

The Commonwealth of Massachusetts
SPECIAL TOWN MEETING MINUTES
SEPTEMBER 26, 2023

The Special Town Meeting was called to order at 7:06 p.m.. Moderator John Barrett introduced Town Clerk, Kathleen Spofford, Selectmen Theresa Morse, Chaz Sexton-Diranian, Joseph Shank, Town Counsel, Adam Costa, Town Administrator, Eric Slagle and Finance Committee members Sam Grant, Don Hayes and Jerrilyn Bozicas and Town Treasurer Melissa Dunnet. The Moderator appointed counters: Bill Cadogan, Elaine Shank, Todd Melanson and John Page all of whom were sworn in by the Town Clerk. Rules of the town meeting according to Town Meeting Time were reviewed. The reading of the Warrant was read by the Town Clerk.

ARTICLE 1:

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease, power purchase, and/or any energy storage agreement with Solect Energy Development, LLC for solar energy projects located in the Town, through the program created by Power Options, a non-profit corporation providing solutions to municipalities and other non-profit to reduce the cost, carbon and complexity of energy, or take any other action in relation thereto.

MOTION: I move that the Town vote to authorize the Board of Selectmen to enter into a lease, power purchase, and/or any energy storage agreement with Solect Energy Development, LLC for a solar energy project located at the Police Department, 70 Brookline Rd., through the program created by Power Options.

SUBMITTED BY: Board of Selectmen

READ BY: Chaz Sexton-Diranian

VOTE: Passed by majority

ARTICLE 2:

To see if the Town will vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 44 Fitchburg Road, Unit 405, a/k/a 1-5 Fitchburg Road, shown on Assessor's Map 34, Block 38, Lot 1, or in any portion or portions thereof, together with any interest(s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all action(s) deemed by it to be necessary or prudent in connection therewith; or take any other action in relation thereto.

MOTION: I move the Town vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 44 Fitchburg Road, Unit 405, a/k/a 1-5 Fitchburg Road, shown on Assessor's Map 34, Block 38, Lot 1, or in any portion or portions thereof, together with any interest(s) appurtenant thereto on such terms and conditions as the Board deems to be in the best interest or interests of the Town and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all legal action necessary in connection therewith.

SUBMITTED BY: Board of Selectmen

READ BY: Joseph Shank

VOTE: Passed unanimously

ARTICLE 3:

To see if the Town will vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 106 Haynes Road, shown on Assessor's Map 43, Block 7, Lot 0, or in any portion or portions thereof, together with any interest(s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all action(s) deemed by it to be necessary or prudent in connection therewith; or take any other action in relation thereto.

MOTION: I move the Town vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 106 Haynes Road, shown on Assessor's Map 43, Block 7, Lot 0, or in any portion or portions thereof, together with any interest (s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all legal action necessary in connection therewith.

SUBMITTED BY: Board of Selectmen

READ BY: Theresa Morse

VOTE: Passed unanimously

ARTICLE 4:

To see if the Town will vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 540 Main Street, shown on Assessor's Map 3, Block 10, Lot 0, or in any portion or portions thereof, together with any interest(s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all action(s) deemed by it to be necessary or prudent in connection therewith; or take any other action in relation thereto.

MOTION: I move the Town vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 540 Main Street, shown on Assessor's Map 3, Block 10, Lot 0, or in any portion or portions thereof, together with any interest(s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all legal action necessary in connection therewith.

SUBMITTED BY: Board of Selectmen

READ BY: Charles Sexton-Diranian

VOTE: Passed unanimously

ARTICLE 5:

To see if the Town will vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 182 Warren Road, shown on Assessor's Map 31, Block 36, Lot 0, or in any portion or portions thereof, together with any interest(s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all action(s) deemed by it to be necessary or prudent in connection therewith; or take any other action in relation thereto.

MOTION: I move the Town vote to authorize the Board of Selectmen to convey a fee simple or lesser interest in the land and/or building(s) thereon known as and numbered 182 Warren Road, shown on Assessor's Map 31, Block 36, Lot 0 or in any portion or portions thereof, together with any interest(s) appurtenant thereto, on such terms and conditions as the Board deems to be in the best interest or interests of the Town, and to execute any and all agreements and documents to effectuate said conveyance, and to authorize the Board to take any and all legal action necessary in connection therewith.

SUBMITTED BY: Board of Selectmen

READ BY: Joseph Shank

VOTE: Passed unanimously

ARTICLE 6:

To see if the Town will vote to amend its General Bylaws, Chapter 124, entitled "Town Meeting," Section 124-6, entitled "Service of the warrant," by adding a new sentence at the end of said Section, as follows:

Should any of the above locations be unavailable for posting for any reason, the Board of Selectmen shall designate an alternate posting location within the same voting precinct.

or take any other action in relation thereto.

MOTION: I move that the Town vote to amend its General Bylaws, Chapter 124, entitled "Town Meeting," Section 124-6, entitled "Service of the warrant," by adding a new sentence at the end of said Section, as follows:

"Should any of the above locations be unavailable for posting for any reason, the Board of Selectmen shall designate an alternate posting locations within the same voting precinct."

SUBMITTED BY: Board of Selectmen

READ BY: Theresa Morse

VOTE: Passed unanimously

ARTICLE 7:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to change the Board of Health from an elected board to a board appointed by the Board of Selectmen; provided, however, that the General Court may make any clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, it being authorized hereunder to do so, which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

An Act Relative to the Board of Health in the Town of Townsend

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. Notwithstanding section 1 of chapter 41 of the General Laws or any other general or special law, rule, or regulation, to the contrary, there shall be a Board of Health in the Town of Townsend. The Board of Health shall have all the powers and duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Boards of Health. The Board of Health shall consist of three members appointed for a three-year term each, arranged so that one term expires each year. The Board of Health shall be appointed and may be removed, after opportunity for a hearing, by the Board of Selectmen for the

Town. The Board of Selectmen may establish conditions of said appointments, including but not limited to discipline, removal, dismissal, and reappointment.

Section 2. Upon effective date of this act, the elected offices of the Board of Health shall be abolished, and the term of the incumbents of such offices terminated.

Section 3. This act shall supersede conflicting provision(s) of the Town Charter.

Section 4. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected offices. The offices of the Board of Health shall, in all respects, be the lawful successor of the offices so abolished. All records, property, and equipment of the offices of the elected Board of Health shall be assigned to the offices of the appointed Board of Health.

Section 5. This act shall take effect on passage.

MOTION: Motion was made to waive the reading of the act. Motion to waive the reading of the act passed unanimously.

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to change the Board of Health from an elected board to a board appointed by the Board of Selectmen; provided, however, that the General Court may make any clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, it being authorized hereunder to do so, which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

An Act Relative to the Board of Health in the Town of Townsend.

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

Section1: Notwithstanding Section 1 of Chapter 41 of the General Laws or any other general or special law, rule, or regulation to the contrary, there shall be a Board of Health in the Town of Townsend. The Board of Health shall have all the powers and duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Boards of Health. The Board of Health shall consist of the members appointed for a three-year term each, arranged so that one term expires each year. The Board of Health shall be appointed and may be removed, after opportunity for a hearing, by the Board of Selectmen for the Town. The Board of Selectmen may establish conditions of said appointments, including but not limited to discipline, removal, dismissal, and reappointment.

Section 2: Upon effective date of this act, the elected offices of the Board of Health shall be abolished, and the term of the incumbents of such offices terminated.

Section 3: This act shall supersede conflicting provision(s) of the Town Charter.

Section 4: No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected offices. The offices of the Board of Health shall, in all respects, be the lawful successor of the offices so abolished. All records, property, and equipment of the offices of the elected Board of Health shall be assigned to the offices of the appointed Board of Health.

Section 5: This act shall take effect on passage.

SUBMITTED BY: Board of Selectmen
READ BY: Charles Section-Diranian
VOTE: The motion on Article 7 did not pass

ARTICLE 8:

To see if the Town will vote to change the Board of Health from an elected board to a board appointed by the Board of Selectmen, subject to acceptance by the voters at the annual Town election, said Board of Health to consist of three members appointed for a three-year term each, arranged so that one term expires each year, provided that any incumbent serving at the time of any such acceptance by the voters shall continue to hold his or her office and to perform the duties thereof until the expiration of the term for which he or she was elected or until he or she otherwise vacates the office, the foregoing in accordance with Massachusetts General Laws, Chapter 41, Sections 1 and 1B, or take any other action relative thereto.

MOTION: I move that the Town vote to change the Board of Health from an elected board to a board appointed by the Board of Selectmen, subject to acceptance by the voters at the annual Town election, said Board of Health to consist of three members appointed for a three-year term each, arranged so that one term expires each year, provided that any incumbent serving at the time of any such acceptance by the voters shall continue to hold his or her office and to perform the duties thereof until the expiration of the term for which he or she was elected or until he or she otherwise vacates the office, the foregoing in accordance with Massachusetts General Laws, Chapter 41, Sections 1 and 1B, or take any other action relative thereto.

Motion was made to move the question. The motion to move the question passed unanimously.

SUBMITTED BY: Board of Selectmen
READ BY: Joseph Z. Shank
VOTE: The motion on Article 8 did not pass

Motion was made to dissolve the Special Town Meeting. The motion passed unanimously.

Respectfully Submitted,

Kathleen M. Spofford, CMMC
Town Clerk