

**MINUTES OF BOARD OF SELECTMEN MEETING
MONDAY, FEBRUARY 6, 2017**

Chairman Mauceri called the meeting to order at 7:06 p.m. in Room 14 at the Town Hall in the presence of members Mr. Prisco, Mr. Yull, Mr. O'Leary, and Town Administrator, Michael Gilleberto. Mrs. Manupelli was not present at the start of the meeting.

CALL TO ORDER OPEN SESSION

Chairman Mauceri called to order the open session at 7:06 p.m.

The Chairman States: "In accordance with the Open Meeting Law, the Board states for the record that this meeting is being recorded by NORCAM and may be recorded by other local media."

The members recited the Pledge of Allegiance.

PUBLIC COMMENT

Chairman Mauceri recognized Senator Bruce Tarr who is in attendance. Mr. Gilleberto congratulated Amy DiChiara, who was in attendance and will be replacing retiring Susan Doherty as Administrative Assistant for the Board of Health. Mr. Yull acknowledged Super Bowl Champions, the New England Patriots.

DISCUSS FACILITIES AT ARTHUR J. KENNEY FIELD

Mr. O'Leary informed the audience that the Athletic Facilities subcommittee has approved a plan for design and location of a restroom facility at the Arthur Kenney Field. The design includes a pad and footings for a concession stand add-on in the future. Including the pad and footings in the design as an add-on is more cost effective today than it would be doing it later. He further stated the cost of the project is approximately Five Hundred and Fifty Thousand Dollars and he is hoping those numbers will come down.

7:15 – Mrs. Manupelli joins the meeting.

Mr. Yull stated for a need basis the project could be done for \$435 Thousand Dollars, for a want basis it will cost \$550 Thousand Dollars. Mr. O'Leary responded that the School Administration, School Committee, and Facilities Sub Committee did not recommend the \$435 Thousand Dollar option, which would have been to put the restrooms in the Team Room. Mr. Prisco inquired about the \$450 Thousand Dollars in Free Cash and referred to in past Board of Selectmen Meeting Minutes where it was stated the Free Cash could potentially be used for this project. There was never a vote taken or a commitment made to use those funds for this project. Chairman Mauceri responded that the Board will have a discussion of money later on in the meeting when reviewing FY2018 Budget.

Mr. O'Leary stated that the goal is to start construction in the upcoming building season. More reliable pricing figures will be available for Special Town Meeting.

SENATOR TARR – DISCUSSION REGARDING RECREATIONAL MARIJUANA

Mr. Gilleberto advised the Board that Senator Tarr was in attendance and could not stay until the hearing time of 8:15 PM. Mr. O'Leary welcomes Senator Tarr and acknowledges the passing of his Mom. Mr. O'Leary briefs the audience on the Boards consideration of the medical marijuana dispensary on Concord Street and the unknowns of legislation regarding recreational marijuana. Rep. Jones had previously advised the Town Administrator, Selectman Mauceri, and Selectman O'Leary to proceed with a recreational marijuana bylaw at the March Town Meeting as recommended by Town Counsel because the Legislature may not take up the issue until April or May. Senator Tarr informed the Board that the Legislature is forming a joint standing committee on this subject within the next several weeks and will

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begin hearing close to 100 Bills pertaining to recreational marijuana. He further stated that the Board should continue the path they are on, imposing zoning bylaws, to limit or prohibit recreational marijuana. Mr. Prisco invited Senator Tarr to the Special Town Meeting on March 13, 2017. Senator Tarr offered to put together an informational meeting with Representative Jones and state officials.

DISCUSS MARCH SPECIAL TOWN MEETING – VOTE RECOMMENDATIONS

ARTICLE 1 – AMEND CODE – ZONING BY-LAW- CHANGES TO RESIDENTIAL MULTI-FAMILY ZONING DISTRICT BYLAW, §200-90.

MR. CHAIRMAN, I MOVE TO RECOMMEND –ARTICLE 1 – AMEND CODE - ZONING BY-LAW- CHANGES TO RESIDENTIAL MULTI-FAMILY ZONING DISTRICT BYLAW, §200-90.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR.YULL
VOTED: 5-0

ARTICLE 2 – AMEND CODE – ZONING BY-LAW – ESTABLISHMENT OF MULTI-FAMILY HOUSING OVERLAY DISTRICT

MR. CHAIRMAN, I MOVE TO RECOMMEND ARTICLE 2 - AMEND CODE – ZONING BY-LAW – ESTABLISHMENT OF MULTI-FAMILY HOUSING OVERLAY DISTRICT.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR.YULL
VOTED: 5-0

ARTICLE 3 – AMEND CODE – ZONING BY-LAW – CHANGES TO DEMENSIONAL AND DENSITY REQUIREMENTS OF INDUSTRIAL/OFFICE ZONING DISTRICT BYLAW, §200-40

MR. CHAIRMAN, I MOVE TO RECOMMEND ARTICLE 3 - AMEND CODE – ZONING BY-LAW - CHANGES TO DIMENSIONAL AND DENSITY REQUIREMENTS OF INDUSTRIAL/OFFICE ZONING DISTRICT BYLAW, §200-40.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR.YULL
VOTED: 5-0

ARTICLE 4 - AMEND CODE – ZONING BY-LAW - CHANGES TO WORD USES AND DEFINITIONS, §200-4

MR. CHAIRMAN, I MOVE TO RECOMMEND ARTICLE 4 - AMEND CODE – ZONING BY-LAW - CHANGES TO WORD USES AND DEFINITIONS, §200-4.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR.YULL
VOTED: 5-0

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ARTICLE 5 - APPROPRIATE MONEY FOR CONSTRUCTION OF FACILITIES AT ARTHUR J. KENNEY FIELD

MR. CHAIRMAN, I MOVE TO RECOMMEND AT SPECIAL TOWN MEETING ARTICLE 5 - APPROPRIATE MONEY FOR CONSTRUCTION OF FACILITIES AT ARTHUR J. KENNEY FIELD.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

ARTICLE 6 - AMEND CODE - ZONING BY-LAW – PROHIBITED USES (RECREATIONAL MARIJUANA ESTABLISHMENTS)

MR. CHAIRMAN, I MOVE TO RECOMMEND ARTICLE 6 - AMEND CODE - ZONING BY-LAW – PROHIBITED USES (RECREATIONAL MARIJUANA ESTABLISHMENTS).

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

SIGN SPECIAL TOWN MEETING WARRANT

Constable John Firriello was present.

MR. CHAIRMAN, I MOVE TO SIGN THE MARCH 13, 2017 SPECIAL TOWN MEETING WARRANT.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

DISCUSS MEETING SCHEDULE

Due to CPC's scheduled Public Hearing in Room 14 on February 21st and potential Board members' desire to attend the zoning bylaw hearing, the Board will be meeting on February 27th in Room 14 instead of February 21st.

PUBLIC HEARING - KITTY'S RESTAURANT – CHANGE OF BENEFICIAL INTEREST

8:01 – Chairman Mauceri opens the Public Hearing and reads Public Hearing Notice. Debbie Birkmaier, representing Kitty's restaurant was in attendance to answer any questions the Board may have.

MR. CHAIRMAN, I MOVE TO APPROVE THE CHANGE OF BENEFICIAL INTEREST FOR KITTY'S RESTAURANT AND LOUNGE.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

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MINUTES

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 3, 2017** REGULAR SESSION MINUTES AS WRITTEN.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 3, 2017** EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MR. PRISCO
SECONDED BY: MR. YULL
VOTED: 4-1 (MRS. MANUPELLI ABSTAINED)

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 17, 2017** REGULAR SESSION MINUTES AS WRITTEN.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 4-1 (MRS. MANUPELLI ABSTAINED)

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 17, 2017** EXECUTIVE SESSION MINUTES AS WRITTEN.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 4-1 (MRS. MANUPELLI ABSTAINED)

MR. CHAIRMAN, I MOVE TO APPROVE THE **JANUARY 30, 2017** REGULAR SESSION MINUTES AS WRITTEN.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

LEGAL BILLS

MR. CHAIRMAN, I MOVE TO APPROVE LEGAL BILLS FOR DECEMBER, 2016 IN THE AMOUNT OF **\$8,246.87** AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$ 6,248.87
KOPELMAN AND PAIGE, P.C. (LABOR)	\$ 1,443.00
WATER	<u>\$ 555.00</u>
TOTAL	\$8,246.87

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

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Mr. Prisco confirmed with the Town Administrator that legal expenses for the JT Berry Property are being tracked separately. Mr. Gilleberto stated that the Town Planner and Karen reconcile the costs regularly for tracking purposes and DCAMM's consideration.

APPOINTMENTS/REAPPOINTMENTS

FOREST COMMITTEE

MR. CHAIRMAN, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAME FOR REAPPOINTMENT AS A MEMBER OF THE FOREST COMMITTEE FOR A TERM TO EXPIRE ON DECEMBER 31, 2019. (1 OPENING)

DANA A. ROWE, 12 DOGWOOD LANE (INCUMBENT)

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

COMMISSION ON DISABILITIES

MR. CHAIRMAN, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAME FOR REAPPOINTMENT AS A MEMBER OF THE COMMISSION ON DISABILITIES FOR A TERM TO EXPIRE ON DECEMBER 31, 2019. (1 OPENING)

NORMA PIERCE, 4 CAROLINE ROAD (INCUMBENT)

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

YOUTH SERVICES

MR. CHAIRMAN, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAME FOR APPOINTMENT AS A MEMBER OF THE YOUTH SERVICES COMMITTEE FOR A TERM TO EXPIRE ON DECEMBER 31, 2019. (2 OPENINGS)

CHRISTY DAMPHOUSSE, 2 GOULD STREET (NEW)

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. O'LEARY
VOTED: 5-0

MR. CHAIRMAN, I MOVE TO PLACE IN NOMINATION THE FOLLOWING NAME FOR APPOINTMENT AS A MEMBER OF THE YOUTH SERVICES COMMITTEE FOR A TERM TO EXPIRE ON DECEMBER 31, 2017. (2 OPENINGS)

AMY DICHARA, 24 FIELDCREST TERRACE (NEW)

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. YULL
VOTED: 5-0

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THE CAS FOUNDATION

Chairman Mauceri addresses the audience informing them that if they would like to speak, they are to line up and limit their comments to 3 minutes at the podium. Mr. Prisco stated that if the Town determines they want a medical marijuana dispensary, it should follow the bidding process in the form of an RFP.

8:16 – Chairman Mauceri opens the Public Hearing and reads the Public Hearing Notice.

Mr. O’Leary responded to Mr. Prisco’s suggestion stating that this is an application process for a special permit; it is a business looking to establish themselves, just like a business applying for an alcohol license. It is a permitted use in a zoned area therefore there is no need for an RFP. Mr. O’Leary gave the audience the background of the CAS Foundation’s interest in opening a medical marijuana dispensary on Concord Street. He further informed them of zoning, a host agreement, Department of Public Health requirements, and the letter of non-opposition. He educated the audience of positive and negative issues pertaining to the CAS FOUNDATION.

Mr. Gilleberto introduced Attorney Eichman, the Fire Chief, Bill Warnock, Health Agent, Bob Bracey, and Police Chief Michael Murphy, who are in attendance to answer any questions from the Public and Board.

Chief Murphy conveyed his findings to the audience regarding his investigation into the CAS Foundation. 2014 was the last tax return filed which according to the Attorney General’s office affects their non-profit standing. He also talked of the potential public safety impacts the dispensary would pose. The police department would have a significant role with ongoing operations which would result in added responsibilities that the police department would have to take on. He further stated the police department may not be able to accommodate the dispensary with the current manpower they have.

Mr. Gilleberto read a statement from CIT reiterating its previously-established position opposing marijuana.

Dr. Falzone, 39 Willow Street stated his opposition.

Edward Barewich, 3 Westchester Drive stated his opposition.

Sheila Romo, 31 Pleasant Street inquired about edible marijuana.

Chris McGovern, 2 Salem Street stated his opposition.

Karen Mulberg, 16 Mill Street stated her support of the dispensary.

Bob Hickey, 37 Anthony Road inquired about polices resources required.

Nicole Snow, 190 Birch Street, Salem, MA represents patients that would benefit from the dispensary.

Colleen Steinmeyer, 9 Park Street stated her support of the dispensary.

Dan Driscoll, 6 Equestrian Drive stated his opposition.

Jeramiah McKinnon, 339 Central Street, Peabody is a medical marijuana user and stated his support.

Steve Brosseau, 4 Anthony Road stated his opposition.

Rita Mullin, 29 Abbott Road stated her opposition.

Pam McDonald, 8 Freedom Drive stated her opposition.

Linda Hickey, 37 Anthony Road, stated her opposition.

Melissa Driscoll, 6 Equestrian Drive, stated her opposition.

Deanna Castro, 9 Bridle Way stated her opposition. She also questioned if the Town is under legal obligation to have a dispensary. Mrs. Manupelli responded that the Town is following correct procedures for the allowance for a potential site and there is no obligation on the Town’s part or threat of litigation.

Don Kelleher, 3 Sandspur Lane questions the CAS Foundations inexperience in running a dispensary and questions their ability to run a successful business.

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10:53 – Mr. Prisco leaves the room.

Mr. Kelleher further stated that this may not be a suitable business to help the Town's economic development.

10:54 – Mr. Prisco returns.

Mrs. Manupelli stated CAS will not solve our budget issues.

Frank Ferraro, 15 Erwin Road stated his opposition.

11:08 – Chairman Mauceri closes the Public Hearing.

Mrs. Manupelli states that of the 18 people that spoke tonight, the majority are opposed. She further stated that based on the comments from CIT and Dr. Falzone that she would be opposed to give a letter of non-opposition.

Mr. Prisco stated he will not vote in favor of the CAS Foundation. He further stated his disapproval that the Town had to do research to find out issues the CAS Foundation should have disclosed. He would like to afford other companies the opportunity to seek letters of non-opposition. He doesn't want to make it about the money, it's about the control.

Mr. Yull stated his desire to vote the way the Town voted, 56.1 percent voted in favor of medical marijuana. He is in support of the dispensary.

Mr. O'Leary stated he voted in favor of medical marijuana and against recreational, he has to "move with the times." He further stated the applicants are capable and competent and there is a monetary value to the Town. He will support the dispensary.

Chairman Mauceri stated he does not have the confidence in the CAS Foundation that the dispensary will be a success. He will not support the dispensary.

MR. CHAIRMAN, I MOVE NOT TO APPROVE OR SIGN THE LETTER OF NON-OPPOSITION FOR THE CAS FOUNDATION.

MOTION BY: MRS. MANUPELLI
SECONDED BY: MR. PRISCO
VOTED: 3-2 (MR. O'LEARY AND MR. YULL OPPOSED)

11:36 – 3 minute recess

11:43 – reconvene

FY2018 BUDGET REVIEW

Mr. Gilleberto states that presentation is a very preliminary budget and early projections based on the revenue and expense plan from the January 27th Finance Committee meeting. Actual departmental requests create a significantly higher Town budget gap than is in the projection. Finance Director, Liz Rourke gave a power point presentation (see attached). Mr. Prisco would like to see a story behind the numbers to let the community know why there is 2 Million Dollars in free cash. He also requested

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breaking out fixed costs between the School Department and Town government.

There was discussion of closing the gap in the budget with an override which Mr. Mauceri and Mr. O'Leary would not support.

TOWN ADMINISTRATOR'S REPORT

See Attached. Due to the late hour, Mr. Gilleberto abstains from reading his lengthy report but suggests the members read the report.

OLD AND NEW BUSINESS

Due to the late hour, there are no comments.

MR. CHAIRMAN, I MRS. MANUPELLI MOVE TO ADJOURN

SECONDED:	MR. PRISCO	
VOTED:	MR. O'LEARY	AYE
	MR. PRISCO	AYE
	MR. YULL	AYE
	MRS. MANUPELLI	AYE
	MR. MAUCERI	AYE

VOTE: 5-0 (UNANAMOUS)

ADJOURN: 12:55 a.m.

DATE

KATHRYN MANUPELLI, CLERK