

Town of Rowley, Commonwealth of Massachusetts  
**MINUTES OF SPECIAL TOWN MEETING**  
May 18, 2009

Tellers appointed: Peter Koester, 26 Long Hill Rd., Joseph Perry, 7 Bennett Hill Rd.,  
Edward Mavragis, 40 Weldon Farm Rd., and Karen Summit, 118 Central St.  
Invocation by Rev. Robert M.J. Hagopian of the First Congregational Church.  
Pledge of Allegiance lead by Board of Selectmen Chair, David C. Petersen.  
Quorum certified by Board of Registrars and Special Town Meeting called to order at 8:09.

Essex, ss.

To the Constables in the Town of Rowley in the County of Essex, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Rowley, qualified to vote in elections and Town Affairs, to meet in the Pine Grove School, Route 1A, on Monday, the 18<sup>th</sup> day of May, 2009 at 7:30 p.m., then and there to act on the following articles:

**MOTION:** Mr. Moderator, I move to suspend further reading of the May 18, 2009 Special Town Meeting Warrant because present Town Meeting members have a copy of this warrant.

*Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:15 pm*

ARTICLE 1. To hear and act on reports of Committees and Boards.

(Inserted by the Board of Selectmen)

ARTICLE 2. To see what instructions the Town will give Town Officers.

(Inserted by the Board of Selectmen)

**MOTION:** Move to allow the following non-resident individuals permission to speak, if called upon, during the May 18, 2009 Annual Town Meeting: Judith Pickett, Town Counsel; Jason Grossfield, Town Counsel; Deborah Eagan, Town Administrator; Brent Baeslack, Conservation Agent; Frank Marchigiani, Coordinator of Health Services; David Lovering, Building Inspector; James Broderick, Fire Chief; Pam Jacobson, Library Director; John, Rezza, Water Superintendent; Sandra Halloran, TRSD Superintendent; and William DeRosa, Whittier Superintendent.

*Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:17 pm.*

ARTICLE 3. Move the Town vote to suspend in the Town Meeting the application of Section 19 and Section 20 of the Town Meeting Bylaw pertaining to the reconsideration of all money articles, such suspension intended for the specific purpose to balance the total level of funds raised and appropriated within the limitations of Massachusetts General Laws Chapter 59 Section 21C [Proposition 2-1/2, so-called] and to give blanket warning hereby that any money article may, at the end of the meeting and after all articles have been acted upon, be moved for reconsideration in order to balance the total level of funds raised and appropriated within the limitations of Massachusetts General Laws Chapter 59 Section 21C.

Inserted by the Board of Selectmen

*Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:18 pm.*

ARTICLE 4. Move the Town vote to transfer and appropriate the sum of \$5,000 from Line 29 (Town Counsel Litigation) of Article 5 of the Annual Town Meeting of May 19, 2008 to be added to Line 7 (Selectmen's Expense) of Article 5 of the Annual Town Meeting of May 19, 2008 to pay for the expenses

incurred to hold this Special Town Meeting and the Annual Town Meeting, for a total appropriation of \$19,023.

Inserted by the Board of Selectmen

**Finance Committee Recommends**

*Motion by Jack L. Cook, seconded by Stuart L. Dalzell, Sr., passed voice unanimous at 8:19 pm.*

ARTICLE 5. Move the Town vote to transfer and appropriate the sum of \$31,000 from the Sale of Real Estate Account to be used by the Police Chief to purchase a new Police Department cruiser.

Inserted by the Board of Selectmen

**Finance Committee Recommends**

*Explanatory Note: The Town has not purchased a police cruiser since FY 08. It is vital for the Town to maintain a vehicle replacement program as a way to avoid costly repairs for these frontline emergency vehicles*

*Motion by Jack L. Cook, seconded by Stuart L. Dalzell, Sr., passed voice unanimous at 8:20 pm*

ARTICLE: 6. Move the Town (a) appropriate \$111,000, to be expended by the Board of Selectmen for the purpose of purchasing the following capital equipment: Fire Department vehicle for \$34,000; Highway Department truck for \$36,000; Fire Department radios for \$16,000; and information services computers and equipment for \$25,000 and (b) authorize the Treasurer with the approval of the Board of Selectmen to borrow \$111,000 under G.L. Chapter 44 §7 or any other enabling authority to meet such appropriation; and (c) authorize the Board of Selectmen to take any other action necessary to carry out this project.

Inserted by the Board of Selectmen

**Finance Committee Recommends**

*Explanatory Note: This capital equipment bond serves as the Board of Selectmen's first step in scheduling replacement targets for Town vehicles and information services infrastructure equipment. Passage requires a two-thirds vote.*

*Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:21 pm.*

ARTICLE 7. Move the Town vote to transfer and appropriate from the Water Department Enterprise Fund the sum of \$52,000 for the purpose of replacing the motor center, surge valve and the purchase and installation of an emergency generator at Well #2 – Haverhill Street and to authorize the Board of Water Commissioners to take any action necessary to carry out this project, or take any other action relative thereto.

Inserted by the Board of Water Commissioners

**Finance Committee Recommends**

*Explanatory Note: The existing motor center and surge valve is approaching 50 years old and has experienced some recent failures. As Wellfield #2 is our highest production well, the Board of Water Commissioners feels that the upgrade and addition of standby power through the purchase of an emergency generator is necessary for reliable operation under normal and emergency circumstances.*

*Motion by Scott C. Martin, seconded by Timothy Toomey, passed voice unanimous at 8:22 pm.*

ARTICLE 8. Move the Town vote to transfer \$11,600.01 from Article 3 (Haverhill Street Water Main) of the June 26, 1996 Special Town Meeting to Article 11 (SCADA Control System) of the May 12, 2003 Annual Town Meeting for a total appropriation of \$42,748.75.

Inserted by the Board of Water Commissioners

**Finance Committee Recommends**

*Motion by Scott C. Martin, seconded by Roy Ricker, Sr., passed voice unanimous at 8:23 pm.*

ARTICLE 9. Move the Town vote to accept as a town way, the laying out by the Board of Selectmen of the private way known as Wilkes Road, situated on the westerly sideline of Cindy Lane and running a distance of 1,695 feet to Harrison Circle, shown on a plan entitled "Street Acceptance Plan Wilkes Road Rowley, Mass.", dated Sept. 5, 2007, revised 9-19-07, to be recorded herewith, this being the roadway shown on a plan entitled "Definitive Plan Wilkes Road, Rowley, Mass. Hayes Engineering", dated September 3, 1996, and amended through August 15, 1997, recorded with Essex South Registry of Deeds as Plan 78 in Plan Book 323, and to authorize the Board of Selectmen to acquire by gift or deed, the land, easements, and rights therein.

Inserted by the Board of Selectmen

*Motion by Robert Snow, seconded by Jack L. Cook, passed voice unanimous at 8:24 pm.*

ARTICLE 10. Move the Town vote to authorize the Board of Selectmen, pursuant to Mass. General Laws c. 40, §4, to enter into a lease agreement for up to ten years for certain property; said lease to be for the purpose of maintaining a fire station on said property for use by the Fire Department; and to be upon such terms and for such length of time as the Board of Selectmen deems proper.

Inserted by the Board of Selectmen

**Finance Committee Recommends**

*Explanatory Note: The Town of Rowley does not own a fire station. In order to lease real property for the use of a fire station by the Rowley Fire Department, the Town must follow the purchasing requirements as set out in Mass. General Laws c.30B §16. Mass. General Laws c. 40 §4 authorizes the Board of Selectmen to enter into a lease agreement with a private landowner.*

*Motion by Richard M. Cummings, seconded by David C. Petersen, passed voice unanimous at 8:25 pm.*

**MOTION:** Move the Town vote to adjourn the May 18, 2009 Special Town Meeting.

*Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:26 pm.*

And you are hereby instructed to serve this warrant by posting copies thereof in at least seven public places in Town not less than fourteen days before the day fixed for such meeting, as directed by the laws of the Town and to make due return of the Warrant to the Town Clerk at least two days before said meeting. Given under our hands this 29th day of April in the year two thousand nine.

**David C. Petersen, Chairman**  
**Richard M. Cummings, Vice Chairman**  
**Robert Snow, Clerk**  
**Jack L. Cook**  
**Stuart L. Dalzell, Sr.**

I have served this Warrant by posting in at least seven public places in the Town not less than fourteen days before the day fixed for such meeting and have made the return of the Warrant to the Town Clerk at least two days before the time of said meeting.

Notices posted at Town Hall, Veterans Garage, Rowley Pharmacy, Inc., Public Library, Knowles Filling Station, Market Basket, Skip's Country Store.

**Nathaniel N. Dummer, Constable**  
**May 1, 2009**

**Certification: I, Susan G. Hazen, duly elected and qualified Town Clerk for the Town of Rowley do hereby certify the statements contained above with regard to the Minutes of the May 18, 2009 Special Town Meeting to be true and accurate according to documents maintained by this office.**

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**Susan G. Hazen, Town Clerk**  
**May 20, 2009**

