

# **The Town of Townsend**

## **SPECIAL TOWN MEETING MINUTES**

### **December 20, 2018, 7:00 p.m.**

The Special Town Meeting was held on December 20, 2018. The meeting was called to order at 7:03 p.m. There were 123 voters and 7 visitors in attendance. Moderator, John Barrett, announced there was a quorum present. The Moderator asked those in attendance to please stand for the Pledge of Allegiance which was led Jerrilyn Bozicas of the Finance Committee.

The Moderator requested all visitors and non-voters other than Department heads to sit in the front row. The practice has been to allow visitors to speak unless there is an objections from the floor, however, the moderator reserves the right to allow the visitor to speak if he feels the visitor has pertinent information to the article on the floor. Counters Todd Arnsenault, John Stonefield, John Page, Sheila Brown, and Gene Rauhala were sworn in.

At this point the Moderator, John Barrett, introduced himself, the Town Clerk Kathleen Spofford, the Selectmen, Cindy King, Chairman Sue Lisio and Wayne Miller, the Town Administrator, James Kreidler, and Town Counsel Adam Costa. He went on to introduce the Finance Committee members who were present: Sam Grant, Gene Dilda, Jerilyn Bozicas, and Lynn Pinkerton. (Joseph Sciacca, Andrea Wood and Thaddeus Rochette arrived after the introductions were made.)

The Moderator reviewed some of the rules followed at Town Meeting. Town Meeting is held according to Town Meeting Time. All motions must be written and signed and given to the town clerk. Any motion voted on tonight that comes up for reconsideration may do so with a majority vote; if the meeting goes to a second night, reconsideration of an article voted on tonight could only be reconsidered with a 9/10 vote. If a vote count is questioned by (7) seven people, the counters will be called otherwise the count is by the moderator's determination and he may call the counters forward.. If you want to speak, wait until you are recognized, raise your hand and the moderator will call on you. After you have been called upon, wait for the microphone, then state your name and address. Please direct all comments and questions to the chair. If there is a question of procedure, please rise and say "point of order, Mr. Moderator", you will be called on to make your point. In order to do this you, may interrupt the speaker. Point of privilege is to point out things like you can't hear or you are having an issue being able to participate. One other point is a motion to move the question with a 2/3 vote and you must be recognized to make that motion. When this motion is made, it cuts off all debate, it is not debatable, that motion must be voted on to proceed with the discussion or to end the discussion and vote on the motion on the floor.

The Moderator requested the reading of the warrant, which was done by the Town Clerk.

Motion was made to take Articles 29 and 30 out of order and advance them to be addressed first and second respectively. The reason being that these Articles are time sensitive and if they are not addressed tonight, it could leave the Town in the position of having neither a moratorium nor a by-law that would allow Town control over issues surrounding recreational marijuana. This is not to diminish the other Articles that also need the attention of Town Meeting.

**Read by: John Page**

**Voted: Passed by majority vote.**

#### **ARTICLE 29:**

Planning Board statement regarding Article 29 and Article 30 was read by Chaz Sexton-Diranian.

I move that the Town vote to amend the Town's Zoning Bylaw by adding Section 145-89 to extend the temporary moratorium on recreational marijuana establishments as follows.

#### **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, §145-89**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Townsend Zoning Bylaw.

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The regulation of recreational marijuana raises novel legal, planning and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Townsend Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. This temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments will allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

#### **A. Definition**

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business”.

#### **B. Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 28, 2019 or until a bylaw is earlier approved. During the moratorium period, the Planning Board, on behalf of the Town of Townsend, shall undertake a planning process to address the potential impacts of recreational marijuana in the Town and to consider the Cannabis Control Commission regulations regarding Recreation Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

**Read by: Chaz Sexton-Diranian**

Motion to amend Article 29 by removing “or until a bylaw is earlier approved” was made so the bylaw would read as follows:

#### **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, §145-89**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Townsend Zoning Bylaw.

The regulation of recreational marijuana raises novel legal, planning and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Townsend Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. This temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments will allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

#### **A. Definition**

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business”.

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**Read by: Kelly Kelly, signed by Chaz Sexton-Diranian**

**Vote to amend the bylaw passed by majority.**

**Vote on the amended bylaw passed by 2/3 vote, 76 ayes and 27 no.**

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**ARTICLE 30:**

I move that the Town vote to amend the Town's Zoning Bylaw by adding a new Article XVIII, Section 145-90, entitled "Recreational Marijuana Establishment Zoning," as printed in the warrant, but with the underlined amendments shown on the handout provided tonight which include clarification of the definition of "Cannabis Control Commission," a definition for "Host Community Agreement" and certain modifications to the special permit approval criteria; and, further, to add the new Section 145-90 to the Zoning Bylaw's Table of Contents.

**ARTICLE XVIII**  
**Recreational Marijuana Establishment Zoning Proposal**

§ 145-90

- A. A Recreational Marijuana Establishment is considered an entity or location licensed by the State of Massachusetts and defined pursuant to M.G.L. c. 94G and 935 C.M.R. 500 and under strict conditions in accordance with applicable laws.

**Definitions**

**Cannabis Control Commission (CCC)**, the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.

**Host Community Agreement, defined in M.G.L. Chapter 94G, Section 3(d).**

**Marijuana Cultivator**, an entity licensed by the State of Massachusetts 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, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, any other type of licensed marijuana-related business, or any combination thereof at a single location.

**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 Testing Facility**, an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

**Marijuana Research Facility**, an entity licensed to cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products.

**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.

**Marijuana Transportation or Distribution Facility**, an entity with a fixed location that delivers marijuana and marijuana products to marijuana establishments and transfers marijuana and marijuana products to other marijuana establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with transportation and distribution.

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#### Schedule of Use Regulations

	RA	RB	NCD	DCD	OCD	ID
<b>Marijuana Establishments any other type of licensed marijuana-related business</b>						
Marijuana cultivator	N	N	N	N	N	SP
Marijuana product manufacturer	N	N	N	N	N	SP
Marijuana retailer	N	N	N	SP	SP	SP
Marijuana testing or research facility	N	N	N	SP	SP	SP
Marijuana transportation or distribution facility	N	N	N	N	N	SP
Any other type of licensed marijuana-related business	N	N	N	N	N	SP
On-site consumption of marijuana at licensed marijuana establishment	N	N	N	N	N	N

#### Marijuana Establishments

##### A. Purpose

- (1) To provide for the placement of Marijuana Establishments in appropriate places and under conditions in accordance with the provisions of M.G.L. c. 94G.
- (2) To minimize the adverse impacts of Marijuana Establishments on residential neighborhoods, schools, and other places where children commonly congregate.
- (3) To regulate the siting, design, placement, security, safety, monitoring, and modification of Marijuana Establishments.

##### B. Location

- (1) Marijuana Establishments will only be located in the following Zoning Districts: Downtown Commercial, Outlying Commercial and Industrial.

##### C. Applicability

- (1) No Marijuana Establishment shall be established except in compliance with the provisions of Article XVIII.
- (2) Where not expressly defined in section 145 -90, all terms used herein shall be as defined in M.G.L. c. 94G and 935 CMR 500 *et seq.*
- (3) If any provision of this section, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

##### D. Special Permit Approval Criteria.

- (1) All Marijuana Establishments shall be contained within a building or structure.
- (2) The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, which shall be the Planning Board.
- (3) Marijuana Establishments shall not be located within a five hundred (500') foot radius from:

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- a) Any Residential District;
- b) Any school pre-k through 12;
- c) Any daycare center, or any facility where children commonly congregate. A facility is not, however, limited to a building. A “facility where children commonly congregate” includes, but is not limited to facilities in which children gather for a particular purposes in a structured and scheduled manner, or which are dedicated to the use by children, such as playgrounds, youth service programs, day care centers, youth sports facilities, dance schools, and gymnastic schools;
- d) Any other Marijuana Establishment;
- e) Any drug or alcohol rehabilitation facility;
- f) Any correctional facility, half-way house or similar facility; or
- g) Any establishment licensed under the provisions of General Law, Chapter 138, Section 12 (Licenses for on premise alcoholic beverages).

Distances calculated pursuant to section C.(3)(a) –(b) will be measured from property line to property line.

Distances calculated pursuant to sections C.(3)(c) – (g) will be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. For example, a playground outside a school would be considered a facility where children congregate, so the line would be measured from the edge of the playground to the nearest point of the building that would house the potential Marijuana Establishment.

- (4) The onsite consumption of marijuana at all Marijuana Establishments is prohibited in the Town of Townsend.
- (5) Consistent with M.G.L. c. 94G, § 3(b)(2), the maximum number of Marijuana Establishments in the Town of Townsend shall be limited as follows:
  - a) Shall not prohibit one or more types of Marijuana Establishment
  - b) The number of Marijuana Retailers shall not exceed twenty (20%) percent of liquor licenses issued pursuant to M.G.L. c. 138, § 15 for retail sale of alcohol not consumed on the premises in the Town of Townsend. Said number to be rounded up to the next whole number.
  - c) The number of non-retail Marijuana Establishments shall be limited to 1 (one).
- (6) No smoking or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment. No burning of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment with the exception of product testing performed at a Marijuana Testing Facility or Marijuana Research Facility.
- (7) No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- (8) Marijuana Establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.
- (9) Marijuana Establishments shall not have drive-through service.
- (10) No outside storage of marijuana, related supplies or promotional materials is permitted.
- (11) No delivery service of marijuana products for personal purposes are permitted from any marijuana establishment.
- (12) All Marijuana Establishments shall be ventilated in such a manner that
  - a) if pesticides, insecticides, or other chemicals or products are used in cultivation or processing, they must be vented and dispersed into the outside atmosphere so as not to be detectible at any adjoining use or property.
  - b) no odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.

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**E. Special Permit Conditions**

- (1) In addition to compliance with M.G.L. c. 94G and 935 CMR 500 *et seq.*, the Special Permit Granting Authority may impose reasonable conditions to improve site design, traffic flow, and public safety, and to preserve water quality, significant environmental resources and community character of surrounding area including, without limitation, the following:
  - a) Minimization of the impacts of increased noise and traffic.
  - b) Imposition of security precautions to protect personnel, consumers, residents and property.
  - c) Deterring the presence of unauthorized or ineligible persons at, or near the Marijuana Establishment.
  - d) Imposition of measures to prevent diversion of marijuana and Marijuana Products.
  - e) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
  - f) Conditions relating to energy efficiency and conservation.
- (2) A Marijuana Establishment shall only be allowed by special permit from the Planning Board, the Special Permit Granting Authority, in accordance with MGL c. 40A, § 9 and section 216-32.1 (Special Permits) of this chapter.
- (3) No special permit for any Marijuana Establishment shall be issued without major site plan approval having been obtained from the Planning Board pursuant to § 145-42, Site Plan review, of this chapter. In addition to the standards set forth therein, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (4) A special permit for a Marijuana Establishment shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
  - a) Marijuana Cultivator
  - b) Craft Marijuana Cooperative
  - c) Marijuana Product Manufacturer
  - d) Marijuana Research Facility
  - e) Marijuana Testing Facility
  - f) Marijuana Transportation or Distribution Facility
  - g) Marijuana Retailer
- (5) In addition to the application requirements set forth above, a special permit application for a Marijuana Establishment shall include the following:
  - a) The name and address of owner(s) of the establishment;
  - b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment; provided that approval may be conditioned upon receipt of a final license from the CCC;
  - c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
  - d) A letter from the Town of Townsend Police Chief, or designee, acknowledging review and approval of the Marijuana Establishment security plan.
  - e) All application requirements for Major Site Plan Review as specified in Section 145-57 - 145-61 of this Chapter unless certain non-applicable requirements are waived by the Planning Board.
- (6) The SPGA shall include conditions concerning the following in any special permit granted pursuant to this Article:
  - a) Hours of operation.

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- b) Compliance with Host Community Agreement.
  - c) The submission of a copy of the license from the CCC with the SPGA and the Building Commissioner prior to commencement of operation.
- (7) The issuance of a special permit shall lapse two years from the date of the issue if not acted upon.
- (8) Mandatory findings. The special permit granting authority shall not issue a special permit for a Marijuana Establishment unless it finds that:
- a) The facility is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
  - b) The applicant demonstrates to the satisfaction of the special permit granting authority that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
  - c) The applicant has satisfied all of the conditions and requirements set forth herein.
- (9) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required by the special permit granting authority.

**F. Abandonment or discontinuance of use.**

- (1) A special permit shall lapse if a final license has not been issued by the CCC pursuant to CMR 500.103 within one year of issuance. The Planning Board may grant an extension if the applicant demonstrates that, despite diligent effort, circumstances beyond their control have prevented the issuance of a final license and further demonstrates to the satisfaction of the Planning Board that issuance of a Final License is forthcoming .
- (2) A Marijuana Establishment shall be required to remove all material, plants, products, equipment and other paraphernalia within six months of ceasing operations. All security measures and precautions, and all components of the Marijuana Establishment security plan, shall be observed until removal is completed.

**There was no objection to foregoing the reading of the article and to have the reading of the motion which was given as a handout at the Town Meeting.**

**Chaz Sexton Diranian read a report of the Planning Board.**

**Motion was made to take no action on Article 30.**

**Vote to take no action and to postpone indefinitely: The motion did not carry.**

**Motion to move the question passed by majority.**

**Vote on Article 30: Passed by 2/3 vote, declared by Moderator.**

**ARTICLE 1:**

I move that the Town vote to take no action on this article. (Article 1 read: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$\_\_\_\_\_ for the purpose of paying prior fiscal year bills; or take any other action in relation thereto.)

**Read by: Sue Lisio**

**Voted: Passed by majority.**

**ARTICLE 2:**

I move that the Town vote to transfer from free cash in the treasury, the sum of \$7,500.00 for the purpose of funding the costs associated with placing the American Flags along Main Street during holiday celebrations.

**Read by: Cindy King**

**Voted: Passed by majority.**

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**ARTICLE 3:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$35,000.00 to supplement the Legal Expense Account.

**Read by: Wayne Miller**

**Voted: Passed by majority.**

**ARTICLE 4:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$50,000.00 to pay one-time retroactive wage settlements for police, fire and non-public safety unionized Town employees.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

**ARTICLE 5:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$5,500.00 to supplement the Audit Services Expense Account.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

**ARTICLE 6:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$3,900.00 to supplement the Facilities Expense Account for the purpose of repairing or replacing a relay/electronic start to the elevator for Town Hall.

**Read by: Wayne Miller**

**Voted: Passed by majority.**

**ARTICLE 7:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$5,000.00 to supplement the Facilities Expense Account for the purpose of replacing a water pump related to the heating system for Town Hall.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

**ARTICLE 8:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$7,500.00 for the purpose of funding an update to the Roadway Pavement Management Plan.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

**ARTICLE 9:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$1,500.00 for the Town's share of the Regional Animal Control shelter.

**Read by: Wayne Miller**

**Voted: Passed by majority**

**ARTICLE 10:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$2,100.00 for the purpose of replacing/repairing the rifle strap on the John Birney Blood Monument.

**Read by: Pam Haman**

**Voted: Passed by majority.**

**ARTICLE 11:**

I move that the Town vote to amend the FY18 Capital Plan by authorizing the Highway Superintendent to use the \$46,000.00 approved for Truck Mounted Ground Speed Spreader Controls towards the purchase of a Roadside Mower; as approved by the Capital Planning Committee.

**Read by: Sue Lisio**

**Voted: Passed by majority.**



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**ARTICLE 12:**

I move that the Town vote to amend the FY 19 Capital Plan and transfer \$66,360.00 from ambulance receipts in the treasury for the purpose of replacing Medic 1 for the Townsend Fire-EMS Department as approved by the Capital Planning Committee.

**Read by: Cindy King**

**Voted: Passed unanimously.**

**ARTICLE 13:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$5,000.00 for the purpose of repairing or replacing a portion of the roof at 274 Main Street; also known as the "Rec Center."

**Read by: Wayne Miller**

**Voted: Passed by majority.**

**ARTICLE 14:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$5,000.00 for the purpose of administrative, professional and/or technical costs associated with the periodic review of and amendments to the Charter.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

**ARTICLE 15:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$9,954.77 for the purpose of restoring the Reserve Fund.

**Read by: Donna Lynn Pinkerton**

**Voted: Passed by majority.**

**ARTICLE 16:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$15,000 for the purpose of supplementing the FY19 police department operating budget appropriation for the lease of four (4) police cruisers, and to authorize the Town to enter into three year lease agreements for that purpose.

**Read by: Cindy King**

**Voted: Passed by majority.**

**ARTICLE 17:**

I move that the Town vote to transfer within the Water Enterprise Fund the sum of \$30,000.00 from free cash to the Professional Services Expense Account.

**Read by: Paul Rafuse**

**Voted: Passed by majority.**

**ARTICLE 18:**

I move that the Town vote to transfer within the Water Enterprise Fund, the sum of \$115,000.00 from free cash to the Meadow Road Main Replacement Capital Improvement Plan project.

**Read by: Paul Rafuse**

**Voted: Passed unanimously.**

**ARTICLE 19:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$10,000.00 for the purpose of supplementing the Professional Services line item in the FY19 Treasurer Collector budget to cover the cost of the required professional services of a municipal finance consultant during the absence of the Treasurer Collector.

**Read by: Wayne Miller**

**Voted: Passed by majority.**

**ARTICLE 20:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$100,000.00 for the purpose of funding Information Technology and telephone system upgrades for the Town Hall, the Library, the Council on Aging, the Highway Department, the Water Department and the Cemetery and Parks Department.

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**Read by: Sue Lisio**

**Voted: Passed by majority.**

## **ARTICLE 21:**

I move that the Town vote to transfer from free cash in the treasury the sum of \$10,000 for the purpose of funding HVAC and lighting repairs and/or upgrades in the Library, the Meeting Hall and/or the Council on Aging building(s).

**Read by: Cindy King**

**Voted: Passed by majority.**

## **ARTICLE 22:**

I move that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, permanent and/or temporary easements on the parcels of land shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of West Meadow Road Bridge No. T-07-013," revised through November 8, 2018, prepared by DTC, as said plans may be amended, said plans on file with the Town Clerk, for passage thereupon, both pedestrian and vehicular, also including, but not limited to: the construction, alteration, maintenance, improvement, repair and/or replacement of the West Meadow Road bridge; drainage, grading, clearing and slope work; erosion control; relocation of utility poles and guy wires; loaming and seeding; and landscaping; and, further, I move that the Town vote to transfer from free cash a sum of \$5,000 for these purposes and any expenses related thereto; and, still further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, as and upon such terms and conditions as the Board of Selectmen may deem appropriate.

**Read by: Wayne Miller**

**Voted: Passed by 2/3 vote declared by Moderator.**

## **ARTICLE 23:**

I move that the Town vote to: (i) authorize the Board of Selectmen to convey, sell or otherwise dispose of that certain parcel of Town-owned land known as "Atwood Acres," Parcel 2-B, situated off Dudley Road, consisting of 11 acres of land, more or less, and more fully described in a deed recorded with the Middlesex (South) District Registry of Deeds at Book 593, Page 2646, on such terms and conditions, subject to such restrictions and limitations and for such consideration as the Selectmen may deem necessary or appropriate, said property to be used for the development of low- to moderate-income housing for veterans, said transfer to be in accordance with all local, state and federal laws, as may be applicable; and (ii) further authorize the Board of Selectmen to undertake all such action(s) as may be required to effect the foregoing conveyance, including but not limited to the filing and prosecution of a petition for declaratory judgment in a court of competent jurisdiction relative to future use(s) of the property and/or the petitioning of the General Court of the Commonwealth under applicable law for special legislation accomplishing the same.

**Read by: Chaz Sexton-Diranian**

**Motion was made by Keith Jackson to lay on the table indefinite, to take no action.**

**Vote to lay on the table: Passed by 2/3 vote, declared by Moderator.**

## **ARTICLE 24:**

I move that the Town vote to transfer from free cash in the treasury, the sum of \$50,000.00 for the purpose of supplementing the stabilization fund, as allowed under MGL Chapter 40, Section 5B.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

## **ARTICLE 25:**

I move that the Town vote to transfer from free cash in the treasury, the sum of \$200,000.00 for the purpose of supplementing the capital stabilization fund, as allowed under MGL Chapter 40, Section 5B.

**Ready by: Cindy King**

**Voted: Passed by majority.**

## **ARTICLE 26:**

I move that the Town vote to amend the Town's General Bylaw, Chapter 112-14, entitled "Unregistered Motor Vehicles," Subsection (e), as follows, with additions to the Bylaw underlined and deletions from the Bylaw ~~stricken through~~:

E.

The ~~Board of Selectmen~~ Police Chief, or his designee, shall enforce this section. No other Town official shall have the authority to enforce the section. No other Town official shall investigate any potential violations. Upon a written complaint to

# The Town of Townsend

## SPECIAL TOWN MEETING MINUTES

### December 20, 2018, 7:00 p.m.

the Board of Selectmen ~~a designated member of the Board~~ the Police Chief, or his designee, shall perform a site inspection and investigation and shall report his findings to the Board of Selectmen in writing. The report shall contain the vehicle(s) identification number(s) and the property address on which the vehicle(s) is located. If the report finds that the vehicle(s) is in a violation of this section, the Board of Selectmen shall send a certified letter to the owner of the land, on which said vehicle(s) is parked, and the property owner will have 30 days to remove said vehicle(s). Whoever violates any provisions of this section of the Townsend General Bylaws shall be liable for a penalty of \$100 per day for each day of violation. Violations will be calculated from the date of the certified mailing. No penalty will be assessed if the vehicle(s) is removed within 30 days and there are no subsequent violations on the same property.

**Read by: Wayne Miller**

**Amendment was made to remove “the vehicle(s) identification number(s) and”.**

**Motion was made to move the question.**

**Vote to move the question on the amendment: Passed by majority.**

**Vote on the Amendment: Passed by majority**

**Motion was made to move the question.**

**Vote to move the question: Passed by majority.**

**Vote on the amended article: Passed by majority.**

#### **ARTICLE 27:**

I move that the Town vote to amend the Town’s General Bylaw, Chapter 127, entitled “Town Properties Committee,” as follows, with additions to the Bylaw underlined and deletions from the Bylaw ~~stricken through~~:

§ 127-1 Basic charge.

The Board of Selectmen shall annually appoint a seven-member committee to be known as the Town Properties Committee (TPC) charged with ~~assisting~~ advising the Board of Selectmen with maintenance, acquisition and sales of all Town-owned properties.

§ 127-2 Membership and appointment.

[Amended 5-4-1999 ATM by Art. 25]

The seven-member Town Properties Committee (TPC) shall be appointed by the Board of Selectmen. The Board of Selectmen shall first appoint the five members as follows: one member of the Planning Board, one member of the Finance Committee, one member of the Board of Assessors, one member of the Conservation Commission and one member of the Highway Department. If a member of any board, committee, commission or department declines an appointment, then the Board of Selectmen may substitute a member from the public-at-large. In making such substitution, the Board shall consider the recommendation of the respective board, committee, commission or department declining the appointment. The remaining two members shall appointed from the public-at-large. All members of the TPC shall be annually appointed or reappointed ~~at the Board of Selectmen's first scheduled meeting in March~~ on or before the last week of June.

**Read by: Sue Lisio**

**Voted: Passed by majority.**

#### **ARTICLE 28:**

I move that the Town vote to amend the Town’s General Bylaw, Chapter 124, entitled “Town Meeting,” Subsection 6, as follows, with additions to the Bylaw underlined and deletions from the Bylaw ~~stricken through~~:

Notice of all Town Meetings shall be given by posting an attested copy of the warrant thereof at Memorial Hall at the Center, 272 Main Street, the Police/~~Communication Center~~ Station, 70 Brookline Road, ~~North Middlesex Regional High School, 19 Main Street~~ Harbor Fire Station, 47 Main Street, ~~West Townsend Fire Station, 460 Main Street~~ West Townsend Reading Room, 264 Dudley Road and Harbor Church 80 Main Street, in said Townsend, seven days at least before the time of holding the said meeting. Note: MGL c.39 §10 specifies Special Town Meetings require 14 days before for posting of the warrant.

**Read by: Cindy King**

**Voted: Passed unanimously.**

**Motion to dissolve the Town Meeting was made and seconded. The meeting was dissolved at 10:08 p.m.**