

Town of Rowley, Commonwealth of Massachusetts
ANNUAL TOWN MEETING MINUTES
May 2, 2022

- Tellers appointed:
Maura Mastrogiavanni, 138 Central St., Joan Petersen, 25 Newbury Rd., Maryann Levasseur, 6 Leslie Rd., Kimberly Waring-Wright, 20 Green Needle Lane.
- Quorum reached and certified at 6:30 pm
- Annual Town Meeting called to order by Moderator Tom Amoroso at 6:35 pm

Preliminary motion was made by Selectman Cliff Pierce to allow various non –residents, including Department Heads and Town Counsel the opportunity to speak at this meeting if necessary – No objection; motion passed 6:37 pm.

Preliminary motion to suspend further reading of the May 2, 2022 Annual Town Meeting Warrant because present Town Meeting members have a copy of the warrant. Motion by Cliff Pierce, seconded by Joe Deana Ziev, passed Voice Unanimous at 6:38 pm.

Essex, ss.

To the Constables in the Town of Rowley in the County of Essex, Greetings:
In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Rowley, qualified to vote in elections and Town Affairs, to meet in the Pine Grove School, 191 Main Street, Route 1A, Rowley, MA 01969 on Monday, the 2nd day of May, 2022 at 6:30 p.m., then and there to act on the following articles:

ARTICLE 1. To hear and act on reports of Committees and Boards.

(Inserted by the Board of Selectmen)

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voice Unanimous at 6:38 pm.

ARTICLE 2. To see if the Town will vote to suspend in the Town Meeting the application of Section 19 and Section 20 of the Town Meeting Bylaw pertaining to the reconsideration of all money articles, such suspension intended for the specific purpose to balance the total level of funds raised and appropriated within the limitations of Massachusetts General Laws Chapter 59 Section 21C [Proposition 2-1/2, so-called] and to give blanket warning hereby that any money article may, at the end of the meeting and after all articles have been acted upon, be moved for reconsideration in order to balance the total level of funds raised and appropriated within the limitations of Massachusetts General Laws Chapter 59 Section 21C, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Explanatory Note: Passage of this article requires two-thirds vote under § 21 of the Town Meeting Bylaw.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 6:40 pm.

ARTICLE 3. To see if the Town will vote to fix the annual compensation of elective officers of the Town as required by Massachusetts General Laws Chapter 41 Section 108 for Fiscal Year 2023 as follows, or to take any other action relative thereto.

<u>Elective Officer</u>	<u>Requested</u>	<u>Finance Committee Recommends</u>
Moderator	\$100	\$100
Board of Selectmen (each member)	\$3,000	\$3,000
Board of Assessors (each member)	\$2,456	\$2,456
Town Clerk	\$63,503	\$63,503
Planning Board (each member)	\$0	\$0
Surveyor of Highways	\$86,786	\$86,786
Municipal Water Board (each member)	\$0	\$0
Trustees of Free Public Library	\$0	\$0
Rowley Housing Authority	\$0	\$0
Board of Shellfish Commissioners (each member)	\$500	\$500
Municipal Light Board (each member)	\$0	\$0
Board of Cemetery Commissioners (chairperson)	\$500	\$500

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 6:42 pm.

ARTICLE 4. General Omnibus Budget. To see what sums of money the Town will vote to raise and appropriate, or transfer and appropriate, from available funds, including Overlay and Free Cash, to defray the expenses of the Town for the forthcoming fiscal year, including Bonds, Notes, and Interest, or to take any other action relative thereto.

(Inserted by the Finance Committee)

Line		Expended	Appropriated	Requested	FinCom Rec.
Item	Description	FY 2021	FY 2022	FY 2023	FY 2023
	General Government				
	Town Moderator				
1	Moderator Stipend	100	100	100	100
	Board of Selectmen				
2	Selectmen Stipends	15,000	15,000	15,000	15,000
3	Town Administrator/Pers. Officer salary	132,887	138,930	144,558	144,558
4	Assistant Town Administrators Salaries	83,577	94,036	114,268	114,268
5	Administrative Assistant Wages	12,232	15,765	16,031	16,031
6	CPA Administrator Stipend	2,000	2,000	2,000	2,000
7	Stormwater Administrator Stipend	5,000	5,000	5,000	5,000
8	Records Access Officer Stipend	2,500	2,500	2,500	2,500
9	Expenses	20,991	25,437	31,327	31,327
10	Rev. 9-1-1 communication system	4,777	4,800	4,800	4,800
11	General Audit Expense	21,750	21,750	22,000	22,000
12	Sealer of Weights & Measurers	2,000	3,000	3,000	3,000
13	Collective Bargaining Reserve	0	0	100,000	100,000
14	Pine Grove School Expenses	0	1,000	1,000	1,000
15	Stormwater Compliancy	23,358	30,000	30,000	30,000
16	Landfill Testwell Monitoring	19,900	20,000	20,000	20,000
17	Prospect Hill Access Road	0	2,000	2,000	2,000
18	Alarm Monitoring	3,470	5,000	6,000	6,000
19	Pictometry	3,474	3,474	2,556	2,556
	Finance Committee				
20	Secretary Wages	1,233	1,884	1959	1959
21	Expenses	0	379	379	379
22	Reserve Fund	0	82,091	100,000	100,000
	Town Accountant				
23	Accountant Salary	72,654	74,458	88,530	88,530
24	Assistant Accountant Wages	29,035	29,703	36,385	36,385
25	Expenses	4,858	5,822	6,222	6,222
	Board of Assessors				
26	Assessors Stipends	7,368	7,368	7,368	7,368
27	Principal Assessor Salary	101,142	104,994	107,108	107,108
28	Administrative Assistant Wages	28,379	29,077	29,077	29,077

29	Professional Services	14,547	15,347	16,238	16,238
30	Expenses	4,507	4,746	4,746	4,746
	Treasurer/Tax Collector				
31	Treasurer/Collector Salary	92,800	96,713	100,601	100,601
32	Assistant Treasurer Salary	55,278	57,906	65,391	65,391
33	Assistant Collector Wages	19,150	19,839	18,455	18,455
34	Expenses	36,373	37,650	37,650	37,650
35	Tax Title	1,887	10,517	10,517	10,517
36	Debt Fees & Charges	2,500	5,000	5,000	5,000
	Town Counsel				
37	Professional Fee	38,987	62,600	62,600	62,600
38	Litigation	13,846	52,000	52,000	52,000
	Personnel Advisory Committee				
39	Expenses	65	399	399	399
	Information Services				
40	Expenses	23,338	22,422	22,422	22,422
41	IS Coordinator Stipends	2,000	3,000	3,000	3,000
	Town Clerk				
42	Town Clerk Salary	57,300	57,426	63,503	63,503
43	Wages	16,624	35,956	33,507	33,507
44	Expenses	2,914	4,048	4,048	4,048
	Elections				
45	Wages	9,874	9,094	9,292	9,292
46	Expenses	9,784	4,050	5,300	5,300
	Registrar of Voters				
47	Stipends	1,725	2,300	2,300	2,300
48	Expenses	3,773	4,875	4,525	4,525
	Conservation Commission				
49	Conservation Agent Salary	65,742	67,370	68,732	68,732
50	Secretary Wages	9,567	9,933	9,885	9,885
51	Expenses	2,050	3,550	2,050	2,050
	Planning Board				
52	Planner Salary	54,920	57,673	60,000	60,000
53	Planner Consultant	0	5,769	5,769	5,769
54	Merrimack Valley Planning Comm.	2,300	2,358	2,416	2,416
55	Expenses	963	2,500	2,500	2,500
	Zoning Board of Appeals				
56	Administrative Assistant Wages	10,716	11,025	10,900	10,900
57	Expenses	1,680	1,680	1,680	1,680
	Agricultural Commission				

58	Expenses	0	2,000	1,000	1,000
	Town Hall				
59	Town Hall/Annex Janitor Wages	15,208	17,213	17,156	17,156
60	Expenses	27,204	30,800	23,000	23,000
	Town Hall Annex				
61	Expenses	22,245	23,000	23,000	23,000
	Subtotal	1,217,552	1,466,327	1,648,750	1,648,750
	Public Safety				
	Police Department				
62	Police Chief Salary & Other Earnings	137,921	145,457	150,738	150,738
63	Wages	1,396,254	1,448,122	1,448,789	1,448,789
64	Expenses	152,833	163,039	174,187	174,187
65	Police Cruiser	45,072	48,500	48,500	48,500
	Constables				
66	Expenses	255	300	300	300
	Fire Department				
67	Fire Chief Salary	99,078	101,498	101,185	101,185
68	Firefighter Wages	338,589	358,466	641,633	641,633
69	Call Firefighter Wages	45,516	100,000		
70	Expenses	178,319	168,307	181,660	181,660
	Inspection Department				
71	Salaries	66,138	68,826	80,994	80,994
72	Wages	12,311	15,629	15,580	15,580
73	Expenses	5,415	7,685	7,685	7,685
	Emergency Management				
74	REMA Director Stipend	5,000	5,000	5,000	5,000
75	Expenses	1,652	2,530	2,530	2,530
	Animal Inspector				
76	Salary	3,189	3,310	3,457	3,457
77	Expenses	0	200	200	200
78	Rabid Animal Control	324	1,853	1,853	1,853
	Animal Control Officer				
79	Salary	17,913	18,731	19,103	19,103
80	Expenses	1,725	2,122	2,122	2,122
	Tree Warden/Moth Ctrl.				
81	Salary	8,804	9,024	9,390	9,390
82	Expenses	12,033	15,000	15,000	15,000
	Harbormaster				
83	Harbormaster Salary	9,756	10,000	10,200	10,200
84	Deputy Harbormaster Wages	1,955	2,075	2,117	2,117

85	Assistant Harbormasters Wages	3,855	4,036	4,142	4,142
86	Pumpout Boat Wages	8,500	8,500	8,894	8,894
87	Expenses	5,100	5,920	5,920	5,920
88	Town Landing	500	500	500	500
	Shellfish Commission				
89	Commissioner Stipends	1,000	1,500	1,500	1,500
90	Commissioner Expenses	0	1,200	1,200	1,200
	Shellfish Constable				
91	Constable Wages	800	800	800	800
92	Constable Expenses	250	1,500	1,500	1,500
	Subtotal	2,560,057	2,719,630	2,946,679	2,946,679
	Schools				
93	Whittier Voc Assessment	405,650	328,753	404,528	404,528
94	Whittier Capital Assessment	25,035	24,688	23,310	23,310
95	Triton Regional Assessment	11,013,307	11,137,830	11,615,290	11,615,290
96	Triton Capital Assessment	118,298	83,153	54,764	54,764
97	Essex Agricultural Technical	140,651	147,684	161,000	161,000
	Subtotal	11,702,941	11,722,108	12,258,892	12,258,892
	Public Works				
	Highway Department				
98	Highway Surveyor Salary	80,617	82,633	86,786	86,786
99	Wages	241,658	277,821	281,861	281,861
100	Expenses	112,236	118,426	143,426	143,426
	Snow & Ice Removal				
101	Expenses	192,995	185,000	185,000	185,000
	Fire Hydrants				
102	Expenses	14,400	14,400	14,400	14,400
	Street Lighting				
103	Expenses	0	21,548	20,957	20,957
	Cemetery Commissioners				
104	Commission Chair Stipend	500	500	500	500
105	Wages	36,463	52,565	53,198	53,198
106	Expenses	10,207	10,300	10,300	10,300
	Subtotal	689,076	763,193	796,428	796,428
	Health & Human Services				
	Board of Health				
107	Health Director	73,760	90,652	92,473	92,473
108	Health Agent Wages	49,286	51,741	52,125	52,125
109	Secretary Wages	8,444	15,124	15,243	15,243
110	Public Health Nurse Salary	11,012	10,925	11,284	11,284

111	Expenses	6,733	6,900	6,900	6,900
	Council on Aging				
112	COA Director Salary	45,400	66,302	68,970	68,970
113	Wages	75,006	102,902	112,587	112,587
114	Elder Services of Merrimack Valley	0	294	294	294
115	Expenses	18,425	19,904	19,904	19,904
	Veterans Affairs				
116	Veterans Benefits	15,715	52,000	52,000	52,000
117	Eastern Essex Veterans District	30,628	30,930	28,943	28,943
	ADA Compliancy				
118	Expenses	0	190	190	190
	Subtotal	334,409	447,864	460,913	460,913
	Recreation/Historic				
	Rowley Public Library				
119	Library Director Salary	69,090	87,251	89,012	89,012
120	Wages	166,169	216,162	219,686	219,686
121	Expenses	107,040	127,661	126,833	126,833
	Recreation Committee				
122	Field Maintenance & Expenses	50,838	50,838	50,838	50,838
	Historical				
123	Historical Commission Expenses	1	332	332	332
124	Historic District Comm. Expense	70	70	70	70
	Other				
125	Town of Rowley Veterans Committee	1,789	1,800	2,500	2,500
126	Bradstreet & Dodge Properties	0	8,000	8,000	8,000
	Subtotal	394,997	492,114	497,271	497,271
	Debt				
127	Library Principal	80,000			
128	Bridge Repair Principal	30,000	30,000	30,000	30,000
129	Capital Equipment Principal V	35,000			
130	Capital Equipment Principal VII	40,000	40,000	35,000	35,000
131	PGS Feasibility Study Principal	10,000	15,000	15,000	15,000
132	PGS Renovation Principal	95,000	100,000	105,000	105,000
133	Fire & Police Stations Principal	165,000	170,000	180,000	180,000
134	PGS Renovation II Principal	334,729	352,439	367,991	367,991
135	Fire & Police Stations Principal II	125,272	127,562	137,010	137,010
136	PGS Renovation III Principal		155,000	95,000	95,000
137	PGS Repair BAN			79,000	79,000
138	Fire Pumper Truck Principal		60,000	55,000	55,000
139	Radio Communications Principal			95,000	95,000

140	Highway Dump Truck Principal			40,000	40,000
141	Library Interest	1,600			
142	Bridge Repair Interest	5,850	4,950	4,050	4,050
143	Capital Equipment V Interest	482			
144	Capital Equipment VII Interest	2,708	1,568	499	499
145	PGS Feasibility Study Interest	12,932	12,307	11,707	11,707
146	PGS Renovation Interest	103,204	98,329	94,254	94,254
147	Fire & Police Stations Interest	174,890	166,515	159,565	159,565
148	PGS Renov. II Interest	542,442	530,879	512,869	512,869
149	Fire & Police Stations II Interest	205,403	195,765	189,151	189,151
150	PGS Renov. III Interest	53,472	73,178	84,600	84,600
151	PGS Repair BAN Interest			368	368
152	Fire Pumper Truck Interest	3,155	5,835	10,750	10,750
153	Radio Communications Interest			16,275	16,275
154	Highway Dump Truck Interest			4,200	4,200
	Subtotal	2,021,139	2,139,327	2,322,289	2,322,289
	<u>Insurance & Benefits</u>				
155	Unemployment	0	10,600	10,000	10,000
156	Blanket Insurance	251,899	302,000	317,100	317,100
157	Essex Regional Retirement	1,060,534	1,191,981	1,320,409	1,320,409
158	Health, Life Ins, Medi & Benefit Plan	427,133	556,497	561,557	561,557
	Subtotal	1,739,566	2,061,078	2,209,066	2,209,066
	<u>GRAND TOTAL</u>	20,659,737	21,811,641	23,140,288	23,140,288

Motion by Larry White, seconded by Sharon Emery; passed Voce Unanimous at 6:56 pm.

ARTICLE 5. Water Department Budget. To see if the Town will vote to appropriate by transfer from the Water Department Enterprise Fund the sum of \$2,342,352 to fund the FY 2023 Water Department budget, as shown below, or take any action relative thereto.

(Inserted by Board of Water Commissioners)

Board of Selectmen Recommends

Finance Committee Recommends

Line	Water Department Budget	FY21	FY 22	FY 23
Item	Description	Actual	Budget	Request
	<u>Wages/Salaries</u>			
1	Water Superintendent	\$91,479	\$97,259	\$101,184
2	Water Department Wages	\$242,066	\$379,398	\$412,800
3	Overtime/Standby	\$39,063	\$76,556	\$76,891
4	Health Insurance/Medicare	\$37,281	\$77,813	\$78,326
5	Retirement Health Insurance (OPEB)	\$20,000	\$20,000	\$20,000
6	Unemployment	\$0	\$10,000	\$10,000
	Subtotal Salaries & Wages	\$429,889	\$661,026	\$699,201
	<u>Expenses</u>			

7	Water Department Expenses/Maintenance	\$536,920	\$624,600	\$626,300
8	Engineering / Outside Services	\$675	\$20,000	\$20,000
9	Billing Contract Services	\$80,500	\$82,500	\$86,625
	Subtotal Expenses	\$618,095	\$727,100	\$732,925
	Other			
10	Capital Plan			
11	Extraordinary & Unforeseen Expenses	\$0	\$100,000	\$100,000
12	Engineer Return	\$0		
13	Budgeted Surplus		\$1,686	\$20,225
	Subtotal Other	\$0	\$101,686	\$120,225
	TOTAL	\$1,047,984	\$1,489,812	\$1,552,351
	Debt			
14	Water Treatment Design Principal	\$60,000	\$65,000	\$65,000
15	Water Treatment Design Interest	\$26,506	\$24,706	\$22,756
16	Water Treatment Plant Construction Principal	\$517,052	\$528,290	\$539,771
17	Water Treatment Plant Construction Interest	\$153,440	\$143,099	\$132,534
18	SRF borrowing admin fee	\$11,508	\$10,734	\$9,940
	Sub-total Debt	\$768,506	\$771,830	\$770,001
	Total Operating & Debt	\$1,816,490	\$2,261,641	\$2,322,352
19	Estimate for change in AFSCME contract			\$20,000
	Total Operating & Debt & AFSCME	\$1,816,490	\$2,261,641	\$2,342,352
	Article 6 Overhead*	\$80,238	\$97,759	\$104,548
	GRAND TOTAL EXPENSES	\$1,896,728	\$2,359,400	\$2,446,900

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 6:57 pm.

ARTICLE 6. To see if the Town will vote to transfer from the Water Department Enterprise Fund to the General Fund the sum of \$104,548 for the following items and that any other monies spent by the General Government on behalf of the Water Department be reimbursed to the General Fund from the Water Department Enterprise Fund in Fiscal Year 2023, or take any other action relative thereto.

(Inserted by Board of Water Commissioners)

Board of Selectmen Recommends

Finance Committee Recommends

Rowley Water Department FY 23 Overhead Article

		FY2021 Actual	FY2022 Budget	FY2023 Request
20	County Retirement	\$65,319	\$82,434	\$89,043
21	Life Insurance	\$61	\$110	\$62
22	Accounting Services	\$4,181	\$4,292	\$4,340
23	Treasurer/Collector Services	\$5,731	\$5,903	\$6,020
24	Audit	\$2,475	\$2,475	\$2,475

25	Selectmen/Personnel Services	\$2,471	\$2,545	\$2,608
	Total	\$80,238	\$97,759	\$104,548

Rowley Water Department Estimated FY23 Revenues				
	Revenues	FY21 Actual	FY22 Budget	FY23 Request
	Commitment Rate	2,518,037	2,400,000	2,400,000
	Rate Discounts	-96,999	-96,000	-96,000
	Rate Abatements	0.00	-10,000	-5,000
	New Customer Services	19,946	37,500	120,000
	Interest & Demand	6,604	6,000	6,000
	Bank Interest	1,954	1,500	1,500
	Registry fee Record liens	6,612	6,000	3,000
	Miscellaneous	353	0	3,000
	Hydrant rentals	14,400	14,400	14,400
	Total Revenues	2,470,907	2,359,400	2,446,900

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 6:58 pm.

ARTICLE 7. To see if the Town will vote to appropriate by transfer the sum of \$532,420 from the Water Department Enterprise Free Cash to the Water Department Stabilization Fund, or take any other action relative thereto.

(Inserted by the Board of Water Commissioners)

Board of Selectmen Recommends

Finance Committee Recommends

Explanatory Note: Expenditures from the Water Department Stabilization Fund can only be authorized by Town Meeting in accordance with Mass. General Laws Chapter 40§5B

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 6:58 pm.

ARTICLE 8. To see if the Town will vote to appropriate by transfer the sum of \$100,000 from the Water Department Enterprise Free Cash to be used to purchase water meters, or take any action relative thereto.

(Inserted by the Board of Water Commissioners)

Board of Selectmen Recommends

Finance Committee Recommends

Explanatory Note: Passage of this article funds the purchase of new replacement water meters which will be installed during the coming year in an effort to reduce the amount of unaccounted for water. The project will focus on larger meters typically found in industrial, commercial and multi-unit locations.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 6:59 pm.

ARTICLES 9 –11 are standard annual articles. These articles will be voted under one consent motion.

ARTICLE 9. To see if the Town will vote to appropriate by transfer the sum of \$4,500 from the Municipal Waterways Maintenance and Improvement Fund to an account for use by the

Harbormaster in accordance with Massachusetts General Laws Chapter 40 Section 5G, or take any other action relative thereto.

(Inserted by the Harbormaster)

Finance Committee Recommends

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:00 pm.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$5,000 to be added to Article 30 of the May 6, 1996 Annual Town Meeting (Recertification Fund) for the purpose of completing the State mandated recertification of all properties within the Town of Rowley, said funds to be expended by the Board of Assessors, or take any other action relative thereto.

(Inserted by the Board of Assessors)

Finance Committee Recommends

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:00 pm.

ARTICLE 11. To see if the Town will vote to appropriate by transfer the sum of \$59,540 from the Massachusetts Water Pollution Abatement Trust Septic Betterment Loan Program to pay the debt service on the Town's loan from the Massachusetts Water Pollution Abatement Trust, or take any other action relative thereto.

(Inserted by the Board of Health)

Finance Committee Recommends

Explanatory Note: The Town has received \$1,250,000 from the State of Massachusetts Water Pollution Abatement Trust Septic Loan funds for taxpayers' repair and /or upgrade of failed septic systems. This appropriation pays the debt on the Town's loan from the Massachusetts Water Pollution Abatement Trust Fund.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:00 pm.

ARTICLE 12. To see if the Town will vote to amend the Departmental Revolving Fund Bylaw of the General Bylaws of the Town of Rowley by amending section 5 Authorized Revolving Funds by deleting the revolving funds numbered 4 and 5 as shown in ~~striketrough~~ and adding a new revolving fund in **bold underline** and re-numbering the existing revolving funds as shown in ~~striketrough~~ and **bold underline** below:

5. Authorized Revolving Funds.

	Department Authorized to Use Account, Fees/Charges, Description, and Purpose of Each Account	Fiscal Years
1	Council on Aging - into which receipts from rental of the Council's van shall be deposited and which may be used by said Council for payment of van driver wages, expenses, and maintenance of said van.	Fiscal Year 2018 and subsequent years
2	Board of Health - into which one-half (1/2) of the septic disposal construction fees charged by said Board of Health shall be deposited and which may be used by said Board or its agents to finance special waste disposal and technical expertise beyond the health agent's scope of responsibility.	Fiscal Year 2018 and subsequent years

3	Parks & Recreation Committee and Board of Selectmen - into which receipts from donations, advertising and rental of the Parks & Recreation Committee's facilities shall be deposited and which may be used by said Committee and Board to pay for the maintenance, operations, and improvements of said facilities.	Fiscal Year 2018 and subsequent years
4	<u>Council on Aging – into which donations, receipts and fees charged for Council on Aging programs, activities, and events shall be deposited and used by the Council on Aging to pay for the expenses incurred to hold the programs, activities, and events.</u>	<u>Fiscal Year 2023 and subsequent years</u>
4	Board of Selectmen – into which revenue collected from the sale of home composting bins shall be used to purchase additional compost bins and to advertise the availability of such bins.	Fiscal Year 2018 and subsequent years
5	Highway Department – into which receipts from the rental of Highway Department equipment may be used by said Department for the purchase, repair and maintenance of Department equipment.	Fiscal Year 2018 and subsequent years
6 5	Shellfish Department – into which receipts from one-half (1/2) of the shellfish permits sold shall be deposited and used by the Shellfish Department for the propagation of shellfish.	Fiscal Year 2018 and subsequent years
7 6	Zoning Board of Appeals and Board of Appeals – into which all receipts from filing and associated application fees shall be deposited, and may be used by said Boards to defray Commonwealth of Massachusetts mandated expenses related to said Board's hearings and meetings, professional assistance or engineering, legal and other case related items.	Fiscal Year 2018 and subsequent years
8 7	Board of Cemetery Commissioners – into which one-half (1/2) of cemetery plot grave digging fees and footing installation fees shall be deposited and which may be used by said Board of Cemetery Commissioners for Cemetery Department operations.	Fiscal Year 2018 and subsequent years
9 8	Library – into which receipts from Library services, such as photocopying, faxes and laser printing from public computer stations shall be deposited and which may be used by said Library to purchase services and supplies related to these services and services contracts for the maintenance of said office equipment.	Fiscal Year 2018 and subsequent years
10 9	Agricultural Commission– into which donations and fees charged by the Agricultural Commission for programs and events shall be deposited and used by the Agricultural Commission to defray expenses incurred to operate such programs and to hold events.	Fiscal Year 2018 and subsequent years
11 10	Harbormaster – into which donations and proceeds from the sales of Harbormaster boats and equipment shall be deposited and used by the Harbormaster for the purchase, repair and maintenance of Department equipment.	Fiscal Year 2018 and subsequent years
12 11	Board of Selectmen and Parks and Recreation Community Events - into which donations, receipts and fees charged for recreational programs and community events and activities shall be deposited and used by the Board of Selectmen and Parks and Recreation Committee with authorization of the Board of	Fiscal Year 2018 and subsequent years

	Selectmen to pay for the expenses incurred to hold recreation events and community activities.	
43 12	Records Access Officer - into which receipts from the requestors of public records for costs associated with Public Records requests responses shall be deposited and which may be used by the Records Access Officer in coordination with other Town Departments to pay for wages and expenses incurred to produce such records.	Fiscal Year 2018 and subsequent years

or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommendation Not Required

Explanatory Note: The Council on Aging is requesting authorization to establish a new revolving account as a way to deposit donations, receipts, and fees to be used to cover the costs for programs, activities, and events. This article also deletes two old defunct revolving funds.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:01 pm.

ARTICLE 13. To see if the Town will vote, pursuant to the provisions of Massachusetts General Law Chapter 44 § 53-E1/2, to authorize the following expenditure caps for Fiscal Year 2023:

	Name of Account	Balance Information	Expenditures Not to Exceed
1	Council on Aging - Van	Beginning balance \$418; Income \$0; Expense \$0; Ending balance on 2/28/22 \$418	\$5,000
2	Board of Health	Beginning balance \$46,022; Income \$13,913; Expense \$12,864; Ending balance on 2/28/22 \$47,071	\$20,000
3	Parks & Recreation Committee and Board of Selectmen Facilities	Beginning balance \$29,802; Income \$19,410 Expense \$11,944; Ending balance on 2/28/22 \$37,268	\$30,000
4	Council on Aging – Programs		\$10,000
5	Shellfish Department	Beginning balance \$20,296; Income \$660; Expense \$2,639; Ending balance on 2/28/22 \$18,317	\$6,000
6	Zoning Board of Appeals and Board of Appeals	Beginning balance \$14,148; Income \$1,010; Expense \$1,900; Ending balance on 2/28/22 \$13,258	\$4,000
7	Board of Cemetery Commissioners	Beginning balance \$15,137; Income \$2,050; Expense \$791; Ending balance on 2/28/22 \$16,396	\$20,000
8	Library	Beginning balance \$3,029; Income \$958; Expense \$2,304; Ending balance on 2/28/22 \$1,683	\$2,500
9	Agricultural Commission	Beginning balance \$3,686; Income \$0; Expense \$0; Ending balance on 2/28/22 \$3,686	\$5,000

10	Harbormaster	Beginning balance \$0; Income \$0; Expense \$0; Ending balance on 2/28/22 \$0	\$30,000
11	Board of Selectmen & Parks and Recreation Community Events	Beginning balance \$5,255; Income \$0; Expense \$0; Ending balance on 2/28/22 \$5,255	\$20,000
12	Records Access	Beginning balance \$0; Income \$0; Expense \$0; Ending balance on 2/28/22 \$0	\$5,000

or take any other action relative thereto.

(Inserted by the Council on Aging, Board of Health, Parks & Recreation Committee, Board of Selectmen, Shellfish Department, Zoning Board of Appeals and Board of Appeals, Board of Cemetery Commissioners, Board of Library Trustees, Agricultural Commission, Harbormaster and Records Access Officer)

Finance Committee Recommends

Explanatory Note: The State Revolving Fund Law, G.L. c.44 Section 53E ½ requires an annual expenditure authorization.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:03 pm.

ARTICLE 14. To see if the Town will vote to appropriate by transfer from the PEG (Public-Education-Government) Access and Cable Related Fund the sum of \$77,444 for wages and \$43,500 for expenses to support the cable television PEG access services and programming in Fiscal Year 2023, including any associated expert and legal services, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: This appropriation is necessary under Massachusetts General Laws Chapter 44 §53F ¾ and funds the operation of Rowley Community Media (RCM), the Town's local access cable channel. RCM records Town board and committee meetings, Town Meetings, and community events. RCM airs a variety of local programs, including Triton Regional School District and Whittier Vocational Technical High School sports games, concerts and other school events, community bulletins and notices, and operates Comcast Channel 9 and Verizon Channel 26.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:03 pm.

ARTICLE 15. To see if the Town will vote to appropriate by transfer or reserve from the Community Preservation Fund Fiscal Year 2023 annual revenues the amounts recommended by Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses, with each item to be considered a separate appropriation:

Summary of recommendations by Category:

Reserve:

- Creation and Support of Affordable Housing \$49,138.14
- Creation and Support of Historical \$26,984.14

Appropriations:

- Debt Service for Bradstreet Farm land acquisition \$201,400.00
- Administration - 5 % - \$39,674.07

or to take any other action relative thereto.

(Inserted by the Community Preservation Committee)

Finance Committee Recommends

Explanatory Note: Rowley expects to realize approximately \$803,481.40 in Community Preservation Act (CPA) funds from real estate tax receipts (\$587,764), 35% matching funds from the state (\$205,717.40), and interest income (\$10,000) in Fiscal Year 2023. The Community Preservation Act requires the Town to set aside 10% of funds collected after deducting appropriate debt service for each of the following areas: open space/recreation, historic preservation and community housing. Any unexpended administrative expenses will be returned to the general Undesignated Community Preservation fund. All funds realized above those reserved or appropriated will become general Undesignated CPA funds.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:05 pm.

ARTICLE 16. To see if the Town of Rowley will vote to approve the Triton Regional School District Committee's vote on March 9, 2022 to establish a Stabilization Fund, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law, and further set up an operational line item to be created to transfer available monies into said Stabilization Fund, or take any other action relative thereto.

(Inserted by the Triton Regional School Committee)

Finance Committee Recommendation Not Required

Explanatory Note: The Triton Regional School Committee voted to establish a Stabilization Fund. The approval process requires each Town in the Triton Regional School District to approve this at their town meeting.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:06 pm.

ARTICLE 17. To see if the Town will vote to appropriate the sum of \$200,000 for the purpose of financing the repair, replacement and/or upgrade of failed septic systems, pursuant to agreements with the Board of Health and residential property owners (the "Agreements"), including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 and issue bonds or notes therefor under Chapter 111 of the General Laws and/or Chapter 29C of the General Laws, as amended; while such bonds or notes shall be general obligations of the Town, it is anticipated that the debt shall be repaid, in the first instance by the property owners in accordance with the Agreements; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended (the "Trust"); and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen, Board of Health, or other appropriate local body or official is authorized to enter into a project approval certificate and regulatory agreement with the Department of Environmental Protection,

to expend all funds available for the project and to take any other action necessary or convenient to carry out the project, or take any other action relative thereto.

(Inserted by the Board of Health)

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote. The Board of Health continues to support the environmental efforts of Town residents with low interest septic betterment loans from the Massachusetts Clean Water Trust. The community recovers the costs by annual betterment on those individual residences' property tax bills that benefit from the improvement. Passage of this article would make additional low interest loans available to town residential property owners with no impact on the tax rate.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:08 pm.

ARTICLES 18 - 35 PERTAIN TO FISCAL YEAR 2022 APPROPRIATIONS

ARTICLE 18. To see if the Town will vote to appropriate by transfer the sum of \$6,000 from Line 168 (Health, Life Insurance, Medicare & Benefit Plan) to Line 9 (Selectmen's Expense) of Article 4 of the May 3, 2021 Annual Town Meeting, to pay for the expenses incurred to hold the May 2, 2022 Annual Town Meeting, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: This article provides the funds to pay for costs related to the May 2, 2022 Annual Town Meeting.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:09 pm.

ARTICLE 19. To see if the Town will vote to appropriate by transfer the sum of \$8,000 from Free Cash to be expended by the Chief of Police, for the purpose of sending two (2) police officers to the police academy, or take any other action relative thereto.

(Inserted by the Police Chief)

Finance Committee Recommends

Explanatory Note: The cost to send an officer to the Full-Time Academy is \$3,000 for tuition and an additional \$1,000 in equipment and materials. These officers are being sent to the full-time academy for training to fill vacancies created by two anticipated retirements.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:10 pm.

ARTICLE 20. To see if the Town will vote to appropriate by transfer the sum of \$1,292 from Free Cash to pay an overdue invoice from Fiscal Year 2021, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Passage requires a four-fifths vote because the expense was incurred in Fiscal Year 2021. The Town was recently notified of an unpaid invoice from October 2020.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:11 pm.

ARTICLE 21. To see if the Town will vote to appropriate by transfer the sum of \$45,130 from Line 168 (Health, Life Insurance, Medicare & Benefit Plan) to Line 100 (Essex Agricultural

Tech School) of Article 4 of the May 3, 2021 Annual Town Meeting to pay the FY 22 assessment, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: The Essex Agricultural Technical High School FY 22 assessment was higher than the budgeted amount due to increased student enrollments.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:11 pm.

ARTICLE 22. To see if the Town will vote to appropriate by transfer from the Cemetery Lots and Graves Account, the sum of \$17,000, for the purpose of replacing the overhead garage door in the Cemetery building, adding an electric motor and a secondary door for emergency access, and adding an equipment storage unit next to the Cemetery building, or take any other action relative thereto.

(Inserted by the Board of Cemetery Commissioners)

Finance Committee Recommends

Explanatory Note: The Cemetery Commission is replacing its overhead door with a new one containing a pass-through door and an electric opener. The cemetery building has outgrown its space needs. Rather than build an addition, the commissioners have decided to purchase a twenty-foot steel Conex storage type box which can securely house the cemetery tractor in the summer and the three riding mowers in the winter for many years to come.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:12 pm.

ARTICLE 23. To see if the Town will vote to appropriate by transfer from the Cemetery Account, "Perpetual Care Interest," the sum of \$6,000, into the Cemetery Revolving Fund, or take any other action relative thereto.

(Inserted by the Board of Cemetery Commissioners)

Finance Committee Recommends

Explanatory Note: The Cemetery revolving fund is used for Cemetery Department operations. The funds from the "Perpetual Care Interest Account" will put additional money into the revolving account. Due to a personnel shortage, these funds may be used for hiring extra summer help and/or an outside vendor to assist in the summer mowing operation rather than increasing the Cemetery Omnibus Annual Budget Article for wages at this time.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:13 pm.

ARTICLE 24. To see if the Town will vote to appropriate by transfer the sum of \$134,132.92 from Free Cash and to appropriate by transfer the following sums:

- \$10,095.85 Fire mobile data terminal and highway ¾ ton plow truck Article 7 of the May 6, 2019 Special Town Meeting
- \$447.96 Police radios Article 11 of the June 22, 2020 Special Town Meeting
- \$7,495.27 Fire radios, Knox Box and Airbag Set Article 9 of the May 3, 2021 Special Town Meeting

To be expended by the following departments for the purpose of undertaking the following capital purchases and improvements:

1. \$83,400 for technical upgrades including: purchasing and installing computers and software and other peripherals for the following departments: Treasurer/Collector, Town Clerk, Con Com, Inspection, COA, Library and Police; purchasing a managed POE Port switch; purchasing accounting software and Fire RMS Management Software
2. \$66,372 for the purchase of departmental equipment including: Radar Speed Signs and Tasers for the Police Department; Stability Struts, Protective Clothing and Knox Box replacements for the Fire Department and Voting Booths for the Town Clerk
3. \$2,400 for facilities upgrades including acoustic divider panels for the COA;

or to take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: This article appropriates a total of \$152,172 for capital purchases and improvements which are part of the Town's Capital Plan.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:15 pm.

ARTICLE 25. To see if the Town will vote to appropriate by transfer the sum of \$194,811 from the Capital Stabilization fund to pay for the Town's matching funds for a grant for a new COA Van and to pay for the internal borrowing for the cost of the Highway Loader, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: The Town was awarded a competitive Community Transit Grant for \$52,245 for a new van for the Council on Aging. The Town needs to match \$13,061 in order to receive the grant funds for the new van. This new van will replace the current 2014 van and is needed to transport the Town's aging and disabled community members to various shopping trips, medical appointments and other COA programs. At the May 3, 2021 Special Town Meeting, Article 10 approved the purchase of a Highway Department loader, and authorized the Treasurer to borrow to fund the purchase. Due to the delay in receipt of the loader by the Highway Department, the bill for \$181,750 was received in February 2022. Because it was late in the fiscal year and the amount of the borrowing is small, this was paid for with an internal borrowing, which we are requesting be covered through a transfer from the capital stabilization fund. We will rescind the debt authorization from May 2021. Passage requires a two-thirds vote. Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:16 pm.

ARTICLE 26. To see if the Town will vote to appropriate \$585,000, to pay costs of (i) a dump truck with plow and sander (\$120,000), and (ii) police and fire communication infrastructure projects (\$465,000), including the payment of all other costs incidental and related thereto; to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise; provided that to meet this appropriation, \$4,705.20, representing premium received on account of the issuance of bond anticipation notes dated December 18, 2020 (\$4,405.20) and May 5, 2021 (\$300) be transferred from Reserved for Bond Premiums and that the Treasurer, with the approval of the Selectmen, be authorized to borrow \$580,294.80 under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Board of Selectmen is authorized to trade old equipment as part of the purchase price and to take any other action necessary or convenient to carry out these projects, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote. This article allocates premium received from prior debt issuances to defray the cost of new borrowing. Passage of this article funds a highway truck and a comprehensive and complete upgrade to the Police and Fire Department's radio communication infrastructure. The new Highway dump truck will replace a 10-year old one-ton truck that has been having mechanical issues. Both the Police and Fire Departments rely on radio communications throughout the Town in a mobile and portable capacity. Within the current infrastructure, there exist many "dead spots" in the Town due to the hilly topography. Oftentimes the only form of communication is through the radio system. The radio communication system is a lifeline for the first responder. The situation has gotten progressively worse as line of sight for the existing equipment has been diminished as trees have grown and from increased interference as radio waves continue to compete for space.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:23 pm.

ARTICLE 27. To see if the Town will vote to appropriate \$179,844.40 to pay costs of heating, ventilation and air conditioning system design and improvements at the Town Hall and at the Library, including the payment of all costs incidental and related thereto; and to determine whether this amount shall be raised by transfer from available funds, or otherwise, provided that to meet this appropriation, \$175,000 shall be transferred from the Capital Stabilization Fund, and \$4,844.40 shall be transferred from funds remaining under Article 6 of the June 22, 2020 Special Town Meeting Warrant, which funds are no longer needed to complete the project appropriated under such article, provided further that the funds transferred from the said article will not be expended pursuant to this vote until the Town shall have expended a Green Communities Designation Grant, or to take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote. The Town of Rowley was designated as a Green Community by the Commonwealth of Massachusetts in 2021 and has been awarded a Designation Grant of \$136,868. The building energy audits performed as part of this process identified as a priority the replacement of the heating and cooling systems for the first floor of Town Hall. The existing oil-fired boiler is at the end of its life, requires constant maintenance and is not energy efficient as new electrical heating and cooling units are. The Designation Grant is being used for Town Hall insulation and weatherization measures, new system design engineering, and the installation of the new system. There are not sufficient funds available from the Designation Grant for all of this work, therefore an appropriation from the Capital Stabilization fund is being requested so that this project can be completed in 2022. The building energy audit also identified the HVAC at the Library as nearing the end of its life. Part of this appropriation will be also used for the engineering work to design an energy efficient replacement HVAC system for the Library. The Town will seek a competitive Green Communities grant to cover the cost of replacing the Library's HVAC system.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:24 pm.

ARTICLE 28. To see if the Town will vote to rescind the balance of the following borrowing authorizations that are no longer needed to pay costs of the project or purpose for which they were originally approved as follows:

Unissued Amount	Date of Approval	Warrant Article	Original Purpose
\$ 27,947	5/1/2017	20	Pine Grove Elementary
205,000	5/3/2021	10	Highway -Loader Truck
5,000	5/6/2019	27	Fire - Rescue Pumper Truck

or to take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: These projects are completed and passage of this article removes the authorization from the Town's debt record.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:26 pm.

ARTICLE 29. To see if the Town will vote to appropriate by transfer from Free Cash the sum of \$100,000 to the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) established under G.L. c. 32B, § 20, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Passage of this article allows the Board of Selectmen to continue with its plan of funding the OPEB Trust Fund, which will offset the future healthcare costs of retired Town employees. The Town's financial advisors and auditors recommend the Town pay into this Trust Fund each year. This appropriation excludes the Water Department and Rowley Municipal Light Plant portions of their retiree health insurance contributions; these are funded through their own budgets.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:26 pm.

ARTICLE 30. To see if the Town will vote to appropriate by transfer from Free Cash the sum of \$200,000 to the Capital Stabilization Fund, or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Setting aside funds in the Capital Stabilization Fund each year is recommended by the Town's auditors and financial advisors.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:27 pm.

ARTICLE 31. To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate or reserve from the Community Preservation Fund Fiscal Year 2022 annual revenues the amounts recommended by Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses, with each item to be considered a separate appropriation:

Summary of recommendations by Category:

Reserve:

- Creation and Support of Affordable Housing \$32,103.38
- Creation and Support of Historical \$32,103.38

or to take any other action relative thereto.

(Inserted by the Community Preservation Committee)

Finance Committee Recommends

Explanatory Note: Rowley's expectations for the fund were based on a 17% match from the State. This year the State Match was 68%. The Rowley Tax Surcharge will collect \$541,624.88 in CPA Funds in Fiscal Year 2022. The State match (68%) was in the amount of \$413,110 plus interest income of \$10,000. The Community Preservation Act requires the Town to set aside 10% of funds collected after deducting appropriate debt service for each of the following areas: open space/recreation, historic preservation and community housing. This will increase the funds to affordable housing and historical. All funds realized above those reserved or appropriated will become general Undesignated CPA funds.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:28 pm.

ARTICLE 32. To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate by transfer from the Community Preservation Fund Historic Resources Reserve and/or the Community Preservation Unreserved Account the sum of \$63,000 to be used by the Town Clerk for costs associated with preservation, restoration, digitalization, and deacidification of the Town Vital Records, or take any other action relative thereto.

(Inserted by the Community Preservation Committee and Town Clerk)

Finance Committee Recommends

Explanatory Note: The Community Preservation Committee has approved this article. Passage of this article allows the Town Clerk's Office to continue working on preservation of the Town's vital records. This project will continue the work of three previous grants and include years as early as 1829 and as late as 1946, but not inclusive of all years. This project includes births, deaths, marriages, burial ground deeds, cemetery lots, and additional Town Meeting records.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:29 pm.

ARTICLE 33. To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate by transfer from the Community Preservation Fund Open Space/Recreation Resources Reserve and/or Community Preservation Unreserved Account the amount of \$330,000 to be used by the Board of Selectmen for upgrades to the playground at Eiras Park, or take any other action relative thereto.

(Inserted by the Community Preservation Committee and Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Passage of this article funds needed upgrades to the Kid's Kingdom Playground. The playground currently does not meet Massachusetts Architectural Board handicap accessibility requirements. This is the only Town playground available to the community every day. The playground swing set structure will be removed and replaced with a new structure that will have swings for older children, disabled children, and young children. The wood chip surface will be replaced with a new handicap accessible pour-in-place surface. This new surface will address handicap accessibility issues and correct the existing fall-zone deficiencies with some of the current playground structures. A new handicap accessible walkway from the parking area to the playground will be constructed. This article also funds repairs to damaged equipment.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:30 pm.

ARTICLE 34. To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate by transfer the sum of \$36,494.07 from Article 16 of the May 3, 2021

Special Town Meeting to be used by the Board of Selectmen for upgrades to the Kid's Kingdom Playground at Eiras Park, or take any other action relative thereto.

(Inserted by the Community Preservation Committee and Board of Selectmen)

Finance Committee Recommends

Explanatory Note: Passage of this article will be used to fund the improvements needed to make the Kid's Kingdom Playground safe and handicap accessible as referenced in Article 33.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:31 pm.

ARTICLE 35. To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate by transfer from the Community Preservation Fund Open Space/Recreation Resources Reserve and/or Community Preservation Unreserved Account the amount \$218,278 to be granted to the Ipswich Family YMCA for the purposes of undertaking a pool area renovation at Camp Cedar Mill at the Dodge Reservation on Wethersfield Street in Rowley, or take any other action relative thereto.

(Inserted by the Community Preservation Committee)

Finance Committee Recommends

Explanatory Note: The Community Preservation Committee has voted to grant these funds to the Y for outdoor pool renovations which includes replacing the pool deck and pool fencing, removing and re-building the pool house, removing and replacing the pool filtration system, renovating the bath house, and replacing the pool cover. This pool is in an integral part of the Y's summer camp program, which serves approximately 100 Rowley children. The pool is open free of charge to Rowley families in the summer on afternoons and evenings during the week and on both Saturdays and Sundays. The Y also offers swim lessons to Rowley residents at this pool. The Board of Selectmen voted to approve this project.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:32 pm.

ARTICLE 36. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action relative thereto.

(Inserted by the Board of Selectmen and Police Chief)

An Act Authorizing the Appointment of Retired Police Officers as Special Police Officers in the Town of Rowley.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Board of Selectmen of the town of Rowley may appoint, as they deem necessary, retired police officers as special police officers for the purpose of performing police details or any other police duties whether or not related to detail work; provided however that such retired police officers shall have been regular police officers who retired based upon superannuation. These special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of the General Laws. Prior to appointment, retired police officers shall pass a medical examination conducted by a physician or other certified professional chosen by the town, to determine whether such officers are capable of performing the essential duties of a special police officer and the cost thereof shall be borne

by the retired officers.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Rowley.

SECTION 4. Special police officers appointed under this act shall not be deemed members of any collective bargaining unit. Special police officers appointed under this act shall be appointed for an indefinite term, subject to removal by the police chief, with the approval of the Board of Selectmen, at any time, upon 14 days written notice. Upon request, the police chief shall provide the reasons for such removal in writing.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the chief of police and the Board of Selectmen of the town of Rowley, including restrictions on the type of assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing and requirements regarding uniforms and equipment. Costs associated with meeting these requirements are to be paid by the special police officers. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk, who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. The payment under said section 111F of said chapter 41 shall not exceed, in any calendar year, the limitation on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when special police officers reach the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such a higher age limit but shall not extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32 nor shall they be eligible for any benefits pursuant thereto.

SECTION 8. An appointment as a special police officer under this act shall not entitle any individual appointed as such to assignment to any detail.

SECTION 9. Special police officers appointed under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.

(Inserted by the Board of Selectmen and Police Chief)

Finance Committee Recommendation Not Required

Explanatory Note: The purpose of the proposed legislation is to appoint retired certified Full-Time police officers as Special Police Officers to work in a part-time capacity within the Town of Rowley for the purposes of performing police details or any other police duties whether or not related to police details. Road details are becoming harder and harder to fill with older officers retiring and younger officers placing more value in their time off. Also, as a result of the Police Reform Act of 2020, Reserve Officers will, in effect, be eliminated in the State of Massachusetts in 4 years. Special Police officers will be maintaining their police certification and will be able to fill in for shift work on a part-time capacity, which will assist the department to be more fiscally sound.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:33 pm.

ARTICLE 37. To see if the Town will vote to accept as public ways, as laid out and reported by the Board of Selectmen, Cindy Lane and Bell Circle, as shown on a plan entitled "Street Acceptance Plan / Cindy Lane & Bell Circle / Rowley, Mass." by Hayes Engineering, Inc. dated March 21, 2019, last revised May 12, 2020, a copy of which is on file with the Town Clerk; and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate in connection therewith; or to take any other action in relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommendation Not Required

Explanatory Note: The Board of Selectmen supports passage of this article.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 7:38 pm.

ARTICLE 38. To see if the Town will vote to adopt the following Plastic Bag Restriction General Bylaw to read as follows:

Plastic Bag Restriction General Bylaw

1. Purpose and intent.

The production and use of thin-film single-use plastic bags significantly impacts the marine and land environments of coastal communities. Their negative effects include but are not limited to the following: contributing to the death of marine animals through ingestion or entanglement; contributing to pollution of the land and sea; burdening solid waste collection and recycling facilities; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil for their manufacture. The

purpose of this article is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Rowley.

2. Definitions.

For purposes of this article the following definitions shall apply:

1. "Plastic Checkout Bag" shall mean any checkout bag made of plastic that does not meet the definition of "Reusable Bag," typically with integral plastic handles, and intended for transport of purchased products.
2. "Reusable Bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple uses and is made of either polyester, polypropylene, cotton or other natural fiber material.
3. "Retail Establishment" shall mean any business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, "mini marts," or retail stores and vendors selling clothing, food, household or personal items.

3. Use regulations.

- A. Plastic Checkout Bags shall not be distributed or sold from any Retail Establishment within the Town of Rowley.
- B. Customers are encouraged to take their own Reusable Bags to stores. Retail Establishments may provide Reusable Bags or paper bags at no charge, or to impose a fee, as they so desire. Retail Establishments are strongly encouraged to make Reusable Bags available for sale to customers at a reasonable price.
- C. Plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items or similar merchandise, typically without handles, are exempt from the provisions of this article.

4. Education and training.

Not later than one month after this Bylaw becomes effective under M.G.L. c. 40, s. 32 through its approval by the Attorney General and the posting and publishing required by the said statute, the Town shall send written notice detailing the restrictions imposed by this regulation to those Retail Establishments likely to be subject to this Bylaw.

5. Administration and enforcement.

- A. This bylaw shall be enforced by one or more designees of the Board of Selectmen.
- B. This bylaw may be enforced through any lawful means, including but not limited to criminal disposition under MGL c. 40, § 21 and non-criminal disposition pursuant to MGL c. 40, § 21D. Any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:
 - (1) Upon the first violation, the Board of Selectmen's designee shall provide the violator with written notice of such violation and issue a written warning that any subsequent violations shall result in the imposition of a fine. The violator will then be entitled to 30 days after receipt of such notice to cure the violation before imposition of the fine.

- (2) After the 30-day period, if the violation has not been cured, the following fines shall apply:
 - (a) A fine of \$50 for the first violation following receipt of the written notice referred to in Subsection B (1) above; and
 - (b) A fine of \$100 for any further violation.
- (3) Each day that a Retail Establishment continues to distribute Plastic Checkout Bags shall constitute a separate violation of this bylaw.

6. Severability and effective date.

- A. If any provision of this bylaw is determined to be invalid for any reason, such determination shall not affect the remaining provisions of this bylaw.
- B. The use regulations set forth in Section 3 of this Bylaw shall not be enforceable until one year after this Bylaw becomes effective under M.G.L. c. 40, s. 32 through its approval by the Attorney General and the posting and publishing required by the said statute, in order to allow Retail Establishments to comply with the said restrictions.

or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommendation Not Required

Explanatory Note: The Board of Selectmen placed a non-binding referendum on the May 11, 2021 Annual Town Election Ballot asking the voters if they should propose a plastic bag reduction bylaw that would regulate and limit the type of bags offered at checkout by retail establishments in Town. The results were Yes -337 and No – 261. Based on the favorable results to this ballot question, the Board of Selectmen developed this bylaw, which meets the spirit of the ballot question.

A motion to amend the wording of Article 38 was made by Bernard Cullen, seconded by Ralph Deil.

After discussion a vote was taken to accept the amendment. A voice vote could not be determined. A hand count was taken; 30 yes to accept, 116 no. The motion to amend failed at 8:09 pm.

Motion by Cliff Pierce, seconded by Deana Ziev; A voice vote could not be determined. A hand count was taken; 106 yes and 41 no. The original motion passed at 8:09 pm.

ARTICLE 39. To see if the Town will vote to accept G.L. c.44 s.55C permitting the establishment of a municipal affordable housing trust for the purpose of providing for the creation and preservation of affordable housing, or take any other action relative thereto.

(Inserted by the Board of Selectmen and Planning Board)

Finance Committee Recommendation Not Required

Explanatory Note: Passage of this article authorizes the Board of Selectmen to vote, sign, and approve a declaration of trust, and to appoint no less than five trustees to oversee the trust. This trust will be used for the creation of affordable housing in the Town.

Motion by Cliff Pierce, seconded by Deana Ziev; passed Voce Unanimous at 8:15 pm.

ARTICLE 40. To see if the Town will vote to amend Zoning Bylaw (ZBL) section 6.2 (Multifamily), section 6.4 (Open Space Residential Development), and section 6.7 (New England Village Development) pertaining to requirements for building affordable housing (minimum 10% or proposed units), and to introduce language specifying when developers are permitted to make cash donations to the Town's Affordable Housing Trust in lieu of building affordable dwelling units:

Insert new underlined text under existing ZBL section 6.2.4.1 (section pertains to affordability requirements in an Open Space Residential Development (OSRD)):

6.2.4 Affordability Requirements

6.2.4.1 At least one (1) of the units in a development approved under section 6.2.1.1(a) shall qualify as an affordable dwelling unit or, in lieu of designating one or more units as affordable dwelling unit(s) the applicant may be permitted to make a cash contribution to the Rowley Affordable Housing Trust in an amount determined by the Affordable Housing Trust committee, provided the Planning Board determines it is in the public interest.

Insert new underlined text introducing a new section 6.4.13 (OSRD Affordability Requirement) after 6.4.12:

6.4.13 Affordability Requirements

6.4.13.1 At least ten percent (10%) of the units in a development approved as an OSRD shall qualify as affordable dwelling units. If less than 10 residential units are proposed then at least one of the proposed units shall qualify as an affordable dwelling, except if the Planning Board determines that it is in the public interest, the applicant may make a cash contribution to the Rowley Affordable Housing Trust in an amount determined in consultation with the Affordable Housing Trust committee.

6.4.13.1 The provisions of 6.2.4.2, 6.2.4.3, 6.2.4.4 shall apply to an OSRD under this section.

Insert new underlined text under existing Section 6.7.3.1 New England Village Development (NEVD):

6.7.3 Affordability Requirements

6.7.3.1 A minimum of ten percent (10%) of the dwelling units in an NEVD shall qualify as affordable dwelling units. If less than 10 residential units are proposed then at least one of the proposed units shall qualify as an affordable dwelling, except if the Planning Board determines that it is in the public interest, the applicant may make a cash contribution to the Rowley Affordable Housing Trust in an amount determined in consultation with the Affordable Housing Trust committee.

*or to take any other action relative thereto.
(Inserted by the Planning Board)*

Finance Committee Recommendation Not Required

Explanatory Note: Passage requires a two-thirds vote. This article will amend three different sections of the zoning bylaw so that all sections will have the same requirement that a minimum of 10% of the proposed dwelling units be affordable dwelling units with the option that, if the

Planning Board determines it be in the public interest, a developer can make a cash donation to the Rowley Affordable Housing Trust in lieu of building the affordable units. A voice vote could not be determined. A hand count was taken; 79 yes, 18 no. The motion passed at 8:37pm.

ARTICLE 41. To see if the Town will vote to amend Zoning Bylaw (ZBL) section by inserting underlined text to add new section 4.1.2. as follows:

4.0 Use Regulations

4.1 Application and Use Regulations

- 4.1.1** Except as provided by M.G.L., Ch. 40A, or by other sections of this Bylaw, a structure or lot may be used only for the purposes permitted in the applicable zoning district as described in this section. Any use not described in this section shall be deemed to be prohibited.
- 4.1.2** In all residential districts, each lot shall have no more than one principal use in operation at any given time except as may be permitted under the provision specified by sections 4.14 (RVOD), 6.2 (Multifamily), 6.4 (OSRD), and 6.7 (NEVD) of the Zoning Bylaw.

or to take any other action relative thereto.

(Inserted by the Planning Board)

Finance Committee Recommendation Not Required

Explanatory Note: Passage requires a two-thirds vote. This article will amend ZBL section 4.0 by introducing text that explicitly limits each residential lot to having no more than one principal use at any given time except that there may be provision for multiple instances of a principal use, or multiple, principal uses granted with Special Permit approval under certain specified ZBL sections.

Motion to postpone made by Chris Thorton, seconded by Bernard Cullen; passed Voce Unanimous at 8:39 pm.

ARTICLE 42. To see if the Town will vote to amend Zoning Bylaw (ZBL) section 4.10 Floodplain District by removing ~~strike through text~~ and by inserting underlined text to add new section 4.1.2. as follows:

4.10 Floodplain District

- 4.10.1** Purpose: the purpose of the Floodplain Overlay District is to:
- Ensure public safety through reducing the threats to life and personal injury
 - Eliminate new hazards to emergency response officials
 - Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
 - Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
 - Eliminate costs associated with the response and cleanup of flooding conditions

- f. Reduce damage to public and private property resulting from flooding waters

4.10.2 Definitions

Base Flood: a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): the elevation of the water surface of the base flood.

Development: means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

Floodway: the channel of a river or other watercourse and the adjacent areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than the designated height. [Base Code, Chapter 2, Section 202]

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

Highest Adjacent Grade: means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

Historic Structure: means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

New Construction: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

New Development Activities: Any man-made change to improved or unimproved real estate, including, but not limited to, the following: the construction of new structures; the substantial improvement of existing

structures; the construction of roads, driveways, and parking areas; grading, mining, dredging, filling, excavating, dumping, and similar activities; and the permanent storage of materials and/or equipment, but excluding activities that have no flood damage potential and that do not obstruct flood flows to any significant extent, such as the raising of agricultural crops and the grazing of livestock, and the erection of mail boxes, flag poles, split rail fences, and similar structures.

Recreational Vehicle: means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

Regulatory Floodway - see FLOODWAY.

Special Flood Hazard Area (SFHA): The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO VE or V1-30. [Base Code, Chapter 2, Section 202] any area within the Town subject to a one percent (1%) or greater chance of flooding in any given year; such areas are designated as Zones A, AE, and VE on the Essex County Flood Insurance Rate Map (FIRM), dated July 3, 2012, and July 16, 2014, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP).

Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

Substantial Improvement: Any expansion, reconstruction, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either before construction of the improvement is commenced or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, regardless of whether such alteration affects the external dimensions of the structure. The latest assessed value of a structure may be

used to establish fair market value, provided the Town's Assessor certifies that such assessed value is based on one hundred percent (100%) valuation, less depreciation.

Substantial Repair of a Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

Variance: means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

Violation: means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

4.10.3 Establishment of District and Allowed Uses

4.10.3.1 The Floodplain District is herein established as an overlay zoning district, and is imposed on the following areas that have been deemed subject to seasonal or periodic flooding:

(a) all areas below the elevation of fifteen (15) feet above North American Vertical Datum of 1988 (NAVD 88);

(b) all areas below the elevation of ten (10) feet above the line following the lowest part of the stream bed (thalweg) of a named stream or river, or within one hundred (100) feet of the lowest part of the stream bed of a named stream or river, or within one hundred (100) feet of the high-water line of a named pond or lake, as shown on the U.S. Geological Survey Map of Georgetown, Ipswich, Newburyport East, and Newburyport West; and

(c) all SFHAs within the Town designated as Zones A, AE, or VE on the FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. ~~The map panels on the FIRM that are wholly or partially within the Town are panel numbers 25009C0119G, 25009C0138G, 25009C0139G, 25009C0143G, 25009C0256G, 25009C0257G, 25009C0276G, 25009C0277G, 25009C0278G, and 25009C0281G, dated July 16, 2014, and 25009C0252F, 25009C0253F, 25009C0254F, 25009C0258F, 25009C0259F, 25009C0262F, and 25009C0266F, dated July 3, 2012.~~ The exact boundaries of the district may be defined by the 1%-chance base flood elevations shown on the FIRM by the 100-year-base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 16, 2014 July 19, 2018. The FIRM and the FIS report are incorporated herein by reference and are on file with the ~~Planning Board~~, Conservation Commission.

(d) ~~designated on the FIRM, the exact boundaries of which may be defined by the~~

~~100-year BFEs shown on the FIRM, and all floodways designated on the FEMA Flood Boundary & Floodway Map, dated August 5, 1986, and further defined by the Flood Insurance Study Booklet (FISB), dated August 5, 1986 (the FIRM, Flood Boundary & Floodway Map, and FISB are incorporated by reference, and are on file with the Planning Board).~~

4.10.3.2 All uses permitted in the underlying zoning district are permitted in the Floodplain District, except that new development activities in the Floodplain District are prohibited, unless such activities are authorized by a special permit issued by the Planning Board under section 4.10.5.

4.10.4 Submittal and Notification Requirements

4.10.4.1 An applicant for a special permit under this section shall provide the Planning Board with a site plan that meets the requirements of section 7.6 of the Bylaw.

~~4.10.4.2 BFE data is required for subdivisions or other developments that would create fifty (50) or more lots, or involve five (5) or more acres of land. For developments that would create fewer than fifty lots, and involve less than 5 acres of land, the Planning Board may require the submission of BFE data.~~

4.10.4.3 In a riverine situation, the Planning Board shall notify the following of any alteration or relocation of a watercourse: adjacent communities; the NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway St., Suite 600-700, Boston, MA 02114-2104; and the NFIP Program Specialist, FEMA, Region I, 99 High St., 6th Floor, Boston, MA 02110.
Rowley Protective Zoning Bylaw Page 21 June 22, 2020

4.10.4.4 Requirement to submit new technical data: if the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the changes(s). Notification shall be submitted to: FEMA Region I Risk Analysis Branch Chief, 99 High Street, 6th Floor, Boston, MA 02110, and a copy of the notification to: Massachusetts NFIP State Coordinator, MA Dept of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

4.10.4.5 In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4.10.4.6 When proposing subdivisions or other developments greater than fifty (50) lots or five (5) acres whichever is less, the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans. All subdivision proposals and developments in the floodplain overlay district shall be reviewed to assure that:

- a) Such proposals minimize flood damage;
- b) utilities and facilities are located and constructed so as to minimize flood damage.
- c) Adequate drainage is provided

4.10.5 Development Standards

4.10.5.1 In addition to any development standards adopted under section 7.8.3.2, new development activities in the Floodplain District shall comply with the

following standards:

- (a) the volume of lost floodwater storage capacity caused by the proposed development shall be offset by the provision of an equal volume of floodwater storage capacity by excavation or other compensatory measures at hydraulically equivalent sites;
- (b) vehicular and pedestrian access to, over, and from the site shall be provided over ways having an elevation of at least fifteen (15) feet above NAVD 88, or one foot above the BFE, whichever elevation is higher, except that the standard established by this paragraph shall not apply where the proposed development activity consists of the substantial modification of an existing dwelling unit, and provided further that the Planning Board may waive the application of this standard if the Board determines (1) that the non-compliant portion[s] of the proposed access route involves a way that existed on the effective date of the Bylaw, and (2) that the measures that would be required to raise the noncompliant portion[s] of such existing way to the required elevation, or to construct an alternative access route that would meet the standard, would have a significant adverse impact on primary or secondary conservation areas, or would be substantially detrimental to the character of the neighborhood;
- (c) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (d) A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- (e) In A1-30, AH, AE Zones, V1-30, VE, V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- (f) the methods by which structures and ways are elevated shall not endanger human health and safety or adversely affect the natural function of the floodplain;
- ~~(g) in zones A and AE, no new development activity shall be permitted, unless the applicant demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practices to the satisfaction of the Planning Board, that the cumulative effect of the proposed development, when combined with all other existing and anticipated developments in the Floodplain District, will not result in any increase in flood levels within the community during the occurrence of the base flood discharge;~~
- (h) within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures;
- (i) man-made alteration of sand dunes within Zones VE is prohibited when the

alteration would increase potential flood damage;

~~(j) all proposed subdivisions or other developments must be designed to assure that flood damage is minimized, that all public utilities and facilities are located to minimize or eliminate flood damage, and that adequate drainage is provided to reduce exposure to flood hazards;~~

(k) all new construction within Zones A, AE, and VE must be located landward of the reach of mean high tide;

(l) the area of the Floodplain District that is used to satisfy the minimum lot area and yard requirements in the underlying zoning district in which the remainder of the lot is located shall not exceed twenty-five percent (25%) of the lot area; and

(m) any proposed development that (1) would be located entirely or partially within the Floodplain District, (2) that would involve a Subdivision of Land, and (3) that would satisfy the eligibility criteria specified in section 6.4.3.1, shall require a special permit for an Open Space Residential Development (OSRD) under section 6.4, except that the Planning Board may waive the application of this standard if the Board determines that the development of the site as an OSRD, as compared to a conventional subdivision, would not promote the purposes of section 6.4.

4.10.5.2 Nothing in this section shall be construed as modifying the requirements of the following: M.G.L., Ch. 131, § 40; the Massachusetts State Building Code, 780 C.M.R.; the Massachusetts Wetlands Protection Regulations, 310 C.M.R. 10.00; the Massachusetts Inland Wetlands Restriction, 310 C.M.R. 13.00; the Massachusetts Coastal Wetlands Restriction, 310 C.M.R. 12.00; and Title V of the State Environmental Code, 310 C.M.R. 15.000.

4.10.6 Special Permit Criteria and Procedures

~~4.10.6.1 The Planning Board may not issue a special permit for a new development activity under this section, unless it determines:~~

~~(a) that the activity will comply with all applicable development standards specified by section 4.10.4;~~

~~(b) that the activity will not result in an increase in flooding above the BFE, obstruct or divert flood flow, or reduce natural flood storage; and~~

~~(c) that the proposed development will be reasonably safe from flooding.~~

A special permit is required for proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

4.10.6.2 In deciding whether to issue a special permit under this section, the Planning Board shall consider any comments submitted prior to the close of the public hearing by the Conservation Commission, the Board of Selectmen, the Board of Health, and any Town officer or department.

4.10.6.3 The review process outlined in this section includes the requirement that the project proponent obtain all local, state, and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and demonstrate that all necessary permits have been acquired.

4.10.7 Administration

4.10.7.1 Designated Administrator: The Town of Rowley hereby designates the position of Conservation Agent to be the official floodplain administrator for the Town.

4.10.7.2 Variances:

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1.) Good and sufficient cause and exceptional nonfinancial hardship exist; 2.) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3.) the variance is the minimum action necessary to afford relief.

Variances to state building code floodplain standard:

- A. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
- B. The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
- C. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

4.10.7.3 Relation to other bylaws: The floodplain regulations found in this Floodplain Overlay District bylaw shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

4.10.7.4 Liability: The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

4.10.7.5 Severability: If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of this bylaw shall be effective.

or to take any other action relative thereto.

(Inserted by the Planning Board)

Finance Committee Recommendation Not Required

Explanatory Note: Passage requires a two-thirds vote. This article will amend ZBL section 4.10 (Floodplain District) pursuant to the current requirements of the National Flood Insurance Program (NFIP) and the Massachusetts Department of Conservation and Recreation (DCR).

Motion made by Chris Thorton, seconded by Urbacheski; passed Voce Unanimous at 8:43 pm.

ANNUAL TOWN ELECTION INFORMATION

Saint Mary's Church (rear), Route 1A, in said Rowley on Tuesday, May 10, 2022 at 12:00 NOON to act on the following:

Two Board of Selectmen	Three years
One Board of Assessors	Three years
One Planning Board	Five years
One Municipal Light Board Member	Three years
One Municipal Water Board Member	Three years
One Cemetery Commissioner	Three years
One Shellfish Commissioner	Three years
One Constable	Three years
One Housing Authority Member	Five years
One Library Trustee	Two years
Three Library Trustee	Three years
For Regional School District Committee	
One Rowley Member	Three years
One Newbury Member	Three years
One Salisbury Member	Three years

Motion: I move the Town vote to adjourn the May 2, 2022 Annual Town Meeting.

Motion made by Cliff Pierce, seconded by Deana Ziev; passed Voice Unanimous at 8:45 pm.

And you are hereby instructed to service this warrant by posting copies thereof at Town Hall, Town Hall Annex and the Rowley Public Library and on the Town's website not less than fourteen days before the day fixed for such meeting, as directed by the laws of the Town and to make due return of the Warrant to the Town Clerk at least two days before said meeting. Given under our hand this 11th day of April in the year two thousand twenty-two.

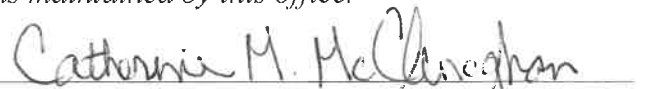
Clifford Pierce, Chairman
Joseph Perry, Vice Chairman
Deana M. P. Ziev, Clerk
David Petersen
Robert Snow

I have served this Warrant by posting at Town Hall, Town Hall Annex and the Rowley Public Library not less than fourteen before the day fixed for such meeting and have made the return of the Warrant to the Town Clerk before the time of said meeting.

Richard MacDonald, Constable of Rowley

04/22/2022

Certification: I, Catherine M. McClenaghan, duly elected and qualified Town Clerk for the Town of Rowley do hereby swear and affirm that the statements contained above with regard to the May 2, 2022 Annual Town Meeting to be true and accurate according to records maintained by this office.


Catherine M. McClenaghan, Town Clerk,
Town of Rowley
May 19, 2022



May 2, 2022 Annual Town Meeting Warrant

REQUESTED AMENDMENT TO ARTICLE 38

submitted by Bernie Cullen of 283 Wethersfield Street

Red lined version of Article 38 with proposed amendments

ARTICLE 38. To see if the Town will vote to adopt the following Plastic Bag Restriction General Bylaw to read as follows:

Plastic Bag Restriction General Bylaw

1. Purpose and intent.

The production and use of non-compostable thin-film single-use plastic bags significantly impacts the marine and land environments of coastal communities. Their negative effects include but are not limited to the following: contributing to the death of marine animals through ingestion or entanglement; contributing to pollution of the land and sea; burdening solid waste collection and recycling facilities; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil for their manufacture. The purpose of this article is to eliminate the usage of non-compostable thin-film single-use plastic bags by all retail establishments in the Town of Rowley.

2. Definitions.

For purposes of this article the following definitions shall apply:

1. "Compostable Bag" shall mean any bag that is certified to meet the nationally agreed upon ASTM D6400 standard or its successors and will decompose at a rate comparable to other biodegradable and compostable materials such as paper.
- 42 "Non-compostable Plastic Checkout Bag" shall mean any checkout bag made of non-compostable plastic and that does not meet the definition of "Reusable Bag," typically with integral plastic handles, and intended for transport of purchased products.
- 23 "Reusable Bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple uses and is made of either polyester, polypropylene, cotton or other natural fiber material.
- 34 "Retail Establishment" shall mean any business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, "mini marts," or retail stores and vendors selling clothing, food, household or personal items.

3. Use regulations

- A. Non-compostable Thin-Film Single-Use Plastic Checkout Bags shall not be distributed or sold from any Retail Establishment within the Town of Rowley.
- B. Customers are encouraged to take their own Reusable Bags to stores. Retail Establishments may provide Reusable Bags, certified compostable bags or paper bags at no charge, or to impose a fee, as they so desire. Retail Establishments are strongly encouraged to make Reusable Bags available for sale to customers at a reasonable price.

- C. Plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items or similar merchandise, typically without handles, are exempt from the provisions of this article.

4. Education and training

Not later than one month after this Bylaw becomes effective under M.G.L. c. 40, s. 32 through its approval by the Attorney General and the posting and publishing required by the said statute, the Town shall send written notice detailing the restrictions imposed by this regulation to those Retail Establishments likely to be subject to this Bylaw

5. Administration and enforcement.

- A. This bylaw shall be enforced by one or more designees of the Board of Selectmen.
- B. This bylaw may be enforced through any lawful means, including but not limited to criminal disposition under MGL c. 40, § 21 and non-criminal disposition pursuant to MGL c. 40, § 21D. Any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:
 - (1) Upon the first violation, the Board of Selectmen's designee shall provide the violator with written notice of such violation and issue a written warning that any subsequent violations shall result in the imposition of a fine. The violator will then be entitled to 30 days after receipt of such notice to cure the violation before imposition of the fine.
 - (2) After the 30-day period, if the violation has not been cured, the following fines shall apply:
 - (a) A fine of \$50 for the first violation following receipt of the written notice referred to in Subsection B (1) above; and
 - (b) A fine of \$100 for any further violation.
 - (3) Each day that a Retail Establishment continues to distribute Non-compostable Plastic Checkout Bags shall constitute a separate violation of this bylaw.

6. Severability and effective date.

- A. If any provision of this bylaw is determined to be invalid for any reason, such determination shall not affect the remaining provisions of this bylaw.
- B. The use regulations set forth in Section 3 of this Bylaw shall not be enforceable until one year after this Bylaw becomes effective under M.G.L. c. 40, s. 32 through its approval by the Attorney General and the posting and publishing required by the said statute, in order to allow Retail Establishments to comply with the said restrictions.

or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee

Explanatory Note. The Board of selectmen placed a non-binding referendum on the May 11, 2021 Annual Town Election Ballot asking the voters if they should propose a plastic bag reduction bylaw that would regulate and limit the type of bags offered at checkout by retail establishments in Town. The results were Yes -337 and No—261.

Based on the favorable results to this ballot question, the Board of selectmen developed this bylaw, which meets the spirit of the ballot question.