

TOWN OF TOWNSEND

SPECIAL TOWN MEETING MINUTES

January 21, 2020

Shirley Coit was introduced to present information about protecting your animals during the winter months.

The meeting was called to order at 7:02 pm. Quorum of 121 registered voters were present as well as 4 visitors. Deputy Moderator Gene Rauhala addressed those present and proceeded to instruct town meeting floor on the rules of the Town meeting according to Town Meeting Time. The reading of the warrant was read by Kathleen Spofford, Town Clerk. Those present were Selectmen Wayne Miller and Donald Klein, Town Administrator James Kreidler and Town Council Adam Costa. Finance Committee members present were Lynn Pinkerton, Sam Grant, Jerrilyn Bozicas and Stephen Sheldon arrived after the meeting was in session.

ARTICLE 1:

I move that the Town vote to hear the reports of Boards, Committees or Commissions.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Miller

VOTED: Passed Unanimously

Russell Jobe addressed the audience for the Trustees of the Soldiers Memorials to notify the citizens of the Town that the Wall of Tears will be coming to Townsend in August 2020.

ARTICLE 2:

I move that the Town vote to transfer from free cash in the treasury the sum of \$3,500.00 for the purpose of paying prior fiscal year bills.

SUBMITTED BY: Board of Selectmen

MOVED BY Selectman Klein

VOTED: Passed unanimously

ARTICLE 3:

I move that the Town vote to transfer from available funds in the treasury the sum of \$9,000.00 for the purpose of supplementing the FY20 Personnel Services, Library Director and Techs or take any other action in relation thereto.

SUBMITTED BY: The Library Board of Trustees

MOVED BY: Library Trustee, Valerie Goodrich

VOTED: Passed by Majority

ARTICLE 4:

I move that the Town vote to transfer from free cash in the treasury the sum of \$55,000.00, said sum to be the first of three equal and annual payments due to fund the installment payment agreement between the Town and Police Chief Richard Bailey.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Miller

Motion was made to move the question: Vote was taken. Moderator was unable to determine the outcome. Five counters were sworn in: Dave Schuttler, James, Goodrich, Richard Shuford, Gary Shepherd and Todd Melanson.

Results of the vote to move the question: Yes: 102. No: 3

VOTE ON ARTICLE 4: Unable to determine by voice vote. Counters called.

Results on the vote for Article 4: Yes: 67 No: 56

ARTICLE 5:

I move that the Town vote to transfer \$32,000.00 from FY20 Budget, IT Department, MIS Director Salary, voted at the May 7, 2019 Annual Town Meeting to FY20 MIS expense to enable the Board of Selectmen to enter into a contract for IT services.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Klein

Voted: Passed by majority.

ARTICLE 6:

I move that the Town vote to amend the FY15 Capital Plan-Article 23 Annual Town Meeting held on May 6, 2014, by changing the scope from "town hall" to "town facilities" as approved by the Capital Planning Committee.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Klein

Voted: Passed by majority.

ARTICLE 7:

I move that the Town vote to amend the FY20 Capital Plan by voting to repurpose Article 9 Annual Town Meeting held on May 7, 2019 from "Water Department 1 Ton Dump Truck w/Plow" to a "Water Department Utility Truck w/Plow"; as approved by the Capital Planning Committee.

SUBMITTED BY: Board of Water Commissioners

MOVED BY: Selectman Klein

VOTED: Passed Unanimously

ARTICLE 8:

I move that the Town vote to transfer from free cash in the treasury the sum of \$200,000.00 to fund the Capital Stabilization Account for FY21.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Klein

VOTED: Passed by majority

ARTICLE 9:

I move that the Town vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$6,700.00 for the purpose of restoring the plaques in the front of Memorial Hall.

SUBMITTED BY: Trustees of Soldiers Memorials

MOVED BY: Selectmen Miller

Amendment was made as follows:

I move that the Town vote to transfer from free cash the sum of \$6700 for the purpose of restoring the plaques in front of Memorial Hall.

MOVED BY: Selectman Miller

VOTED: Passed unanimously

ARTICLE 10:

I move that the Town vote to transfer from Water Special Articles Emergency Repairs Fund the sum of \$20,000.00 to increase the funding previously voted as Article 10 Special Town Meeting May 1, 2018 West End Main Street water main replacement, to cover additional expenses not anticipated.

SUBMITTED BY: Board of Water Commissioners

MOVED BY: Board of Water Commissioner, Todd Melanson

VOTED: Passed Unanimously

ARTICLE 11:

I move that the Town vote to transfer from Article 14 Annual Town Meeting May 2, 2017 Main St Cleaning the sum of \$50,000.00 to Article 10 Special Town Meeting May 1, 2018 West End Main Street to cover additional expenses not anticipated.

SUBMITTED BY: Board of Water Commissioners

MOVED BY: Board of Water Commissioner, Todd Melanson

VOTED: Passed Unanimously

ARTICLE 12:

I move that the Town vote to transfer the sum of \$57,000.00 from Water Enterprise free cash to the FY20 Water Enterprise budget, to supplement the same.

SUBMITTED BY: Board of Water Commissioners

MOVED BY: Board of Water Commissioner, Todd Melanson

VOTED: Passed Unanimously

ARTICLE 13:

I move that the Town vote to take no action on this article. (This article was for a \$5,100,000 debt exclusion to fund a Town-wide Pavement Management Plan.)

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Miller

VOTED: Passed Unanimously

ARTICLE 14:

I move that the Town vote to take no action on this article. (This article was to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation repealing and replacing the Townsend Home Rule Charter so-called, adopted at the Town Election in 1999 and filed in the Office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, as amended by Chapter 4 of the Acts of 2014.)

SUBMITTED BY: Charter Committee

MOVED BY: Selectman Miller

VOTED: Passed Unanimously

ARTICLE 15:

I move that the Town vote to authorize the Board of Selectmen to (i) enter into one or more net metering credit purchase agreements with the owner(s) of solar photovoltaic facilities for periods of up to 20 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deem to be in the best interests of the Town.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Miller

Amendment was made by Veronica Kell: I move that the Town vote to authorize the Board of Selectmen to (i) enter into one or more net metering credit purchase agreements with the owner(s) of solar photovoltaic facilities for periods of up to 20 years, and (ii) take any actions and execute any other documents and ancillary

agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deem to be in the best interests of the Town contingent upon the approval of all documents and agreements by the Town residents at the Annual Town Meeting in the spring of 2020.

MOVED BY: Veronica Kell

MOTION WAS MADE TO MOVE THE QUESTION: Motion did not carry.

VOTE ON THE AMENDMENT: Passed by majority

ARTICLE 16:

I move that the town vote to accept Massachusetts General Laws, Chapter 44, Section 55C, and establish a trust to be known as the Townsend Affordable Housing Trust Fund. The purpose of the trust is to provide for creation and preservation of affordable housing in Townsend for the benefit of low and moderate income households and for the funding of community housing.

SUBMITTED BY: Townsend Housing Authority

MOVED BY: Housing Authority Chairman, Chaz Sexton-Diranian

VOTED: Passed unanimously

ARTICLE 17:

I move that the Town vote to accept Massachusetts General Laws, Chapter 64N, §3, and impose a local sales tax upon the sale or transfer of recreational marijuana by a marijuana retailer operating within the Town at a rate of three (3%) percent of the gross receipts of the vendor from the sale or transfer of recreational marijuana and marijuana products.

SUBMITTED BY: Land Use Department

MOVED BY: Selectman Miller

MOTION TO TAKE NO ACTION BY: Chaz Sexton-Diranian

VOTE to take no action: Passed by majority

ARTICLE 18:

I move that the Town vote to repeal Chapter 102 of the General Bylaws, entitled "Recycling," in its entirety, and substitute the following new Chapter 102, entitled "Recycling Committee," therefore.

Chapter 102: Recycling Committee

102.1 Administration.

The Recycling Committee by-law shall be administered and supervised by the Townsend Board of Health.

102.2 Recycling Committee Established.

The Recycling Committee (hereafter known as the "Committee"), heretofore established, shall continue in existence to act as advocates for and/or educators of recycling in Townsend.

102.3 Duties and Responsibilities.

The Committee shall serve as facilitator for encouraging the pursuit of recycling in Townsend; shall provide alternative solutions which can contribute to addressing the disposal problems affecting Townsend; and assist the Board of Health with public education concerning recycling and composting, and public events.

102.4 Composition.

The Committee shall consist of three Townsend residents recommended by the Board of Health for appointment by the Board of Selectmen. The term of members will be three years.

Whenever a vacancy occurs in said Committee, said vacancy shall be filled by the appointment of a successor, recommended by the Board of Health and appointed by the Board of Selectmen, to fill out the unexpired term of the person whose office has been vacated.

102.5 Financial Responsibility.

The Committee may raise funds to offset the cost of education and disposal of recyclables in Townsend. Funds may be deposited in a revolving account, if so established pursuant to G.L. c. 44, §53E 1/2, administered by the Board of Health, and expended for such programs and activities as may be so authorized.

The Committee will submit expenditure requests to the Board of Health for consideration, and if approved, drawn from the aforesaid revolving account without further appropriation.

102.6 Reports.

The Committee shall report on its projects on an annual basis within the Town's Annual report, or take any action in relation thereto.

SUBMITTED BY: Board of Health

MOVED BY: Clerk of the Board of Health, Linda Johansen

VOTED: Passed Unanimously

ARTICLE 19:

I move that the Town vote to accept G.L. c. 40, § 22D, authorizing the adoption, amendment, alteration or repeal of rules and regulations whereby the chief officer of the Police Department or his or her designee may remove certain vehicles obstructing handicapped ramps, occupying parking spaces designated for the disabled or handicapped, etc.

SUBMITTED BY: Police Department

MOVED BY: Selectman Klein

VOTED: Passed unanimously

ARTICLE 20:

I move that the Town vote to amend its General Bylaws by adding a new Chapter 113, entitled "Parking," thereto, as follows.

Chapter 113 Parking.

§113-1 Authority.

This bylaw is hereby adopted pursuant to G.L. c. 40 §§22 and 22A.

§113-2 Definitions.

EMERGENCY VEHICLES

Vehicles of the Fire Department, vehicles of the Police Department, ambulances and emergency vehicles of federal, state, and municipal departments or public service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.

PARKING

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or obedience to an officer or traffic signs or signals, or while making emergency repairs, or if disabled while arrangements are being made to move such vehicle.

PERSON

Any individual, firm, partnership, association, corporation, or other entity.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway including bicycles when the provisions of this bylaw are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks.

§113-3 RULES AND REGULATIONS.

Pursuant to G.L. c. 40 §22, the Board of Selectmen shall make rules and regulations in furtherance of this bylaw.

§113-4 Unofficial signs prohibited.

It shall be unlawful for any person to place or maintain or display upon or in view of any street any unofficial sign, signal, or marking which purports to be or is an imitation of or resembles an official traffic sign, signal, marking, or device, or which attempts to direct the movement of traffic, or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, or marking or cause it to be removed, without notice.

§113-5 Obstruction of handicapped spaces and ramps.

No person shall park a motor vehicle in any area designated and posted for use by the handicapped or disabled veterans without handicap vehicle registration plates or a visible handicap placard issued by the Registrar of Motor Vehicles, nor shall any person park in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

§113-6 Fire Hydrants and fire lanes.

- A.** It shall be unlawful to leave any motor vehicle unattended within the limits of any private way furnishing means of access for fire apparatus to any building.
- B.** No person shall park any vehicle or leave unattended any vehicle within 10 feet of any fire hydrant.

§113-7 Exemptions.

- A.** The provisions of this bylaw shall not apply to authorized emergency vehicles as defined in this bylaw while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of such vehicle from the consequences of a reckless disregard for the safety of others.
- B.** No penalty shall be imposed upon any disabled veteran or handicapped person whose vehicle bears the distinctive number plate, or displays the special parking identification plate, authorized by G.L. c. 90 §2, or bears the official identification of a handicapped person issued by any other state, or any Canadian Province, for parking such vehicle on any way for a longer period of time than permitted by this bylaw or by any rule or regulation adopted pursuant to this bylaw.

§113-8 Violations and penalties.

- A.** The penalty for any violation of this bylaw shall be \$50.00 for each offense; provided, however, that any vehicle violating §113-5 of this bylaw shall be fined \$100.00 for each offense. Each day a violation exists or continues shall constitute a separate offense.
- B.** Any vehicle parked in the following areas in violation of this bylaw may be towed at the request of a police officer and at the owner's expense according to the provisions of G.L. c. 40, §22D, or G.L. c. 266, §120 D, whichever is applicable:
- (1) in an area designated and posted for use by the handicapped or disabled veterans;
 - (2) in front of a curb ramp designated for use by the handicapped;
 - (3) in an area posted and marked as a fire lane; or
 - (4) in front of a fire hydrant;

or take any other action in relation thereto.

SUBMITTED BY: Police Department

MOVED BY: Selectman Miller

VOTED: Passed Unanimously

ARTICLE 21:

I move that the Town vote to authorize the Board of Selectmen to enter into a new twenty (20) year LEASE AGREEMENT with the North Middlesex Regional School District for the Spaulding School located at 1 Whitcomb Street, Townsend, Massachusetts to include the parcel of land referred to as the Fessenden Field and the land upon which the Spaulding School is located, all in conformance with the terms of the North Middlesex Regional School District Agreement.

SUBMITTED BY: Board of Selectmen

MOVED BY: Selectman Klein

VOTED: Passed by majority

Motion was made to dissolve the Town Meeting made by Wayne Miller and seconded by Donald Klein. Town Meeting was dissolved at 9:18 p.m.

Respectfully Submitted,



Kathleen M. Spofford, CMMC
Town Clerk

