

Town of Rowley, Commonwealth of Massachusetts
SPECIAL TOWN MEETING MINUTES
April 30, 2018

Counter/Tellers were recruited and sworn in by Town Clerk Susan Hazen to count for both the ATM and STM as follows: Nancy Leibe, 3 Intervale Circle; Robert Roy, 37 Christopher Rd; Brooke Ten-Eyck, 56 Newbury Rd.; and Maryellen MacDonald, 52 Summer St. Quorum (100) was certified by the Board of Registrars at 7:00 pm. Meeting called to order by Moderator Joan C Petersen at 7:06pm Mrs. Petersen lead all in attendance in The Pledge of Allegiance at 7:07pm Rev. Lee Ireland of the First Congregational Church was called upon to offer the Invocation.

MOTION: Move to allow the non-resident Town Employees and school, local and state officials to speak, if called upon, during the April 30, 2018 Special Town Meeting. These individuals will now raise their hands.

Clerk's Note: *It has long been our policy to identify all non-registered/non-resident attendees as Visitors and require them to be segregated by seating along one side of the room, in this case, along the outside wall, to the left as you are standing on the 'stage'. All 'visitors' who raised their hand at this point were seated in the appropriate area.*

Motion by Joe Perry, seconded by Robert Snow, passed by voice unanimous vote at 7:11pm.

Town Clerk Susan Hazen began the reading of the warrant, interrupted by Selectman Chair Perry with the following motion.

"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, on Monday, the 30th day of April 2018 at 7:00 p.m., then and there to act on the following articles:"

MOTION: Madame Moderator, I move to suspend further reading of the April 30, 2018 Special Town Meeting Warrant because present Town Meeting members have a copy of this warrant.

Motion by Joe Perry, seconded by Robert Snow, passed voice unanimous at 7:13 pm

ARTICLE 1. Move to hear and act on reports of Committees and Boards.

ARTICLE 2. Move the Town 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

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:15pm .

ARTICLE 3. Move the Town vote to transfer and appropriate the sum of \$5,000 from Line 157 (Unemployment) of Article 4 of the May 1, 2017 Annual Town Meeting to be added to Line 9 (Selectmen's Expense) of Article 4 of the May 1, 2017 to pay for the expenses incurred to hold the April 30, 2018 Annual and Special Town Meetings.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *This article provides the funds to pay for the April 20, 2018 Annual and Special Town Meetings.*

Motion by Bob Merry, seconded by Cliff Pierce, passed voice unanimous at 7:17 pm

ARTICLE 4. Move the Town vote to transfer and appropriate the sum of \$4,868 from Free Cash to cover the costs for the Town's participation in the Merrimack Valley Planning Commission Pictometry program.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *These funds will cover the cost for the Town's continued participation in the Merrimack Valley Planning Commission's Digital Aerial photography (Pictometry) Program. Several Town Departments use this program as an aid in land use planning, locating utilities, locating wetland resource areas, and stewardship of the Town Conservation Land.*

Motion by Bob Snow, seconded by David Petersen, passed voice unanimous at 7:17pm

ARTICLE 5. Move the Town vote to transfer and appropriate the sum of \$3,000 from Free Cash to be added to Article 9 of the May 1, 2017 Special Town Meeting (Library Door Opener).

Inserted by the Board of Library Trustees

Finance Committee Recommends

Explanatory Note: *The May 1, 2017 Special Town Meeting appropriated \$6,000 for the purchase and installation of an automated door opener at the Library. This amount appropriated was not sufficient to cover the actual cost. Passage of this article will provide the Library Director with sufficient funds to complete this project. The automated door opener will be installed at the side entrance to the Library. The automated door opener will assist the many Library patrons who have mobility issues in entering and exiting the building.*

Motion by Margaret Lemelin, seconded by T. Glenn Blakney, passed voice unanimous at 7:19pm

ARTICLE 6. Move the Town vote to transfer and appropriate the sum of \$3,800 from Free Cash to be expended by the Chief of Police for the purpose of sending a police officer to the Police Academy in Fiscal Year 2018.

Inserted by the Police Chief

Finance Committee Recommends

Explanatory Note: *A new police officer has been appointed to fill a recent vacancy caused by a retirement. This article funds the cost to send this new police officer to the full-time Police Academy, which begins this spring. The cost includes the tuition and the purchase of necessary equipment and materials.*

Motion by David Petersen, seconded by Bob Snow, passed voice unanimous at 7:19pm

ARTICLE 7. Move the Town vote to transfer and appropriate the sum of \$1,836.57 from Free Cash to the E-911 Grant Fund to reimburse shortfalls from the State E-911 grant in FY 13, FY 14, FY 15, and FY 16.

Inserted by the Police Chief

Finance Committee Recommends

Explanatory Note: *The E911 Grant is a State grant that requires the Town to pay upfront for 911 dispatcher training and wages and then file for reimbursements of these expenses. The grant would not cover the following grant related expenses: \$501.17 in FY13; \$270.78 in FY 14; \$416.86 in FY15; and \$.40 in FY16. Also, due to a clerical error, \$647.36 was debited from the E911 grant in FY15, but should have been paid from the police department wage line. The Town was not notified*

about the grant shortfalls until after the end of the respective fiscal years, and these amounts subsequently rolled over into future years. Since FY16, the State's timeliness of notifications at the end of each fiscal year has improved.

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:20pm

ARTICLE 8. Move the Town vote to transfer and appropriate the sum of \$19,729 from Article 7 of the May 1, 2017 Special Town Meeting to Line 61 (Police Department Wages) of Article 4 (FY 18 Operating Budget) of the May 1, 2017 Annual Town Meeting and to transfer and appropriate the sum of \$55,000 from Line 14 (Collective Bargaining Reserve) of Article 4 (FY 18 Operating Budget) of the May 1, 2017 Annual Town Meeting to Line 61 (Police Department Wages) of Article 4 (FY 18 Annual Operating Budget) of the May 1, 2017 Annual Town Meeting for the purpose of funding the cost items of the first two years of a collective bargaining agreement between the Town and the Massachusetts Coalition of Police Local 360 covering the period of July 1, 2016 to June 30, 2019.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *These funds were budgeted by the Board of Selectmen in Fiscal Year 2017 and in Fiscal Year 2018 in anticipation of funding a successor agreement with the Massachusetts Coalition of Police Local 360 Union. The Town and the Police Union have signed a Memorandum of Agreement. Passage of this article funds years one and two of this collective bargaining agreement.*

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:23pm

ARTICLE 9. Move the Town vote to transfer and appropriate the sum of \$50,000 from Free Cash to be used by the Tree Warden for public shade tree cutting and maintenance.

Inserted by the Board of Selectmen and Tree Warden

Finance Committee Recommends

Explanatory Note: *Many public trees on Town streets have been weakened by droughts and insect infestations. These funds will allow the Tree Warden to cut or trim dead or sick Town trees or to remove dead branches from otherwise healthy Town trees.*

Motion by David Petersen, seconded by Bob Snow, passed voice unanimous at 7:24pm

ARTICLE 10. Move the Town vote to transfer and appropriate the sum of \$4,445 from Free Cash to Article 12 of the May 1998 Annual Town Meeting (Landfill Testing) to cover the cost of testing the Landfill this spring.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *The Town is required to perform ongoing landfill testing at the closed landfill and has been funding this work from an article. The article currently does not have enough funds to pay for required FY 18 testing to be done this spring. Passage of this article is necessary to pay for this work. In Fiscal Year 2019, this work will be funded through the operating budget.*

Motion by Bob Merry, seconded by Cliff Pierce, passed voice unanimous at 7:24pm

ARTICLE 11. Move the Town vote to appropriate \$10,467.62 to pay part of the cost for new security and fire alarm systems for Town Hall and the Town Hall Annex, and fire alarm systems for the Library, Highway Department, Plantation Drive, and the current Fire Station on Hammond Street, and to meet this appropriation, such amount shall be transferred from Article 9, Paragraph 2 of the May 5, 2014 Special Town Meeting, as more fully described in this article, the unexpended balance of funds originally borrowed to pay costs of facilities upgrades, which amounts are no longer needed to pay costs of the projects for which they were borrowed.

<u>Date of Authorization</u>	<u>Original Project</u>	<u>Authorized</u>	<u>Unexpended Balance</u>
5/5/14	Repair Town Hall	\$3,830.62	\$3,830.62
	Handicap Ramp & Entry		
5/5/14	Police HVAC System	\$8,000.00	\$6,637.00

(as repurposed)

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *The Fire Chief has recommended changing municipal buildings to a new fire alarm system from the current system which has been in place for at least 50 years and uses outdated Fire Alarm boxes. Maintaining this antiquated system has become cost prohibitive, and some parts are no longer made. The system uses a fire alarm wire that is believed to be at least 40 years old. The replacement system will include installation of cellular transmitters and a monitoring service. The fire alarm service at the Town Hall and Annex will be bundled with a new security system for each of these buildings. The total estimated cost for this project is \$15,000, and the funding is being split between Articles 11 and 12. Funds are being re-purposed from the balances of other capital projects, for which those funds are no longer necessary.*

Motion by David Petersen, seconded by Bob Snow, passed voice unanimous at 7:25 pm

ARTICLE 12. Move the Town vote to appropriate \$4,532.38 to pay part of the cost for new security and fire alarm systems for Town Hall and the Town Hall Annex and fire alarm systems for the Library, Highway Department, Plantation Drive, and the current Fire Station on Hammond Street, and to meet this appropriation, such amount shall be transferred from the unexpended balance of funds originally borrowed to pay costs of facilities upgrades under Article 18, Paragraph 3 of the May 4, 2015 Annual Town Meeting Warrant, as more fully described in this article, which amounts are no longer needed to pay costs of the projects for which they were borrowed.

Date of Authorization	Original Project	Authorized	Unexpended Balance
5/4/15	Police HVAC System	\$22,000.00	\$4,532.38

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *Passage of this article funds the balance needed to undertake this project. The funding for this project is being split between Articles 11 and 12. Please see Article 11 Explanatory Note. This article re-purposes the balance of another capital project, for which those funds are no longer necessary.*

Motion by David Petersen, seconded by Bob Snow, passed voice unanimous at 7:26pm

ARTICLE 13. Move the Town vote to appropriate \$10,000 to pay costs of repairing and repaving the Town launch ramp, and to meet this appropriation, such amount shall be transferred from the unexpended balance of funds originally borrowed to pay costs of facilities upgrades under Article 18, Paragraph 3 of the May 4, 2015 Annual Town Meeting Warrant, as more fully described in this article, which amounts are no longer needed to pay costs of the projects for which they borrowed.

Date of Authorization	Original Project	Authorized	Unexpended Balance
5/4/15	Police HVAC System	\$22,000.00	\$5,000
5/4/15	Annex Handicap Door	\$5,000.00	\$5,000

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *The Town's launch ramp surface is starting to erode. There is a large pothole on the surface. The launch ramp was last repaved 20 years ago. This project will make the launch ramp safe and slip resistant for Rowley residents. This article re-purposes the balance of another capital project, for which those funds are no longer necessary.*

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:28pm

ARTICLE 14. Move the Town vote to appropriate \$3,967.62 to pay part of the costs of replacing the carpet in the Board of Selectmen's office, and to meet this appropriation, such amount shall be transferred from the unexpended balance of funds borrowed to pay costs of facilities upgrades under Article 18, Paragraph 3 of the May 4, 2015 Annual Town Meeting Warrant, and more fully described in this article, which amounts are no longer needed to pay costs of the projects for which they were borrowed.

Date of Authorization	Original Project	Amount Originally	
		Authorized	Unexpended Balance
5/4/15	Police HVAC System	\$22,000.00	\$3,967.62

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The carpet in the Selectmen's Office is believed to be at least 30 years old. It is torn in several areas and is posing a tripping hazard. This article re-purposes the balance of another capital project, for which those funds are no longer necessary. The total estimated cost for the carpet replacement cost is \$9,000, and the balance of \$1,500 is being requested under Article 17.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:29pm

ARTICLE 15. Move the Town vote to appropriate \$8,500 to pay costs of repairing and replacing garage door lifts and panels at the Highway Department garage, and to meet this appropriation, such amount shall be transferred from the unexpended balance of funds borrowed to pay costs of facilities upgrades under Article 18, Paragraph 3 of the May 4, 2015 Annual Town Meeting Warrant, and are more fully described in this article, which amounts are no longer needed to pay costs of the projects for which they were borrowed.

Date of Authorization	Original Project	Amount Originally	
		Authorized	Unexpended Balance
5/4/15	Police HVAC System	\$22,000.00	\$8,500

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The Highway Department's garage doors are manual lift doors, and the Town's insurance inspectors have been recommending that electric lifts be installed. The panels on the garage doors have begun to rust. Replacing those panels will make the heating systems in the garage more efficient. This article re-purposes a balance of another capital project, for which those funds are no longer necessary.

Motion by Bob Snow, seconded by Dave Petersen, passed voice unanimous at 7:30pm

ARTICLE 16. Move the Town vote to appropriate \$2,723.29 to pay part of the cost of purchasing a trailer for the Harbormaster's 21 foot Boston Whaler Patrol Boat, and to meet this appropriation, such amount shall be transferred from the unexpended balance of funds originally borrowed to pay costs of departmental equipment under Article 20, Paragraph 2 of the May 2, 2016 Annual Town Meeting Warrant, and Article 23, Paragraph 3 of the May 1, 2017 Annual Town Meeting Warrant, and are more fully described in this article, which amounts are no longer needed to pay costs of the projects for which they were borrowed.

Date of Authorization	Original Project	Amount Originally	
		Authorized	Unexpended Balance
5/2/16	Police Defibrillators	\$8,000	\$ 47.40
5/2/16	Highway Sander	\$3,000	\$ 765.12
5/1/17	Utility Tractor Highway	\$23,800	\$1,910.77

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The Harbormaster is seeking to purchase a boat trailer for the donated 1975 Boston Whaler Outrage 21' patrol boat. It currently sits on a rented trailer, which needs to be returned this month. This article re-purposes the balances of other capital projects, for which those funds are no longer necessary. The balance of the funding, approximately \$800, is being requested under Article 17. The total estimated cost is \$3,500.

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:31pm

ARTICLE 17. Move the Town vote to transfer and appropriate the sum of \$156,500 from Free Cash to be expended by the following departments for the purpose of undertaking the following capital purchases and improvements:

1. \$87,500 for technology upgrades for the following: purchasing and installing computers; software programs; portable radios, and other technological upgrades for the following departments: Treasurer/Collector, Selectmen, Health Department, Assessors, Accounting Department, Fire Department, Library, and Police Department
2. \$36,400 for the purchase of departmental equipment as follows: trailer for Harbormaster patrol boat; a line painter for Highway Department; new furniture and window treatments for the Council on Aging; and protective clothing for the Fire Department
3. \$32,600 for facilities upgrades as follow: the purchase and installation of carpeting for the Selectmen's Office; new hardware for the Town Hall handicap door; and for painting the Town Hall cupola and trim.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *These capital purchases and improvements are part of the Town's Capital Plan. A portion of the cost of two of the items listed above is also being funded by re-purposing unexpended balances from other similar capital projects: a portion of the cost of the Harbormaster's patrol boat trailer is being funded through Article 16, and a portion of the cost for the replacement carpet in the Selectmen's Office is being funded through Article 14.*

Motion by David Petersen, seconded by Bob Snow, passed voice unanimous at 7:33pm

ARTICLE 18. Move the Town vote to transfer the sum of \$653,179 from the Water Department Free Cash to the Water Department Stabilization Fund.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:35pm

ARTICLE 19. Move the Town vote to transfer and appropriate the sum of \$90,000 from Article 24 of the May 2, 2016 Special Town Meeting (Water Treatment Plant Dehumidification System) to fund the cleaning of Well #3 and the wells in Wellfield #5.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Explanatory Note: *The Board of Water Commissioners has determined that the Water Treatment Plant does not need a dehumidification system. Passage of this article will allow the Water Department to re-purpose these funds. These funds will be used to recondition the wells and to remove the build-up of manganese in the wells, which will improve the efficiency and capacity of these wells.*

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:36pm

ARTICLE 20. Move the Town vote to transfer and appropriate the sum of \$22,000 from Article 24 of the May 2, 2016 Special Town Meeting (Water Treatment Plant Dehumidification System) to Article 16 (HVAC system for 401 Central Street) of the May 1, 2017 Special Town Meeting to be used for the purpose of purchasing and installing a HVAC system at the Water Department Administrative building at 401 Central Street.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Explanatory Note: *The Board of Water Commissioners has determined that the Water Treatment Plant does not need a dehumidification system. Passage of this article will allow the Water Department to re-purpose these funds for the purchase and installation of a HVAC system at the Water Department Administrative building. The current HVAC system is inadequate for the building. The original appropriation of \$18,000 was found to be not sufficient.*

Motion by John Manning, Mark Emery, passed voice unanimous at 7:37pm

ARTICLE 21. Move the Town vote to transfer and appropriate the sum of \$20,000 from Article 24 of the May 2, 2016 Special Town Meeting (Water Treatment Plant Dehumidification System) for the purchase and installation of insulation for the Water Treatment Plant process pipes.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

***Explanatory Note:** The Board of Water Commissioners has determined that the Water Treatment Plant does not need a dehumidification system. The insulation of the pipes is an alternative to the purchase and installation of a dehumidification system.*

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:40pm

ARTICLE 22. Move the Town vote to transfer and appropriate from the PEG Access and Cable Related Fund the sum of \$2,500 for expenses to support the cable television PEG access services and programming and for the renewal of the cable franchise licenses, including any associated expert and legal services.

Inserted by the Board of Selectmen

Finance Committee Recommends

***Explanatory Note:** These funds will be used by the Board of Selectmen for the renewal of the cable franchise license with Verizon. This appropriation is needed to cover these costs.*

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:41pm

ARTICLE 23. Move the Town vote to appropriate or reserve from the Community Preservation Fund Fiscal Year 2018 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 as follows:

Reserve: Creation and Support of Affordable Housing

Original Appropriation: \$20,768.74 Additional Allocation: \$3,650.83 Total Allocation: \$24,419.57

Reserve: Creation and Support of Historical Preservation Additional Allocation \$2,193.38

Administration:

Original Appropriation: \$25,538.59 Additional Allocation: \$1,825.42 Total Allocation: \$27,364.00

Inserted by the Community Preservation Committee

Finance Committee Recommends

***Explanatory Note:** 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, historic preservation and community housing. Rowley expectations for the fund were based on a 20% match from the State. The State Match this year was 29.73%. The Rowley Tax Surcharge will collect \$425,643.14 in CPA Funds in Fiscal Year 2018. The State match (29.73%) was in the amount of \$121,637.00. This will increase the funds to affordable housing and historical preservation. All funds realized above those reserved or appropriated will become general Undesignated CPA funds available for appropriation in Fiscal Year 2019 or to be carried over to Fiscal Year 2020.*

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:43pm .

ARTICLE 24. Move the Town vote, pursuant to General Laws Chapter 44B, to transfer and appropriate the sum of \$9,700 from the Community Preservation Act Undesignated Fund to be used by the Conservation Commission to build a boardwalk on the Pingree Farm Conservation Area to provide walking access to the State Forest.

Inserted by the Conservation Commission and the Community Preservation Committee

Finance Committee Recommends

***Explanatory Note:** The Open Space Committee identified a goal in the Town's 2002 Land Management Plan to link the Boxford Road parking area to the Georgetown Rowley State Forest by a boardwalk. The boardwalk will provide hikers a means to cross the Mill River within the Pingree Farm Conservation Land. These funds will cover the cost for materials and construction oversight. A team of volunteers will assist in assembling the boardwalk.*

Motion by Arthur Page, seconded by Curtis Turner, passed voice unanimous at 7:44pm

ARTICLE 25. Move the Town vote to rescind Article 13 of the November 14, 2016 Special Town Meeting and to appropriate \$100,000 from the Community Preservation Act Undesignated Funds account to enable the Town of Rowley to acquire a perpetual conservation restriction on the land known as “Mehaffey Farm” for conservation, open space and passive recreation purposes, comprised of 28.836 acres, more or less, located at 179 Newbury Road in Rowley, Massachusetts and shown as “RESTRICTED” on a plan of land on file with the Town Clerk titled “Conservation Restriction Plan in Rowley, MA” prepared for the Essex County Greenbelt Association, Inc. by Donohoe Survey, Inc. dated February 5, 2018; that said conservation restriction is to be conveyed to the Town of Rowley acting by and through its Conservation Commission under the provisions of Massachusetts General Law Chapter 40, Section 8C, as it may be amended; that the conservation restriction is to be managed and controlled by the Rowley Conservation Commission and the Essex County Greenbelt Association, Inc.

Inserted by the Board of Selectmen, Conservation Commission, and the Community Preservation Committee

Finance Committee Recommends

***Explanatory Note:** The plan referenced in the November 14, 2016 Town Meeting vote was changed to add the location of the public parking area for up to four parking spaces and a public trail on the restricted land to Willowdale State Forest. The February 5, 2018 plan showing the restricted area is on file in the Town Clerk's Office. Passage of this article is necessary in order for the Town to co-purchase the conservation restriction with Essex County Greenbelt Association on Mehaffey Farm. This article does not change the net amount of \$100,000 authorized from CPA funds at the November 2016 Town Meeting. The proposed funding comes from an existing funding source.*

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:46pm

ARTICLE 26. Move the Town vote, pursuant to General Laws Chapter 44B, to transfer and appropriate the sum of \$18,377 from the Community Preservation Act Undesignated Fund to Article 21 of the November 13, 2006 Special Town Meeting (Town Hall Windows II) to be used by the Board of Selectmen complete the Town Hall Window project.

Inserted by the Board of Selectmen and the Community Preservation Committee

Finance Committee Recommends

***Explanatory Note:** The prior appropriation did not have sufficient funds to complete the Town Hall Window Project. Passage of this article funds the balance needed to complete the last five remaining windows.*

Motion by Bob Merry, seconded by Cliff Pierce, passed voice unanimous at 7:47pm

ARTICLE 27. Move the Town vote, pursuant to General Laws Chapter 44B, to transfer and appropriate the sum of \$229,700 from the Community Preservation Act Undesignated Fund to be used by the Board of Selectmen for Phase I of the Town Hall Annex Elevator Construction Project.

Inserted by the Board of Selectmen and the Community Preservation Committee

Finance Committee Recommends

***Explanatory Note:** Under the Massachusetts Architectural Access Board regulations, the installation of the elevator in the Town Hall Annex requires a complete handicap accessibility upgrade of the building. The estimated cost to install the elevator and to completely upgrade the building is approximately \$1.6 million. The Annex, formerly known as the “Center School” was built in 1904 and is currently not completely handicap compliant. Because of the high cost of this project, the Selectmen are seeking funds to phase in the project, by focusing on a complete handicap upgrade of the first floor, which currently houses the Council on Aging's Senior Center and several other Town departments. These funds also include the cost to replace the Annex handicap ramp, which is rotting.*

Motion by David Petersen, seconded by Bob Snow, passed voice unanimous at 8:04pm

ARTICLE 28. Move the Town vote, pursuant to General Laws Chapter 44B, to transfer and appropriate the sum of \$54,000 from the Community Preservation Act Undesignated Fund to be used by the Board of Selectmen for the replacement of the handicap ramp at Town Hall.

Inserted by the Board of Selectmen and the Community Preservation Committee
Finance Committee Recommends

***Explanatory Note:** The Town Hall handicap ramp was built in the late 1980s. The current ramp, which is made of wood, is rotting in certain areas. These funds will be used to replace the ramp with a pressure-treated wood structure, composite decking material and galvanized steel guardrails and handrails.*

Motion by Bob Snow, seconded by David Petersen, passed voice unanimous at 8:05pm

ARTICLE 29. Move the Town, pursuant to G.L. c. 40, §15A, vote to authorize the Board of Selectmen to transfer the care, custody and control of two parcels of municipal land located at land off Meadows Lane shown on the Rowley Assessor's Map as Map 14, Parcel 3, Lots 2 & 3, containing approximately 5.825 acres and deeded to the Town on April 23, 1996, recorded at Book 13522, Page 110, from the Board of Selectmen to the Rowley Conservation Commission for conservation purposes as authorized by G.L. c. 40, §8C, as it may from time to time be amended and subject to the purposes and protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; these municipal parcels are shown as "Parcel W and Parcel X" on a plan entitled "The Meadows At Stony Brook, A Subdivision in Rowley, Massachusetts prepared for North Shore Financial Services, Sheet 2 of 10" by Merrimack Engineering Services, Inc. dated revised Sept. 28, 1992 recorded in the Essex Registry of Deeds at Plan Book 280, Page 75.

Inserted by the Conservation Commission Finance Committee Recommendation Not Required

***Explanatory Note:** It was recently discovered that on a recorded subdivision plan of The Meadows At Stony Brook that Parcels W and X as shown on that plan were intended to be protected as open space or conservation land by the Planning Board. However, these parcels were never formally designated with that protected status. Passage of this article will ensure that these parcels receive full protection as conserved open space and ensure the stewardship of the Conservation Commission*

Motion by Arthur Page, seconded by Samuel Streiff, passed voice unanimous at 8:07pm.

ARTICLE 30. Move the Town vote to amend the Rowley Protective Zoning Bylaw (the "Bylaw") by:

- (1) Deleting section 4.4.3.
- (2) Redesignating current section 4.4.4 as new section 4.4.3.
- (3) Adding new paragraph (c) (denoted by underlined text) under the new Section 4.4.3 (which lists the uses permitted in the Outlying Zoning District with Planning Board special permit) as follows:
(c) Large-scale solar photovoltaic installations, subject to the issuance of a special permit by the Planning Board in accordance with Section 8.9.
- (4) Modifying section 4.5.2(e) of the Bylaw (uses permitted in the Coastal Conservation District) to remove the ~~striktthrough~~ text and to add the underlined text as follows:
(e) Large-scale solar photovoltaic installations, subject to ~~site plan review~~ approval of a special permit by the Planning Board in accordance with Section 8.9.
- (5) Adding a new Section 8.9 ("Large-scale Solar Photovoltaic Installations") under Section 8.0 ("Special Requirements") of the Bylaw, which reads as printed on pages 9 and 10 in Article 30 of the April 30, 2018 Special Town Meeting Warrant.

ARTICLE 30, referenced above, as it appears in the Warrant: To see if the Town will vote to amend the Rowley Protective Zoning Bylaw (the "Bylaw") by:

- (1) Deleting section 4.4.3.
- (2) Redesignating current section 4.4.4 as new section 4.4.3.
- (3) Adding new paragraph (c) (denoted by underlined text) under the new Section 4.4.3 (which lists the uses permitted in the Outlying Zoning District with Planning Board special permit) as follows:
 - (c) Large-scale solar photovoltaic installations, subject to the issuance of a special permit by the Planning Board in accordance with Section 8.9.
- (4) Modifying section 4.5.2(e) of the Bylaw (uses permitted in the Coastal Conservation District) to remove the ~~striketrough~~ text and to add the underlined text as follows:
 - (e) Large-scale solar photovoltaic installations, subject to ~~site-plan review~~ approval of a special permit by the Planning Board in accordance with Section 8.9.
- (5) Adding a new Section 8.9 (“Large-scale Solar Photovoltaic Installations”) under Section 8.0 (“Special Requirements”) of the Bylaw, which reads as follows:

8.9 Large-Scale Solar Photovoltaic Installations

8.9.1 The purpose of this Bylaw is to establish some minimal standards to be implemented as determined necessary by the Planning Board in conjunction with the special permit and site plan review criteria so as to minimize the impact of large-scale solar photovoltaic installations (LSSPVIs) on abutting properties, to minimize the view of LSSPVIs from public rights-of-way, and to maximize the protection of public health, safety and welfare.

8.9.2 All solar panels, buildings, structures, and equipment related to an LSSPVI shall be setback at least 150 feet from a public right-of-way and at least 150 feet from any property boundary shared with a residential use, except that the Planning Board may waive this requirement if it determines that a reduced setback would be consistent with the purposes of this Bylaw.

8.9.3 An applicant shall demonstrate to the Planning Board’s satisfaction that the proposed LSSPVI will have minimal visual impact on abutting residential uses and on public rights-of-way. The Planning Board shall have the discretion to require visual screening in the form of fencing and/or vegetative landscape as necessary to adequately minimize such visual impacts.

8.9.4 In the event that operation of the LSSPVI ceases, the LSSPVI owner shall, within 90 days of the cessation of operations, remove the LSSPVI. The LSSPVI owner shall be responsible for the work associated with the removal of the LSSPVI, and the subsequent site restoration.

8.9.5 The Planning Board shall have the option to require that the applicant post a bond to cover the cost of removing the LSSPVI prior to approval of the special permit application. If the LSSPVI owner has not removed the LSSPVI within the 90-day period prescribed by section 8.9.4, the Town shall be authorized to use the posted bond funds to commence the removal. At the time of special permit approval, the applicant shall provide evidence of written authority from the record owner(s) of the subject property to bind successors and assigns to permit the Town to enter the property in order to carry out said removal.

Inserted by the Planning Board

Finance Committee Recommendation Not Required

Explanatory Note: *Passage requires two-thirds vote. This article would modify the Bylaw Section 4.0 “Use Regulations” for the Outlying (OD), and Coastal Conservation Zoning Districts to permit large-scale solar photovoltaic installations (LSSPVI) with Special Permit approval by the Planning*

Board. The article also adds a new section under the “Special Requirements”, Section 8.0 of the Bylaw that would impose specific development criteria for LSSPVIs pertaining to increased setbacks from residential uses, enhanced screening to minimize visual impacts on abutting residential uses and to public rights-of-way, and to give the Planning Board the option to require a cash bond to cover the removal of the LSSPVI once the use of the installation is discontinued. It should be noted that LSSPVIs are currently permitted by the Bylaw in the Outlying (OD) and Coastal Conservation Zoning Districts with Site Plan Review approval by the Planning Board. Moreover, there are currently no specific requirements contained in the Bylaw which the Planning Board can impose to ameliorate potential negative impacts to abutting properties.

Motion by Christopher Thornton, seconded by Cliff Pierce, passed voice unanimous at 8:18pm

ARTICLE 31. Move the Town vote to amend the Rowley Protective Zoning Bylaw (the “Bylaw”) by:

- (1) adding the new definitions to Section 2.0 of the Bylaw, entitled “Definitions” as printed in Article 31 under number 1 on pages 10 and 11 of the April 30, 2018 Special Town Meeting Warrant
- (2) adding the following new Section 4.6.3(o):
(o) marijuana retailers approved in accordance with the provisions of Section 4.13.
- (3) adding the following new Section 4.7.3(l):
(l) marijuana product manufacturers, marijuana cultivators, and independent marijuana testing labs approved in accordance with the provisions of Section 4.13.
and
- (4) adding new provisions as Section 4.13 of the Bylaw as printed in Article 31 under number 4 on page 11 of the April 30, 2018 Special Town Meeting Warrant.

Article 31, referenced above, as it appears in the Warrant: To see if the Town will vote to amend the Rowley Protective Zoning Bylaw (the “Bylaw”) by:

- (1) adding the following new definitions to Section 2.0 of the Bylaw, entitled “Definitions”:
“**Independent marijuana testing laboratory:** a laboratory that is licensed by the Massachusetts Cannabis Control Commission and is qualified to test marijuana in compliance with regulations promulgated by the said commission.
“**Marijuana cultivator:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
“**Marijuana establishment:** a marijuana cultivator, independent marijuana testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.
“**Marijuana product manufacturer:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
“**Marijuana products:** products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
“**Marijuana retailer:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise

transfer marijuana and marijuana products to marijuana establishments and to consumers.”

- (2) adding the following new Section 4.6.3(o):
 - (o) marijuana retailers approved in accordance with the provisions of Section 4.13.
- (3) adding the following new Section 4.7.3(l):
 - (l) marijuana product manufacturers, marijuana cultivators, and independent marijuana testing labs approved in accordance with the provisions of Section 4.13.
- (4) adding the following new provisions as Section 4.13 of the Bylaw:

“4.13 Marijuana Not Medically Prescribed

“4.13.1 Applicability: This Section shall apply to all marijuana establishments, as defined in Section 2.0, provided that nothing in this Section shall be deemed to apply to any Registered Marijuana Dispensary or to prevent the conversion of a medical marijuana treatment center licensed or registered not later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity under G.L. c. 94G.

“4.13.2 Prohibition: Except as specifically permitted by this Section, marijuana retailers, marijuana cultivators, marijuana product manufacturers, independent testing laboratories and other marijuana establishments, as defined in Section 2.0, may not be located in any zoning district of the Town.

“4.13.3 Retailers: Marijuana retailers may be located in the Retail District with a special permit issued by the Planning Board, provided that such use may not be located within two hundred (200) feet of a day care facility, elementary or secondary school, or church or religious assembly, and provided that the Planning Board has approved a site plan.

“4.13.4 Product Manufacturers, Cultivators, Laboratories: Marijuana product manufacturers, marijuana cultivators, and independent marijuana testing laboratories may be located in the Business/Light Industry District with a special permit issued by the Planning Board, provided that such use may not be located within two hundred (200) feet of a day care facility, elementary or secondary school, or church or religious assembly, and provided that the Planning Board has approved a site plan.

Inserted by the Planning Board

Finance Committee Recommendation Not Required

Explanatory Note: Passage requires two-thirds vote. This article would amend Section 2.0 “Definitions” to add new definitions specific to retail marijuana use, cultivation, and to marijuana testing laboratories. The article will also amend bylaw Section 4.6.3 (Uses permitted in the Retail Zoning District with Planning Board Special Permit approval), and, bylaw Section 4.7.3 (Uses permitted in the Business Light Industrial Zoning District with Planning Board Special Permit approval), to add text that would permit the retail sale of marijuana or marijuana-related products in the Retail (RE) Zoning District, and, would permit the cultivation, manufacture, and the operation of independent marijuana testing laboratories in the Business Light Industrial (BLI) Zoning District, subject to Special Permit approval by the Planning Board. In addition, the article also proposes to add a new Section 4.13 containing specific approval criteria for the above-cited marijuana related uses.

Motion by Chris Thornton, seconded by Cliff Pierce, passed voice unanimous at 8:32pm

ARTICLE 32. Move the Town vote to accept the provisions of G.L. c. 64N, § 3 providing for the imposition of a local sales tax upon the sale or transfer of marijuana or marijuana products by a

marijuana retailer operating within the Town to anyone other than a marijuana establishment, and further that the amount of such tax shall be three percent (3%) of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: *Passage of this article allows the Town to set a local sales tax on retail marijuana sales in Rowley.*

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 8:35pm

ARTICLE 33. Move the Town vote to amend the Rowley Protective Zoning Bylaw (the “Bylaw”) by modifying the definition of Registered Marijuana Dispensary (“RMD”) under Section 2.0 of the Bylaw, entitled “Definitions” by removing ~~striketrough~~ text and adding **bolded/underlined** to read as printed under Article 33 on page 12 of the April 30, 2018 Special Town Meeting Warrant.

Article 33, referenced above, as it appears on the Warrant: To see if the Town will vote to amend the Rowley Protective Zoning Bylaw (the “Bylaw”) by modifying the definition of Registered Marijuana Dispensary (“RMD”) under Section 2.0 of the Bylaw, entitled “Definitions” by removing ~~striketrough~~ text and adding **bolded/underlined** text as follows:

Registered Marijuana Dispensary (RMD): ~~an a not for profit~~ entity registered by the Massachusetts Department of Public Health under 105 C.M.R. 725.100 that acquires, cultivates, possesses, processes (including development of related products, such as edible marijuana-infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Inserted by the Planning Board

Finance Committee Recommendation Not Required

Explanatory Note: *Passage requires a two-thirds vote. This article would amend the Zoning Bylaw pertaining to the definition for a Registered Marijuana Dispensary (RMD) as contained in Bylaw Section 2.0 “Definitions” by removing the phrase “not-for-profit”. The result of the amendment would be that both, for-profit and not-for-profit RMDs, would be permitted in the Retail (RE) Zoning District subject to Special Permit approval by the Planning Board.*

Motion by Chris Thornton, seconded by Cliff Pierce, passed voice unanimous at 8:37pm

MOTION TO ADJOURN: Move the Town vote to adjourn the April 30, 2018 Special Town Meeting.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 8:38

And you are hereby instructed to serve this warrant by posting copies thereof in at least seven public places in Town 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 hands this 5th day of April in the year two thousand eighteen.

Joseph Perry, Chairman

Robert Snow, Vice

Chairman

Clifford Pierce, Clerk

David Petersen

G. Robert Merry

I have served this Warrant by posting in at least seven public places in the Town not less than fourteen days before the day fixed for such meeting and have made the return of the Warrant to the Town Clerk at least two days before the time of said meeting.

Notices posted at Town Hall, Rowley Pharmacy, Inc., Public Library, Knowles Filling Station, Market Basket, Town Hall Annex, and The First Ipswich Bank, formerly known as First National Bank of Ipswich-Rowley Office.

Richard C. MacDonald, Constable of Rowley

4/6/18

Certification: I, Susan G. Hazen, duly elected and qualified town Clerk for the Town of Rowley do hereby certify that the statements contained above with regard to the Town of Rowley April 30, 2018 Special Town Meeting are true and accurate according to documents maintained by this office.

Susan G. Hazen
Susan G. Hazen, Town Clerk
May 22, 2018