursuant to Chapter 92 of the Acts of 2020 due to the COVID-19 Emergency. THIS ACTION, IF TAKEN, ONLY APPLIES TO THE MAY 3, 2021 ANNUAL AND SPECIAL TOWN MEETINGS.

The following notice was published in the March 29, 2021 edition of The Newburyport Daily News, was posted at Town Hall and was on the Town website.

Chairman Pierce will read the Notices about the Town Meeting location change and about the Quorum change into the record.

Pierce said at the last Selectmen's meeting, this was discussed and everyone seemed to think the quorum reduction was warranted and appropriate. He said it was suggested to reduce the quorum to 40.

Bob Snow made a motion to reduce the quorum for the May 3, 2021 Annual and Special Town Meetings to 40, Joe Perry second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Pierce continued:

We have been working closely with the Rowley Health Department in setting up the Town Meeting and following COVID-19 requirements. Also, the Massachusetts Department of Public Health has issued “Guidance for Town Meetings to Address COVID-19.” The DPH Town Meeting Guidance addresses the following components of Town Meetings: Attendance, Social Distancing, Face Coverings, Cleaning and Disinfecting and Hygiene Protocols, and Notification of Positive Case. Under the Attendance section, the DPH advises a reduction of quorum as allowed by Chapter 92 of the Acts of 2020.

Moderator Joan Petersen said we originally said the quorum would be reduced to 50, but she is fine with 40. She said we need to move the meeting along and get everything in place for July 1, 2021.

Pierce continued:

Last year, the Board and Moderator discussed not having department heads attend the Town Meeting as a way to reduce the number of attendees. Some department heads needed to attend because they had articles on the warrant. Does the Board and Moderator want to discuss this? The one exception is Health Director Frank Marchegiani. He is planning to attend the Town Meeting to assist with the COVID requirements.

Joan Petersen said she believes the Triton Auditorium holds over 500 people, but with social distancing requirements, it holds 120 to 130, which doesn't include the people on stage. She said she has no problem with the Department Heads not attending Town Meeting. Pierce said we should stick with what we did last year.

Joe Perry made a motion to not require the Department Heads to attend Town Meeting, Bob Snow second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Joan Petersen said there is a meeting on Wednesday April 21, 2021 with Triton to review the Town Meeting set-up. She said Newbury is having their Town Meeting in the auditorium before Rowley this year.

GENERAL BUSINESS

1. Road Opening Permit Applications from National Grid to open the following roads:
 - 165 Wethersfield Street for new gas service
 - 8 Fenno Drive for new gas service
 - 30 Warehouse Lane for new gas service

- 18 Burke Avenue for corrosion work on main to replace test station
- 16 Burke Avenue for corrosion work on main to replace test station
- 801 Haverhill Street for corrosion work on main to replace test station

Pierce said the staff has reviewed and signed off on these Road Opening Permits.

2. Request from Library Director Pam Jacobson to lift the hiring freeze to post the positions of Substitute Library Technician and Substitute Library Page

Joe Perry made a motion to lift the hiring freeze to post the positions of Substitute Library Technician and Substitute Library Page, Bob Snow second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

3. Letter of resignation from Production Technician Ethan Lally

Bob Snow made a motion to accept the resignation from Production Technician Ethan Lally with regrets, Deana Ziev second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

4. Approve a letter of support for the Veterans Committee's application for a Preservation Grant for Veterans Collections, Site and Memorials Grant

Chairman Pierce read the following:

At the March 15, 2021 meeting, the Board of Selectmen voted to authorize the Town Veterans Committee to apply for a State Preservation Grant for Veterans Collections, Site and Memorials. The grant application requires a letter of support from the Board of Selectmen. A letter has been written and reviewed by Veterans Committee member Bob Breaker. The Board needs to vote by roll call to authorize Chairman Pierce to sign the letter.

Joe Perry made a motion to authorize Chairman Pierce to sign the letter, Deana Ziev second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

NEW BUSINESS

1. Review Annual Town Meeting Warrant and Special Town Meeting Warrant

Chairman Pierce read the following:

The Board needs to review the articles that are on the Annual Town Meeting Warrant and Special Town Meeting. The warrants are still in DRAFT Form. The ATM warrant has been reviewed by Town Counsel and the STM is currently being reviewed by him. The Finance Committee will be reviewing the articles during their meeting tomorrow. We are planning to have both warrants signed during the April 12 meeting. Debbie hasn't

inserted the omnibus into the ATM warrant yet. The omnibus is attached to the ATM warrant. The budget is balanced. We have 22 articles on the ATM and 25 articles on the STM.

One last minute funding item came up on Friday. In FY 22, the Town needs to undertake the Government Accounting Standards Board (GASB) 75 actuarial study, which is an evaluation of the Town's future obligations for retiree health insurance. This study must be done every two years with an update in between. Debbie is asking the Board to please vote to open the Special Town Meeting Warrant to add the following article:

ARTICLE 25. To see if the Town will transfer and appropriate the sum of \$6,000 from Free Cash to be used by the Board of Selectmen to hire actuarial consultants for the Town's compliance with the Government Accounting Standards Board Statement #75 Post Retirement Benefits Other than Pensions, or take any other action relative thereto. (Inserted by the Board of Selectmen)

and to close the warrant.

Joe Perry made a motion to open the Special Town Meeting Warrant, Bob Snow second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Bob Snow made a motion to approve Article 25 for the STM Warrant, Joe Perry second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Bob Snow made a motion to close the Special Town Meeting Warrant, Deana Ziev second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Pierce said he read the Annual and Special Town Meeting warrants carefully and didn't find any major substantive issues, and he commends the staff. Perry said the staff did an outstanding job putting this together.

Bob Snow made a motion to approve the Annual and Special Town Meeting Warrants, Joe Perry second, all in favor, roll call vote– Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

2. Request from Spencer Kalker, President and CEO of Old Planters of Cape Ann, Inc. to make Community Impact Grant payments through installments

Chairman Pierce read the following:

Spencer Kalker, the CEO of Cape Ann Cannabis, is asking the Board if he can pay the Community Impact Grant over three payments. His letter is attached. He owns the retail

marijuana store at 300 Newburyport Turnpike. The Host Community Agreement requires the business to pay the Town a Community Impact Grant.

Debbie asked Town Counsel Tom Mullen to review the request. Please see Tom's response.

Debbie:

If the Selectmen wish to grant the requested accommodation, I would recommend that we document it in a separate agreement signed by both parties. I would rather not amend the Host Community Agreement, since we want to be paid in a lump sum in future years. Any separate, one-time agreement must make clear that it is intended to address the unique challenges posed by the company's being a start-up, facing extraordinary one-off charges, and doing business during a pandemic; I would stress in such an agreement that this accommodation is intended as a one-time event with no precedential effect.

I certainly agree that we should ask to see their books. We have that right under s. 3 of the agreement in any event, but it is especially important that we confirm that what they're saying to justify their request is actually true.

Thanks.

Tom

How does the Board wish to respond to Mr. Kalker's request?

Pierce said he thinks we should approve stretching the payment into three installments as requested over the next few months. Eagan said a check for the first one-third payment was dropped off on Friday, and she will send the Profit & Loss Statement to the Board once we receive it.

Joe Perry made a motion to accept the first one-third payment, and to allow them to make the two additional payments as a one-time agreement, Deana Ziev second, all in favor, roll call vote— Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

MINUTES March 22, 2021, March 29, 2021

Bob Snow made a motion approve the minutes of March 22, 2021, Deana Ziev second, all in favor, roll call vote— Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Deana Ziev made a motion approve the minutes of March 29, 2021, Bob Snow second, all in favor, roll call vote— Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

ANNOUNCEMENTS

- The May 3, 2021 Town Meeting will be held at Triton Regional High School Auditorium, 112 Elm Street, Byfield at 6:30 p.m.
- White Goods/Light Metal Household Recycling Event for Rowley Residents – April 24, 2021 from 8:30 a.m. to 11:30 a.m., Rowley Highway Department, 41 Independent Street

ADJOURN

Chairman Pierce called for a motion to adjourn. Bob Snow so moved, Deana Ziev second, all in favor – aye- roll call vote – Bob Snow – aye; Cliff Pierce – aye; Joe Perry – aye; Dave Petersen – aye; Deana Ziev – aye.

Meeting adjourned at 1:25 p.m.

Respectfully submitted,
Amy Lydon
Assistant Town Administrator

ATTACHMENTS:

1. Meeting memo regarding 1:00 p.m. Appointment: Town Moderator Joan Petersen to discuss May 3, 2021 Town Meeting Quorum reduction
2. Town Meeting Quorum reduction notice published in Newburyport Daily News
3. Town Meeting Quorum reduction notice posted to Town website
4. Town Meeting Quorum reduction posted with Town Clerk
5. Sector specific COVID-19 safety recommendations from the State for Town Meetings
6. Meeting memo regarding General Business #1: Road Opening Permit Applications from National Grid
7. Road Opening Permit Applications from National Grid to open the following roads: 165 Wethersfield Street for new gas service; 8 Fenno Drive for new gas service; 30 Warehouse Lane for new gas service; 18 Burke Avenue for corrosion work on main to replace test station; 16 Burke Avenue for corrosion work on main to replace test station; 801 Haverhill Street for corrosion work on main to replace test station
8. Request from Library Director Pam Jacobson to lift the hiring freeze to post the positions of Substitute Library Technician and Substitute Library Page
9. Letter of resignation from Production Technician Ethan Lally
10. Meeting memo regarding General Business #4: Approve a letter of support for the Veterans Committee's application for a Preservation Grant for Veterans Collections, Site and Memorials Grant
11. Draft letter of support for the Veterans Committee's application for a Preservation Grant for Veterans Collections, Site and Memorials Grant
12. Massachusetts SHRAB Preservation Grant application (page 1 only)

13. Meeting memo regarding New Business #1: Review Annual Town Meeting Warrant and Special Town Meeting Warrant
14. Draft #6 4/2/21 3:35 PM Warrant for Annual Town Meeting
15. Fiscal Year 2020 Omnibus Budget
16. Draft #6 Warrant for Special Town Meeting
17. Meeting memo regarding New Business #2: Request from Spencer Kalker, President and CEO of Old Planters of Cape Ann, Inc. to make Community Impact Grant payments through installments
18. Request from Spencer Kalker, President and CEO of Old Planters of Cape Ann, Inc. to make Community Impact Grant payments through installments
19. Host Community Agreement with Old Planters of Cape Ann, Inc.
20. Email from Town Counsel Tom Mullen regarding Update on Cape Ann Cannabis