

SPECIAL TOWN MEETING MINUTES

November 28, 2017

A Special Town Meeting was held on November 28, 2017. There were 116 voters and 1 visitor in attendance. Moderator, John Barrett, announced there was a quorum present. The meeting was called to order at 7:02 p.m. The Moderator asked those in attendance to please stand for the Pledge of Allegiance.

The Moderator introduced himself, the Town Clerk Kathleen Spofford, Board of Selectmen, Cindy King, Sue Lisio and Gordon Clark, and the Town Administrator James Kreidler. The Finance Committee Lyn Pinkerton, Andrea Wood, Sam Grant, Gene Dilda and Jerilyn Bozicas were introduced. Town Counsel was not present at this meeting.

The Moderator requested all visitors and non-voters to sit in the front rows.

The Moderator informed those present that the meeting was conducted following Town Meeting Time, which is a book written for town meetings and is a Bible for procedure if any questions come up. The Moderator asked the audience to please be recognized before you speak and he would do his best to recognize all who raises a hand so that everyone can have their say. Please direct all comments and questions to the chair, which is the Moderator. All motions must be in writing and submitted up to the Clerk. If a matter is finally voted, it may be reconsidered by a majority vote if the motion to reconsider is made this evening. If the meeting goes to a second night, an article voted on tonight may be reconsidered only by a 9/10 vote. If a vote tally is questioned, and if my ruling on a vote is questioned by seven (7) voters, the counters will be called forward and an actual standing count will be taken. If there anyone is confused about a situation on the floor, we will try to straighten things out, please state your point of order, rise to be recognized first and then state your point of order and you can interrupt the speaker if you are raising a point of order. If you wish to make a point of privilege, which is a somewhat finer distinction of what that is, such as if you are uncomfortable, cannot hear, which is not really about the parliamentary procedure but is about another factor affecting the meeting you may rise also and interrupt the speaker. Motion to move the question, by our practice, is if there has been sufficient debate and people are bringing up the same thing over and over again, a motion to the move the question may be in order. It is not debatable, however, our practice has been if you do want to make a motion to move the question, you can't be recognized to speak and then move the question at the end of your speech, thereby getting the last word in. Also, if there has been insufficient discussion the Moderator may move the motion to move the question out of order. A reminder was made to the audience to stay courteous, the meeting is being televised, and is being recorded for prosperity, so the meeting should remain calm and respectful.

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

STM ARTICLE 1

I move that the town vote to transfer from free cash in the treasury the sum of \$23,000 to replenish the FY18 Finance Committee Reserve Fund.

READ BY: Sue Lisio

Motion passed by majority

STM ARTICLE 2

I move that the town vote to amend the vote on Article 5 of ATM 05/02/2017 by reducing the FY18 Police Department personnel budget and its corresponding funding source (School Resource Officer fund) by \$44,000.00.

READ BY: Gordon Clark

Motion was made to amend Article 2:

I move to amend the motion on the floor to delete the words “reduce the FY’18 Police Department Personnel Budget by” and insert in their place the words “transfer from free cash in the treasury”.

READ BY: Heidi Messing

VOTE: Amended motion did not pass.

VOTE on Main Motion: Passed by Majority (standing vote by counters: 70 votes in favor of the article, 30 votes not in favor of the article).

STM ARTICLE 3

I move that the town vote to transfer from free cash in the treasury the sum of \$13,015.34, to fund the following bills from a prior fiscal year:

VENDOR	DEPARTMENT	FY	AMOUNT
1. Richard Cowell Tactical	Police	15	\$ 425.50
2. Comcast	Police	16	\$1945.23
3. Zoll Medical	Police	16	\$ 96.76
4. Zoll Medical	Police	16	\$ 186.15
5. Powerphone	Police	16	\$ 369.00
6. McGee Equine	Police/ACO	16	\$ 910.37
7. Axon	Police	16	\$ 69.37
8. Municipal Police Institute	Police	17	\$1080.00
9. Verizon	Police	15-17	\$3686.28
10. Virtual Town Hall	MIS	17	\$1667.00
11. P. Davis Emerg. Services	Facilities	17	\$2579.68

READ BY: Cindy King

VOTE: Motion passed by 9/10, counters counted 3 no votes and 35 yes votes.

STM ARTICLE 4

I move that the town vote to transfer from free cash in the treasury the sum of \$250,000, to supplement the Capital Stabilization Fund.

READ BY: Sue Lisio

VOTE: Passed by majority

STM ARTICLE 5

I move that the town vote to transfer from free cash in the treasury the sum of \$50,000, to fund the additional capital requests contained in the revised FY18 capital plan as follows:

- \$25,000-repair and or replacement, and any costs associated thereto, of certain audio visual equipment in the Meeting Room between the Library and the Senior Center;
- \$25,000-design,engineering and replacement of the sidewalks in the town common

READ BY: Gordon Clark

VOTE: Passed Unanimously

STM ARTICLE 6

I move that the town vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below, amending the Town Charter to conform the makeup of the Housing Authority to state law; provided however that the General Court may make 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, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

An Act Relative to the Charter of 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. Subsection 3-15(a) of article 3 of the charter of the town of Townsend, which is on file in the office of the archivist of the commonwealth, as

provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the following words: -“four shall be elected for a five year term by the voters and one shall be appointed in the manner provided by the General Law ”, and inserting in place thereof the following words: -“three members shall be elected for a five year term by the voters of the town and two members shall be elected or appointed in the manner provided by the General Laws.”

SECTION 2. This act shall take effect upon its passage.

READ BY: Cindy King

VOTE: Passed by majority

STM ARTICLE 7

I move that the town vote to amend the Town’s General Bylaw 102 by adding a new §102.5, §102.6 and §102.7 as follows:

102.5 Unlawful disposal of waste –

A. Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged any waste in a public way or upon any public property shall be punished by a fine of \$200 for each offense.

B. Waste in a Town of Townsend container: Whoever without Town authority disposes of waste by placing it in a dumpster, cart, barrel or other container owned, controled or operated by the Town of Townsend shall be punishable by a fine of \$300.

C. Importation of Waste

1. Whoever brings, disposes, stores, or places any waste from any location not eligible for curbside collection to a household shall be punished by a fine of \$300. Each piece of waste shall constitute a separate offense.

2. Whoever brings, disposes, stores or places any waste including Construction and Demolition, CRTs and White Goods, from any location to another, within the Town, for the purpose of “centralizing”, dismantling, remanufacturing, disassembling, shall be punished by a fine of \$300.

D. Banned waste, Restricted Material: Unless otherwise specified under this chapter, whoever places for curbside collection any waste banned by state or federal law, rule or regulation, including but not limited to hazardous waste, hazardous materials, universal waste, sewage, ash, sludge, coal, cans containing paint or aerosol, mirrors, window glass, motorized equipment, motorized vehicles and parts, tires and rims, motor vehicle products, oils, machinery, stumps, all branches and limbs not defined as yard waste, electronics, construction and

demolition materials, rocks, boulders, concrete footings, asphalt, pavement, brick, concrete, metal and wood, sheetrock/plaster/lath, roofing, siding, insulation, chemicals, explosives and storage tanks, shall be punished by a fine of \$300. Each piece of waste shall constitute of a separate offense.

E. Waste in or adjacent to a privately controlled container: Whoever without the owner's authority disposes of waste by placing it in a dumpster, cart, barrel or other container owned, controlled or operated by a private party shall be punished by a fine of \$300.

F. Waste on Private Property: Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged any waste on a private way or upon any private property shall be punished by a fine of \$300 for each offense.

102.6 Scavenging of curbside collection materials

It shall be a violation of this section if any person, other than authorized agents of the Town acting in the course of their employment or contract, collects or causes to be collected any waste so placed. Each and every such collection in violation hereof from one or more location shall constitute of separate and distinct offense. Any violation of this subsection shall be punishable by a fine of \$300.

102.7 Severability

The provisions of this chapter are severable and the invalidity of any section or provision of these Regulations, as determined by a Court of competent jurisdiction, shall not invalidate any other section or provision thereof.

Non-Criminal Disposition: Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Separate Violations: Each day any violation exists shall be deemed to be a separate offense.

Enforcement: Enforcement of this regulation shall be by the Townsend Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Townsend Board of Health or its designated agent(s) and the Board shall investigate.

READ BY: James Le'Cuyer

There was a motion to amend the article:

I move to amend Article 7 by changing the word “with” to the word “without, change “locations hall” to “location shall” and to remove the word “of” in the last line of Section D.

SUBMITTED BY: Sue Lisio

VOTED: Passed by majority

There was a motion to amend Article 7 by removing the entire Section 102.6.

SUBMITTED BY: Cindy King

VOTE: Amendment did not pass.

A motion was made to commit Article 7 to the Board of Health for review.

SUBMITTED BY: Sue Lisio

VOTED: Motion passed by majority

STM ARTICLE 8

I move that the town vote to amend the Town’s Zoning Bylaw by adding a new §145-89

TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 145-89 “Temporary Moratorium on Recreational Marijuana Establishments:”

§ 145-89 Temporary Moratorium on Recreational Marijuana

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.”

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 December 31, 2018 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 Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

READ BY: John King

VOTE: Motion passed, declared 2/3 by the Moderator

Motion to dissolve the meeting, the motion was seconded.

Motion passed and meeting was dissolved at 8:53 p.m.