

Annual Town Meeting – June 2, 2009

We began our Annual Town Meeting at 7:04pm with 126 voters and 20 visitors attending. Our Moderator, Gene A. Rauhala, explained the rules of conduct for Town Meeting, All question are to be addressed to the chair, all motions are to be in writing and brought to Madam Clerk. If a matter is to be reconsidered tonight it may be a majority vote. If the meeting goes to a second night, articles will be reconsidered with a nine tenths vote. The moderator continued to inform the floor of the rules to be followed throughout the meeting.

We elected our Deputy Moderator, John Barrett, unanimously.

The return of the warrant was read by the Town Clerk and the meeting commenced. After Article 1 was complete we adjourned and took up the Special Town Meeting. At 7:20 we returned to the Annual Town Meeting dissolving at 10pm. Mr. Rauhala thanked the participants for a good Town Meeting.

ATM ARTICLE 1:

I move that the Town vote to authorize the Board of Selectmen to appoint all Town Officers unless other provisions are made by M.G.L., by Town Charter, or by vote of the Town.

Submitted by: Town Clerk
Read By: Susan A. Funaiolo
Vote: Passed

ATM ARTICLE 2:

I move that the Town vote to hear reports of any Committees, Boards, Commissions, and other Town Officials.

Submitted by: Board of Selectmen
Read by: David Chenelle
Vote: Passed

ATM ARTICLE 3:

I move that the Town vote to appropriate and transfer from the Comcast Government Access Account the sum of \$14,000.00 to supplement the FY 10 Management Information Systems (Computer) Expense Account.

Submitted by: Board of Selectmen
Read By: Sue Lisio
Vote: Passed

ATM ARTICLE 4:

I move that the Town vote to appropriate and transfer from the Ambulance Receipts Reserved for Appropriation Account the sum of \$300,000.00 to supplement the FY 10 Fire/EMS Department operating budget.

Submitted by: Fire/EMS Dept.
Read By: Donald Klein
Vote: Passed

ATM ARTICLE 5:

I move that the Town vote to appropriate and transfer from the West Townsend Reading Room Receipts Reserved for Appropriation Account the sum of \$4,900.00 to supplement the FY10 West Townsend Reading Room Account.

Submitted by: West Townsend Reading Room Committee

Read By: Joy Niemera
Vote: Passed

ARTICLE 6:

I move that the Town vote to continue the Board of Health Revolving Account in accordance with M.G.L. Chapter 44, Section 53E½, to which will be credited revenues collected from recyclable items, which shall be expended for general operating cost and capital expenditures for the FY 10 Recycling Center operating budget, FY 10 Landfill operating budget, and the FY 10 Curbside Pickup & Disposal operating budget to be authorized by the Board of Health, of which expenditures shall not exceed **\$22,000.00.**

Submitted by: Board of Health
Read By: David Chenelle
Vote: Passed

ATM ARTICLE 7:

I move that the Town vote to continue the Recreation Revolving Account in accordance with M.G.L. Chapter 44, Section 53E½, to which will be credited revenues collected from recreation programs, which shall be expended for general operating cost and capital expenditures for recreation programs to be authorized by the Recreation Commission, of which expenditures shall not exceed **\$52,000.00** in FY 10.

Submitted by: Recreation Dept.
Read By: Sharon Whittier
Vote: Passed

ATM ARTICLE 8:

I move that the Town vote to appropriate and transfer from the Cemetery Sale of Lot Fund Account the sum of **\$12,200.00** into the Cemetery Improvement Fund Account.

Submitted by: Cemetery and Parks Commissioners
Read By: John Barrett
Vote: Passed

ATM ARTICLE 9:

I move that the Town vote to continue the Cemetery Cost of Internment Revolving Account in accordance with M.G.L. Chapter 44, Section 53E½, to which will be credited revenues collected from burials, which shall be used for general operating cost and capital expenditures for the Cemetery Department to be authorized by the Cemetery and Parks Commissioners, of which expenditures shall not exceed **\$30,000.00** in FY 10.

Submitted by: Cemetery and Parks Commissioners
Read By: John Barrett
Vote: Passed

Read By:
Vote:

ARTICLE 10:

I move that the Town vote to choose a committee of three (3) West Townsend Village residents, Robert L. Remelius, ?, and Pamela B. Haman, to serve as members of the James H. Tucker Fund in accordance with the bequest, for the sole purpose to keep the curbing, grave stones, and monuments in good order, including installation/maintenance of fencing as necessary.

Submitted by: Cemetery and Parks Commissioners
Read By: John Barrett
Vote: Passed

ATM ARTICLE 11:

I move that the Town vote to appropriate and transfer the sum of \$27,697.00 from the Title V FB Receipts Reserved for Appropriation Account to the Massachusetts Water Pollution Abatement Trust (MWPAT) Debt Service Account for the purpose of paying back the Massachusetts Water Pollution Abatement Trust Septic Loan.

Submitted by: Treasurer
Read By: David Chenelle
Vote: Passed

ATM ARTICLE 12:

I move that the Town vote to transfer from surplus revenue the sum of \$4,000.00 for the purpose of funding the Assessors' Periodic Inspection and Property Verification Program as mandated by the Department of Revenue, Bureau of Local Assessments.

Submitted by: Board of Assessors
Read By: John Whitemore
Vote: Passed

ATM ARTICLE 13:

I move that the Town vote, pursuant to Section 5-1(a) of the Town Charter, to establish a Facilities Maintenance Department, and for such purposes, to amend the General Bylaws for the Town of Townsend by adopting a new bylaw, "Facilities Maintenance Department," as follows:

§ 43-1. Establishment.

There shall be a Facilities Maintenance Department.

§ 43-2. Appointment of Department Employees.

Consistent with Section 3-2(d) of the Town Charter, the Board of Selectmen shall appoint the proposed Facilities Maintenance Coordinator and any other employees of the Facilities Maintenance Department.

§ 43-3. Transitional provisions.

A. As of July 1, 2009, the Facilities Maintenance Department is hereby established.

B. As of July 1, 2009, all custodial and cleaning personnel working in any Town facility, including but not limited to the Town Hall, Police Station, and Library, shall be transferred to the Facilities Maintenance Department. All such transfers of employees shall be made without loss of pay, and without change of rating, seniority, retirement or pension rights, or any other privileges under any provision of law or bylaw. Provided, however, that this provision shall not be deemed to preclude the Town from eliminating, on or after July 1, 2009, current custodial and cleaning positions, creating the new position of Facilities Maintenance Coordinator, or outsourcing routine cleaning tasks, subject to Town Meeting appropriation.

C. All budgetary amounts for those custodial and cleaning personnel and/or routine cleaning services described in Paragraph B, above, shall be consolidated into the Facilities Maintenance Department budget, subject to Town Meeting appropriation. Additionally, budgetary expense amounts for maintenance/repair, utilities, custodial and building supplies, and rent for certain Town facilities, in particular for the Memorial Hall, Memorial Hall Annex, new Library/Senior Center Complex, Hart Memorial Free Library, and the Old Senior Center (the lease of which will be terminated in early fiscal year 2010) shall be consolidated into the Facilities Maintenance Department budget, subject to Town Meeting appropriation.

Submitted by: Board of Selectmen
Read By: Robert Plamondon
Vote: Passed

ATM ARTICLE 14:

I move that the Town vote to raise and appropriate the sum of \$15,683,636.00 and to transfer from surplus revenue the sum of \$158,000.00 for the purpose of defraying the charges and expenses of the Town for the ensuing fiscal year pursuant to a detailed budget totaling \$15,841,636.00.

Submitted by: Board of Selectmen and Finance Committee
Read By: David Chenelle
Vote: Passed

ATM ARTICLE 15:

I move that the Town vote to appropriate the sum of \$862,835.00 to operate the Water Department for the ensuing fiscal year and that \$727,835.00 of this sum come from enterprise revenues and, in order to fund the cost of intermunicipal expenses, that \$135,000.00 of this sum be appropriated in the general fund and funded from enterprise revenues.

Submitted by: Water Department and Finance Committee
Read By: Paul Rafuse
Vote: Passed

ATM ARTICLE 16:

I move that the Town vote to fix the salaries and compensation of all elected Officers of the Town as provided by M.G.L. Section 108, Chapter 41, as amended, and as appropriated in this warrant.

Submitted by: Board of Selectmen and Finance Committee
Read By: Sue Lisio
Vote: Passed

ARTICLE 17:

I move that the Town vote to transfer from surplus revenue the sum of \$750.00 for the purpose of funding the FY 10 rental of port-a-potties at the Town Common and Kids Kountry Playground, or take any other action thereto.

Submitted by: Cemetery and Parks Department
Read By: John Barrett
Vote: Passed

ATM ARTICLE 18:

I move that the Town vote to transfer to the Board of Cemetery and Park Commissioners for park purposes that portion of land known as Howard Park as shown on Assessor's Map 27, Block 5, Lot 0, acquired by deed of David G. Howard, Lewis W. Howard and Charles S. Howard dated October 30, 1944, and recorded with the Middlesex South District Registry of Deeds in Book 6823, Page 132, and that said land be dedicated as a public park, the same to be forever kept open and maintained as a public park, and to authorize the Selectmen to seek legislative approval for the transfer and change of use under Article 97 of the Amendments to the Massachusetts Constitution, if needed.

Submitted by: Cemetery and Parks Department
Read By: John Barrett
Vote: Passed unanimous

ATM ARTICLE 19:

I move that the Town vote to amend the Town of Townsend General by-laws by adding a new bylaw, Chapter 112-21, under Part II “Streets and Sidewalks,” as follows:

Chapter 112-21. Public Use of Marijuana or Tetrahydrocannabinol

No person shall consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1, while on, in or upon any public way or upon any way which the public has the right of access, or upon any public common, park, playground, school ground, public building, or public land owned or under the control of the Town of Townsend. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to noncriminal disposition in accordance with the provisions of G.L. c.40, §21D and Section 1-1 of the Townsend Code, Article II. The fine for violation of this bylaw shall be \$300. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c.94C, §32L.

And further, to amend Section 1-1 of the Townsend Code, Article II, by inserting a new paragraph (H) which provides as follows:

H. Public Use of Marijuana and Tetrahydrocannabinol

- 1. Enforcing Officer: Police Officers of the Town.
- 2. Fine Schedule
 - (a) Each Offense: \$300.

Submitted by: Police Department
Read By: Erving Marshall
Vote: Passed

ATM ARTICLE 20:

I move that the Town vote to add the following section to the General By-laws for the Town of Townsend:

All Board and Committees shall submit their minutes of open meetings to the Town Clerk’s Office, for convenience and availability of the public, within four weeks following their meetings, unless the board or committee meets less than once every four weeks within five business days after the next following meeting.

Submitted by: Town Clerk
Read By: Susan A. Funaiole
Vote: Failed 39 yes 48 no

ATM ARTICLE 21:

I move that the Town vote to accept the layout of Peter J Drive as a public town way, as shown on a definitive subdivision plan #389 recorded at the Middlesex Registry of Deeds in Plan Book #2005, Page 389 extending southerly from Dudley Rd. for a distance of 750+/- feet. Said layout acceptance shall be null and void if the Selectmen have not, prior to 180 days after this vote, acquired the necessary land or easements. Said proposed Town Way is to be called Peter J Drive.

Submitted by: Petition
Read By: David Chenelle
Vote: Passed