

## SPECIAL AND ANNUAL TOWN MEETING MINUTES

May 3, 2016

The Special and Annual Town Meetings were held on May 3, 2016. We had 192 voters and 22 visitors attend. The evening began with Shirley Coit, TEMA Director, with helpful hints on how to prepare your home when you leave on vacation. Board of Selectmen Chair, Carolyn Smart, introduced the new Police Chief, Robert Eaton. He addressed the audience with his plans and goals for the Police Department. He supports training for the officers. He also wanted the residents to know that his office is always open to them, to stop in at any time or to call or e-mail him.

Moderator, John Barrett, announced there was a quorum present. He called the Town Meeting to order at 7:03 p.m. He called on the Town Clerk, Kathleen Spofford, for the reading of the return of the warrant. The Moderator asked those in attendance to please stand for the Pledge of Allegiance. He then introduced himself to the audience as well as the Town Clerk, Kathleen Spofford, the Board of Selectmen, Carolyn Smart, Gordon Clark, Cindy King, Town Administrator, James Kreidler and Town Counsel, David Jenkins, the Finance Committee Sam Grant, Andrea Wood, Mary Letourneau, Don Klein, Gini Lee King, Lynn Pinkerton and Nancy Rapoza

The Moderator informed the audience the meeting would be conducted according to Parliamentary Procedures as noted in Town Meeting Time. As a rule there are some traditions the Town has; if you want to speak, wait until you are recognized, raise your hand and I will call on you. After you have been called upon, state your name and address. I ask that anyone that is a visitor, who is not a town voter, to sit in the front. Visitors are allowed to speak if there are no objections or if I determine that what they have to contribute would help the meeting make decisions but otherwise visitors cannot vote on matters. Please direct all comments and questions to the chair. All motions must be in writing and given to the Town Clerk. If a matter has been voted on tonight, to be reconsidered tonight would take a majority vote, but if the meeting goes into a second night, to be reconsidered would take a 9/10 vote. If a vote is questioned by (7) seven people, the counters will be called otherwise the count is by my determination and I may call the counters to come out. 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. When this motion is made, 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. One last point, anyone wishing to speak must wait for the microphone so that all members on the floor can hear as well as the people viewing from home.

Carolyn Smart was recognized by the Moderator.

I move to recess the annual town meeting until after the conclusion of the special town meeting.

**Read by: Carolyn Smart**

**Voted: Passed unanimously**

The special town meeting was convened at 7:08 pm. Reading of the return of the warrant for the Special Town Meeting was read by the Town Clerk. Deputy Town Moderator, Gene Rauhala, was sworn in at this time.

### **ARTICLE 1**

I move that the Town vote to transfer from free cash the sum of **\$9,696.92** for the purpose of paying prior fiscal year bills.

**Read by: Cindy King**

**Voted: Passed unanimously**

### **ARTICLE 2**

I move that the Town vote to transfer from free cash the sum of **\$10,000.00** for the purpose of supplementing Account # 210 Police Expense Account in the FY16 budget.

**Read by: Carolyn Smart**

**Voted: Passed unanimously**

### **ARTICLE 3**

I move that the Town vote to transfer from free cash the sum of **\$40,000.00** for the purpose of supplementing Account #543/544 Veterans Benefits Account in the FY16 budget.

**Read by: Gordon Clark**

**Voted: Passed Unanimously**

### **ARTICLE 4**

I move that the Town vote to transfer from free cash the sum of **\$4,303.00** for the purpose of supplementing Account # 610 Library Personnel Account in the FY16 budget.

**Read by: Cindy King**

**Voted: Passed Unanimously**

### **ARTICLE 5**

I move that the Town vote to transfer from Cable Receipts Reserved for Appropriation the sum of **\$12,500.00** for the purpose of supplementing Account # 155 Management Information Systems Account in the FY16 budget.

**Read by: Gordon Clark**

**Voted: Passed Unanimously**

### **ARTICLE 6**

I move that the Town vote to transfer from free cash the sum of **\$194,000.00** (\$74,000 for FY15 and \$120,000 for FY16) for the purpose of offsetting FY15 and

FY16 Snow and Ice Deficits under the provisions of Massachusetts General Laws Chapter 44, Section 31D.

**Read by: Carolyn Smart**  
**Voted: Passed Unanimously**

#### **ARTICLE 7**

I move that the Town vote to transfer from free cash the sum of **\$2,900.00** for the purpose of providing auditing services for the Town's Fixed Capital Assets for the fiscal year end 2015.

**Read by: Cindy King**  
**Voted: Passed Unanimously**

#### **ARTICLE 8**

I move that the Town vote to transfer from free cash the sum of **\$15,000.00** for the purpose of paying for the demolition and related costs of the residential structure at 5 Aquarius Lane and confirm the placement of a lien upon the property for the full value of the work performed.

**Read by: Gordon Clark**  
**Voted: Passed by majority**

#### **ARTICLE 9**

I move that the Town vote to transfer from free cash the sum of **\$20,000.00** to make whole a retired employee, due to no fault of his own, with respect to an expired life insurance policy, utilizing whatever appropriate mechanism may be available therefor, including the purchase of an annuity, or settlement of any claim or claims related thereto.

**Read by: Carolyn Smart**  
**Voted: Passed by majority**

#### **ARTICLE 10**

(This \$26,935 article was submitted by petition to increase the Library's current year budget.)  
The board of Library Trustees moved to take no action to see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$26,935.00** to supplement the FY16 Library operating budget or take any other action in relation thereto.

**Read by: Cheryl Cloutier**  
**Voted: Passed unanimously**

#### **ARTICLE 11**

I move that the Town vote to transfer from free cash the sum of \$1,449.36 for the purpose of supplementing the FY16 Council on Aging budget.

**Read by: Cindy King**  
**Voted: Passed by majority**

I move to dissolve the special town meeting and to reopen the annual town meeting.

**Read by: Carolyn Smart**  
**Voted: Passed unanimously**

Annual Town Meeting resumed at 7:50 p.m.

### **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 Massachusetts General Law, by Town Charter, or by vote of the Town.

**Read by: Gordon Clark**  
**Vote: Passed by majority**

### **ARTICLE 2**

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

**Read by: Carolyn Smart**  
**Voted: Passed by majority**

### **ARTICLE 3**

I move that the Town vote to appoint Kenneth Gerken, Michael Marchand and Pamela 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.

**Read by: Cindy King**  
**Voted: Passed unanimously**

A motion was made from the floor by Lisa Lewand to vote on Article 33, out of order from the warrant. The motion was seconded.

**Voted: The motion did not carry**

### **ARTICLE 4**

I move that the Town vote to continue to authorize revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for FY2017 beginning July 1,

with the specified receipts credited to each fund, the purposes for which each fund may be spent, the amount annual expenditures shall not exceed, and the entity authorized to expend from the fund, as outlined in the table in the warrant.

**Read by: Gordon Clark**  
**Voted: Passed Unanimously**

#### ARTICLE 5

I move that the Town vote to raise and appropriate and transfer from available funds\* in the treasury, such sums that may be necessary to defray the charges and expenses of the Town for Fiscal Year 2017 pursuant to a detailed budget handout totaling **\$19,795,521.16.**

This motion was amended as follows:

I move to that the Town raise and appropriate the amount of **\$16,295.00** to amend Article 5, Department 171, Conservation Agent Wages to increase the total amount of wages to **\$39,175.00,** for a total amount for Conservation Commission of **\$41,025.00.**

**Read by: Karen Chapman**  
**Voted: Passed by majority**

I move to amend the budget by increasing the library personnel budget by **\$3653.00** and by increasing the library expense budget by **\$1542.00** for new culture and recreation total of **\$301,940.00** and a grand total budget under this article of **\$19,800,716.16.**

**Read by: Carolyn Smart**  
**Voted: Passed by majority**

<b>*FUND:</b>	<b>PURPOSE:</b>	<b>AMOUNT:</b>
Cemetery Sale of Lots	Cemetery Operating and Capital Needs	\$ 6,300.00
Comcast Government Access	Operating Costs of the MIS Department	\$ 30,000.00
Title 5 MWPAT	Supplement to MWPAT Debt Repayment	\$ 27,538.00
West Townsend Reading Room	Supplemental Funding to Operate the WTRR	\$ 2,900.00
Ambulance Receipts Reserved	Supplemental Funding to Operate the EMS	\$275,000.00
Wetlands Protection Fund	Supplemental Funding for Conservation Com.	\$ 5,721.00
Capital Stabilization Fund	To pay prior approved debt per capital plan	\$132, 780.00

I move that the Town vote to raise and appropriate and transfer from available funds\* in the treasury, such sums that may be necessary to defray the charges and expenses of the Town for Fiscal Year 2017 pursuant to a detailed budget handout totaling **\$19,817,058.16.**

**Read by: Carolyn Smart**  
**Voted: Passed unanimously**

#### **ARTICLE 6**

I move that the Town vote to raise and appropriate the sum of **\$109,000.00** to create a reserve fund for negotiated contract settlement, schedule and hour changes and salary adjustments for union and non-union employees.

**Read by: Cindy King**

**Voted: Passed unanimously**

#### **ARTICLE 7**

I move that the Town vote to confirm the salary and compensation of the Town Clerk as provided by Massachusetts General Laws Chapter 41, Section 108A, as amended, and as fixed and appropriated in this warrant under Article 5 which includes a longevity payment for the Town Clerk in the amount of **\$600.00**.

**Read by: Gordon Clark**

**Voted: Passed unanimously**

#### **ARTICLE 8**

The Library Board of Trustees move that the Town vote to take no action to see if the town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$\_\_\_\_\_ to supplement the FY17 library operating budget, or take any other action in relation thereto.

**Read by: Cheryl Cloutier**

**Voted: Passed unanimously**

#### **ARTICLE 9**

I move that the Town vote to appropriate the sum of **\$856,813.71** to operate the Water Department for Fiscal Year 2017 and that **\$667,742.00** of this sum come from Water Enterprise Fund revenues and, in order to fund the cost of inter-municipal expenses, that **\$189,071.71** of this sum be appropriated in the general fund and funded from enterprise revenues.

**Read by: Paul Rafuse**

**Voted: Passed unanimously**

#### **ARTICLE 10**

I move that the Town vote to transfer from free cash the sum of **\$100,000.00** for the purpose of paying off debt incurred related to the FY16 roadway improvements.

**Read by: Gordon Clark**

**Voted: Passed unanimously**

#### **ARTICLE 11**

I move that the Town vote to transfer from free cash the sum of **\$100,000.00** for the purpose of roadway improvements.

**Read by: Carolyn Smart**

**Voted: Passed unanimously**

#### **ARTICLE 12**

I move that the Town vote to transfer from free cash the sum of **\$100,000.00** for the purpose of paying off debt incurred related to the FY16 Capital Plan borrowing.

**Read by: Cindy King**

**Voted: Passed unanimously**

#### **ARTICLE 13**

I move that the Town vote to transfer from the Ambulance Receipts Reserved for Appropriation Account the sum of **\$12,000.00** for the for the purpose of purchasing state mandated IV Pumps for the Fire-EMS Department.

**Read by: Gordon Clark**

**Voted: Passed unanimously**

#### **ARTICLE 14**

I move that the Town vote to transfer from the Ambulance Receipts Reserved for Appropriation Account the sum of **\$60,333** for the first year of a lease-purchase agreement for the purchase and equipping of a new ambulance for the Fire-EMS Department, and, as may be necessary therefor, to authorize the Town to enter into a lease-purchase agreement for a period of up to or in excess of three years for such purposes.

**Read by: Carolyn Smart**

**Vote: Passed Unanimously**

#### **ARTICLE 15**

I move that the Town vote to transfer from the Water Enterprise Retained Earnings Account the sum of **\$40,000.00** for the for the purpose of replacing and upgrading the Witches Brook Pump Station #1.

**Read by: Paul Rafuse**

**Voted: Passed unanimously**

**ARTICLE 16**

I move that the Town vote to take no action on article 16.

**Read by: Paul Rafuse**

**Voted: Passed unanimously**

**ARTICLE 17**

I move that the Town take no action on article 17.

**Read by: Paul Rafuse**

**Voted: Passed unanimously**

**ARTICLE 18**

I move that the Town vote to transfer from the Water Enterprise Retained Earnings Account the sum of **\$75,000.00** for the for the purpose of repair and maintenance of the Highland St. storage tank.

**Read by: Paul Rafuse**

**Voted: Passed unanimously**

**ARTICLE 19**

I move that the Town vote to raise and appropriate the sum of **\$4,000.00** for the purpose of funding the Assessors' FY17 Periodic Inspections and Property Data Verification Program as mandated by the Massachusetts Department of Revenue, Bureau of Local Assessments.

**Read by: Cindy King**

**Voted: Passed unanimously**

**ARTICLE 20**

I move that the Town vote to transfer from free cash the sum of **\$78,119.00** for the purpose of providing funds for emergency generators, which funds will be reimbursed at 75% pursuant to MEMA hazard mitigation planning grants.

**Read by: Gordon Clark**

**Voted: Passed by majority**



#### **ARTICLE 21**

I move that the Town vote to rescind the balance of **\$99,285.00** of the borrowing authorization approved under Article 23 of the May 6, 2014 Annual Town Meeting.

**Read by: Carolyn Smart**

**Voted: Passed unanimously**

#### **ARTICLE 22**

I move that the Town vote to transfer from free cash the sum of **\$5,000.00** for the purpose of supplementing the Conservation Commission's land fund.

**Read by: Cindy King**

**Voted: Passed unanimously**

#### **ARTICLE 23**

I move that the Town vote to accept the provisions of Massachusetts General Law chapter 44, section 53F3/4 in order to establish a separate revenue account to be known as the "PEG Access and Cable Related Fund" into which will be deposited funds received in connection with a franchise agreement between the Town's cable operator and the Town and from which monies shall only be appropriated for cable-related purposes consistent with the franchise agreement, including but not limited to : (i) support of public, educational, or governmental access cable television services; (ii) monitoring compliance of the cable operator with the franchise agreement; or (iii) preparing for renewal of the franchise license.

**Read by: Gordon Clark**

**Voted: Passed unanimously**

#### **ARTICLE 24**

I move that the Town vote to appropriate by transfer **\$130,000.00** from Cable receipts reserved to the PEG Access and Cable Related Fund created under Article 23.

**Read by: Carolyn Smart**

**Voted: Passed unanimously**

#### **ARTICLE 25**

I move that the Town vote transfer from the PEG Access and Cable Related Fund, the sum of **\$130,000.00** for PEG Access and Cable Related expenses for FY2017.

**Read by: Cindy King**

**Voted: Passed unanimously**

## **ARTICLE 26**

I move that the Town vote to take no action on article 26.

**Read by: Gordon Clark**

**Voted: Passed unanimously**

## **ARTICLE 27**

I move that the Town vote to take no action on article 27.

**Read by: Carolyn Smart**

**Voted: Passed unanimously**

## **ARTICLE 28**

I move that the Town vote to amend the General Bylaws to add Chapter 87 entitled “Outdoor Water Use Bylaw” by adopting the following:

### **CHAPTER 87: OUTDOOR WATER USE BYLAW**

#### **Section 1: Authority**

This Bylaw is adopted by the Town of Townsend under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c.40, §§21 et seq. and implements the Town’s authority to regulate water use pursuant to M.G.L. c.41, §69B. This bylaw also implements the Town’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection (DEP) under G.L. c. 21G, §15-17. This bylaw is also intended to implement other water conservation requirements of M.G.L. c. 21G, the “Massachusetts Water Management Act” and its regulations promulgated at 310 CMR 36.00.

#### **Section 2: Purpose**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a “State of Water Supply Conservation” or a “State of Water Supply Emergency” by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town of Townsend in accordance with this bylaw and/or by the DEP under its state law authorities.

#### **Section 3: Applicability**

All Town residents that are customers of the public water supply system shall be subject to this bylaw. This bylaw shall be in effect May 1st – September 30th.

#### **Section 4: Definitions**

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Automatic sprinkler system shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant cooling).

Nonessential outdoor water uses that are subject to mandatory restrictions include:

1. irrigation of lawns via sprinklers or automatic irrigation systems;
2. washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
3. washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

**Exceptions to nonessential outdoor water uses are:**

1. irrigation of public parks and recreation fields outside the hours of 9 AM to 5 PM and;
2. irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9 AM to 5 PM and;
3. irrigation outside the hours of 9 AM to 5 PM with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and approval by the Town of Townsend, through its Board of Water Commissioners or their designee:

1. irrigation to establish replanted or resodded lawn or plantings during the months of May through September;
2. irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
3. Filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town of Townsend pursuant to Section 5 of this by-law.

Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for billing purposes for use of the water.

Water Users shall mean all persons using water within the Town's Water Distribution System.

### **Section 5: Declaration of a State of Water Supply Conservation**

The Town of Townsend, through its Board of Water Commissioners or their designee authorized to act as such, may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Water Department Superintendent or Town Administrator to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this by-law before it may be enforced.

### **Section 6: Declaration of a State of Water Supply Emergency**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency.

### **Section 7: Restricted Water Uses**

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 8.

- A. Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.
- B. Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- C. Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.

- D. Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- E. Automatic sprinkler system ban: The use of automatic sprinkler systems is prohibited.

## **Section 8: Public Notification of a State of Water Supply Conservation or State of Water Supply Emergency; Notification of DEP**

- A. Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town of Townsend as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. The Town of Townsend may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users.
- B. Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Town of Townsend may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration of a State of Water Supply Emergency. Notification may also include email, web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users of the State of Water Supply Emergency.
- C. Any restriction imposed under Section 5 or Section 6 or in the Department's State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP's form "Notification of Water Use Restriction" shall be provided to the Massachusetts DEP within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

## **Section 9: Termination of a State of Water Supply Conservation; Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8a) for notice of its imposition.

## **Section 10: Termination of a State of Water Supply Emergency; Notice**

Upon notification to the Town of Townsend or Water Commissioners or their designee or to the Water Department that the declaration of a State of Water Supply Emergency has been terminated by the DEP, the public will be notified of the termination in the same manner as is required in Section 8B for notice of its imposition.

## **Section 11: Penalties**

The Town through its Water Commissioners or their designee including the water superintendent, water technicians and/or building inspector may enforce this bylaw. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- A. First violation: Verbal Warning
- B. Second violation: Written Warning
- C. Third violation: \$ 100
- D. Fourth and subsequent violations: \$ 200

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be the water superintendent or the superintendent's designee. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

## **Section 12: Severability**

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

## **Section 13: Controls on In-Ground Irrigation Systems**

All In-Ground Irrigation Systems, including soil moisture sensor devices and backflow prevention devices must comply with Section 19 of the Townsend Water Department Rules, Regulations, and Rates.

Or take any other action in relation thereto.

A motion was made from the floor as follows:

I motion to amend Section 11 on the lettered list to read:

- C. Third violation: \$0.10.
- D. Fourth and subsequent violations: \$0.20.

**Read by: Ryan Abraham**

**Voted: Motion did not carry**

SUBMITTED BY: Board of Water Commissioners

**Read by: Paul Rafuse, Water Commissioner**

**Voted: Passed by majority**

**ARTICLE 29**

I move that the Town vote to amend the General Bylaws, Section 1-1 to insert a new section K, as follows:

K. Outdoor Water Use Bylaw.

(1) Enforcing Officers:

- (a) Water Superintendent
- (b) Water Technicians

(2) Fine Schedule:

- |                                       |                 |
|---------------------------------------|-----------------|
| (a) First Offense:                    | Verbal Warning  |
| (b) Second Offense:                   | Written Warning |
| (c) Third Offense:                    | \$100           |
| (d) Fourth and Subsequent Offense(s): | \$200           |

**Ready by: Gordon Clark**

**Voted: Passed by majority**

**ARTICLE 30**

I move that the Town vote to accept the layout of “Alyssa Drive” as a public town way shown on a plan entitled “Definitive Residential Subdivision” dated March 2005 and as further described in the warrant, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out for all purposes for which public ways are used in the Town of Townsend.

(As noted in the Annual Town Warrant: “Lay out of Alyssa Drive dated March 2005 and recorded at the Middlesex Registry of Deeds, Southern District as Plan #71 of 2008, extending westerly from Ash Street with a length of approximately 3,350 feet and a right of way width of 50 feet; to include three drainage easements labeled “Drainage Easement 1”, “Drainage Easement 2” and “Drainage Easement 3” as shown on a plan entitled “Plan of Easement – Alyssa Drive” with a revision date of April 17, 2007, and recorded as Plan #71 of 2008; or take any other action in relation thereto”)

**Ready by: Cindy King**

**Voted: Passed unanimously**

### **ARTICLE 31**

I move that the Town vote to accept the layout of Trophy Avenue as a public town way, as shown on a plan dated July 13, 2015, entitled “Street Acceptance Plan, Trophy Avenue, Townsend, MA” as further described in the warrant, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out for all purposes for which public ways are used in the Town of Townsend.

(As noted in the Annual Town Warrant: “Layout of Trophy Avenue as a public town way, as shown on a plan dated July 13, 2015 entitled” Street Acceptance Plan, Trophy Avenue, Townsend, MA” recorded as plan #719 of 2013 in the Middlesex South Registry of Deeds and having an approximate length of 504 feet and a right of way of 50 feet; including a drainage easement on Lot 7 of approximately 8,993 square feet, access easement A on Lot 7 to open space of approximately 3,117 square feet and access easement B on Lot 7 to open space of approximately 16,780 square feet. Said proposed way is to be called Trophy Avenue.)

**Read by: Gordon Clark**

**Voted: Passed unanimously**

### **ARTICLE 32**

I move that the Town vote to amend the Town’s Zoning Bylaw to enlarge the ground mounted solar energy overlay district by striking the words “Town-owned” from Section-145-86B and by adding the following new parcels to the list of parcels in the solar energy overlay district;

- (4) Map 4, Block 15, Lot 0
- (5) Map 4, Block 16, Lot 0
- (6) Map 4, Block 17, Lot 0
- (7) Map 4, Block 22, Lot 0
- (8) Map 4, Block 9, Lot 1
- (9) Map 4, Block 9, Lot 0
- (10) Map 4, Block 4, Lot 0

**Read by: John Barrett**

Motion from the floor to take no action was made and seconded.

**Voted: Passed by majority to take no action on Article 32.**

### **ARTICLE 33**

I move that the Town vote, in accordance with the Town of Townsend Charter, Section 3-2, Selectmen, (a) Composition and Term of office, to change the size of said Board of Selectmen from three (3) to five (5) members, provided that such change in the size of the Board shall be presented for ratification to the voters of the Town at the 2017 Annual Town Election and that



| such five (5) member Board would have three (3) year overlapping terms, so arranged that as nearly an equal number of members as possible shall expire each year.

**Read by: Cindy King**

**Voted: Passed by 2/3 vote. 86 yes and 34 no.**

The meeting was dissolved at 11:19 p.m., May 3, 2016