

Town of Rowley, Commonwealth of Massachusetts
WARRANT and MINUTES OF SPECIAL TOWN MEETING
January 11, 2010

Tellers appointed: Elizabeth Tucker, 186 Central St., Shirley Faulkner, 89 Weldon Farm Rd., G. Robert Merry, 40 Warehouse Lane, Jami Snow, 7 Saunders Lane.

Quorum of 100 certified at 7:30 pm

Meeting called to order by Town Clerk Susan G. Hazen. Due to the absence of Moderator Warren G. Appell, the Town Clerk announced that according to MGL, nominations would be accepted from the floor for the position of Moderator.

NOMINATION: I nominate Joan C. Petersen of 25 Newbury Rd as temporary or interim Moderator for the January 11, 2010 Special Town Meeting.

Motion by Mark Emery, seconded by Robert Barker, passed voice unanimous at 7:33 pm

No further nomination forthcoming, nominations were closed.

Motion by David C. Petersen, seconded by Robert Snow

Motion to allow the Town Clerk to cast one ballot for the nomination of Joan C. Petersen of 25 Newbury Road to act as temporary or interim moderator for the January 11, 2010 Special Town Meeting *Motion by Shirley Faulkner, seconded by Carolyn Peabody*

Town Clerk Susan Hazen cast one ballot for the appointment of Joan C. Petersen of 25 Newbury Road to act as temporary or interim Moderator for the January 11, 2010 Special Town Meeting.

Mrs. Petersen was sworn in as temporary moderator for the January 11, 2010 Special Town Meeting. The Pledge of Allegiance and Invocation was lead by Mrs. Petersen

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 11^h day of January, 2010 at 7:30 p.m., then and there to act on the following articles:

MOTION: I move to suspend further reading of the January 11, 2010 Special Town Meeting Warrant because present Town Meeting members have a copy of this warrant.

Motion by David C. Petersen, seconded by Robert Snow, passed voice unanimous at 7:37 pm

MOTION: I move to allow the following non-resident individuals permission to speak, if called upon, during the January 11, 2010 Special Town Meeting: Judith Pickett, Town Counsel, Deborah Eagan, Town Administrator, James Broderick, Fire Chief, John Rezza, Water Superintendent and Brent Baeslack, Conservation Commission Agent.

Motion by David C. Petersen, seconded by Robert Snow, passed voice unanimous at 7:38 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)

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 Robert Snow, seconded by Richard Cummings, passed voice unanimous at 7:40 pm

ARTICLE 4. Move the Town vote to transfer and appropriate the sum of \$3,000 from Line 29 (Town Counsel Litigation) of Article 5 of the Annual Town Meeting of May 18, 2009 to be added to Line 7 (Selectmen's Expense) of Article 5 of the Annual Town Meeting of May 18, 2009 to pay for the expenses incurred to hold this Special Town Meeting, for a total appropriation of \$17,117.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Motion by Jack L. Cook, seconded by Stuart Dalzell, Sr., passed voice unanimous at 7:42 pm

MOTION: I move the town vote to allow Blake Martin and Barbara Cook from Weston and Sampson (Engineers) to speak on Article #5.

Motion by Scott C. Martin, seconded by Roy Ricker, Sr., passed voice unanimous at 7:44 pm

ARTICLE 5. Move the Town vote to transfer and appropriate the sum of \$83,000 from the Water Department Enterprise Free Cash account and transfer and appropriate the sum of \$42,748.75 from Article 11 (SCADA) of the Annual Town Meeting of May 14, 2003 for a total appropriation of \$125,748.75 to be used by the Board of Water Commissioners to fund a water quality pilot testing program to determine a water treatment process for a water treatment facility.

Inserted by the Board of Water Commissioners

F i n a n c e

Committee Recommends

Presentation by Water Board Chair Scott C. Martin, Water Superintendent John Rezza, Blake Martin and Barbara Cook of Weston and Sampson followed by questions and answers

Motion by Scott C. Martin, seconded by Roy Ricker, Sr., passed by hand count vote (157 YES to 1 NO) at 8:32 pm.

ARTICLE 6. Move the Town vote to fund the cost items of a collective bargaining agreement between the Town and Teamsters Local 170, effective July 1, 2009 to June 30, 2012, and for such purposes to transfer and appropriate the sum of \$4,000 from Line 61 (Call Firefighter Wages) of the FY 2010 operating budget approved under Article 5 of the May 18, 2009 Annual Town Meeting, to Line 60 (Firefighter Wages) of said budget, for a total appropriation of \$129,478.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Explanatory Note: Passage of this article is necessary for the funding of the successor collective bargaining agreement between the Town and Teamsters Local 170-Firefighters. One of the provisions of this agreement is the creation of two fire captain positions in the Fire Department. The staff has been re-structured to provide for the two career captains to create a chain of command in the Fire Department.

Motion by David C. Petersen, seconded by Robert Snow, passed voice unanimous at 8:37 pm

ARTICLE 7. Move the Town vote to transfer and appropriate the sum of \$9,500 from Article 14 of the November 5, 2007 Special Town Meeting

(Fire Services Study) to be added to Line 62 (Fire Department Expenses) of Article 5 of the Annual Town Meeting of May 18, 2009 for a total appropriation of \$117,093.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Explanatory Note: Article 14 of the November 5, 2007 Special Town Meeting appropriated funds for a study on the staffing levels and response levels of the Rowley Fire Department and the Rowley Volunteer Fire Protection Association, Inc.

Motion by Robert Snow, seconded by Richard Cummings, passed voice unanimous at 8:39 pm

ARTICLE 8. Move the Town vote to transfer and appropriate the sum of \$4,491.92 from Line 54 (Police Department Wages) of the Annual Town Meeting of May 18, 2009 to Line 52 (Police Chief Salary) for a total appropriation of \$136,250 to be used by the Board of Selectmen to meet the contractual obligations of the former police chief's employment contract.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Explanatory Note: This articles funds a sick-leave buy back provision in the former police chief's contract.

Motion by Richard Cummings, seconded by Robert Snow, passed voice unanimous at 8:47pm

ARTICLE 9. Move the Town vote to transfer and appropriate the sum of \$5,027.29 from Line 54 (Police Department Wages) of the Annual Town Meeting of May 18, 2009 to be added to Line 53 (Deputy Chief Salary & Other Earnings) to cover the cost of appointing the deputy police chief to the position of acting police chief of the Town of Rowley for a total appropriation of \$97,545.29.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Explanatory Note: As of January 1, 2010, the deputy police chief will assume the role of Acting Police Chief. The deputy police chief has signed a contractual agreement with the Board of Selectmen which provides for an annual salary to be set at \$97,545.29 effective January 1, 2010.

Motion by Jack L. Cook, seconded by Stuart L. Dalzell, Dr., passed voice unanimous at 8:48 pm

ARTICLE 10. Move the Town vote to transfer the sum of \$25,000 Line 54 (Police Department Wages) of the FY 2010 operating budget

approved under Article 5 of the May 18, 2009 Annual Town Meeting to be transferred into the Stabilization.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Explanatory Note: The Town's revenue projections indicate that the Town needs to reduce expenditures due to projected half-year reduction in state aid to the Town.

Motion by David C. Petersen, Robert Snow, passed voice unanimous at 8:50 pm

ARTICLE 11. Move the Town will transfer and appropriate the sum of \$31,430 from the Insurance Proceed Account to be used by the Board of Cemetery Commissioners to repair the historic Cemetery Fence.

Inserted by the Board of Cemetery Commissioners

F i n a n c e

Committee Recommends

Explanatory Note: The historic Cemetery fence was damaged as a result of a motor vehicle accident last year. The funds being used to repair the fence are part of an insurance settlement.

Motion by Jack L. Cook, seconded by Stuart L. Dalzell, Sr., passed voice unanimous at 8:51 pm

ARTICLE 12. Move the Town will vote to transfer and appropriate the sum of \$4,000 from Line 114 (Parks and Recreational Services Coordinator Wages) of Article 5 of the Annual Town Meeting of May 18, 2009 to be used by the Parks and Recreation Committee to repair, replace and upgrade damaged playground equipment at Eiras Park.

Inserted by the Board of Selectmen

F i n a n c e

Committee Recommends

Explanatory Note: Some of the pieces of equipment at the Eiras Park playground either need to be replaced or repaired. These funds will be used by the Parks and Recreation Committee to repair/replace the damaged equipment. Due to the Town's hiring freeze the position of Parks and Recreational Services Coordinator has not been filled to date.

Motion by Stuart L. Dalzell, Sr., seconded by Jack L. Cook, passed voice unanimous at 8:53 pm

ARTICLE 13. Move the Town vote to appropriate the sum of fifty-seven thousand dollars (\$57,000) from security held by the Town, such security having been deposited by Dyson Development, LLC, and, in compliance with G.L.c. 30§39M to be used by the Board of Selectmen to pay for landscaping, grading, and similar site work at the Fox Meadows Condominium development, 545 Newburyport Turnpike, Rowley MA, in accordance with an approved site plan.

Inserted by the Planning Board
Recommends

Finance Committee

Explanatory Note: Approval of this article would authorize the Board of Selectmen to use the case bond deposited with the Town by the developer of Fox Meadow Condominiums, 545 Newburyport Turnpike, to complete landscaping and other required site work at the development, in accordance with the approved site plan for such development. No Town funds would be used to complete the site work.

Motion by David C. Petersen, seconded by Robert Snow, passed voice unanimous at 8:55 pm

ARTICLE 14. Move the Town vote, pursuant to Mass. Gen. Laws Ch. 44B, to appropriate from the Community Preservation Fund Historic Resources Reserve and/or the Community Preservation Unreserved Account the sum of \$4,300 to be used by the Board of Assessors for the preservation of historic Town documents.

Inserted by the Board of Assessors and the Community Preservation Committee

**Finance Committee
Recommends**

Explanatory Note: The Community Preservation Committee has approved this article. Real Estate Commitment books dated from 1860-1917 have broken bindings that must be rebound and repaired to ensure the records are preserved. The Real Estate Commitment books dated 1974-1988 have not yet been bound and must be bound to preserve the records.

Motion by Richard Cummings, seconded by Robert Snow, passed voice unanimous at 8:57 pm

ARTICLE 15. Move the Town vote, pursuant to Mass. Gen. Laws Ch. 44B, to transfer and appropriate from the Community Preservation Fund Historic Resources Reserve and/or the Community Preservation Unreserved Account the amount of \$12,000 to be used by the First Congregational Church of Rowley for costs associated with preservation, restoration and digitalization of the journal known as the Philips Diary, or take any other action relative thereto.

Inserted by the First Congregational Church and Community Preservation Committee

**Finance Committee
Recommends**

Explanatory Note: The Community Preservation Committee has approved this article. Reverend Samuel Philips was assistant and successor to Rowley's founder and first minister, Rev. Ezekiel Rogers. This diary/journal begins on or about 1660 and is considered to be one of the earliest

records in our town's history as any and all records maintained by Rev. Rogers were destroyed by fire in 1660. The diary/journal consists of approximately 542 pages and, as far as can be determined, contains both church and town records since at this point in time there was no clearly defined separation between the entity that existed as a church and the municipality. It has been suggested that although it is not known precisely what is contained within the pages of this document, due to its present fragile state, this may well be one of the nation's earliest records of pre-colonial America, perhaps documenting the seeds of democracy in the new world. The \$12,000 request reflects an estimate from The North East Document Conservation Center to stabilize, restore and digitize the Diary/Journal. Upon completion of this project, digitized copies would be made available to The Rowley Public Library, the Town Clerk's Office, etc. to allow public access for research purposes.

Motion by Richard Cummings, seconded by Robert Snow, passed voice unanimous at 9:00 pm

Statement to Town Meeting: There is a misprint in Article 16. The article as printed in the January 11, 2010 Special Town Meeting Warrant says "Section 16". It should read "Section 4".

The motion is worded correctly.

ARTICLE 16: Move the Town will vote to amend section 4 of the Historic District Bylaw by adding to such section the words and punctuation marks that appear in **bold** within parentheses, as shown below:

Section 4. There is hereby established under the provisions of Chapter 40C of the General Laws an Historic District Commission, to have all the statutory powers and duties of an historic district commission thereunder, consisting of seven members to be appointed by the Board of Selectmen in accordance with the provisions of the statute. The initial appointments to membership in the Commission shall be as follows: two members appointed for a term of one (1) year; two members appointed for a term of two (2) years; and three members appointed for a term of three (3) years. Vacancies shall be filled in the same manner as the original appointment of the unexpired term. **(The Board of Selectmen may appoint three residents of the Town to serve as alternate members of the Historic District Commission for a three-year term. The Chairperson of the Historic District Commission may appoint an alternate member to act on applications, in the case of absence, inability to act, or conflict of interest, on the part of a regular member of the Historic District Commission, or in the event of a vacancy on the Commission.)**

Inserted by the Board of Selectmen
Recommendation Necessary

No Finance Committee

*Explanatory Note: The Board of Selectmen seeks an amendment to the Historic District Bylaw at the request of the Historic District Commission.
Motion by Richard Cummings, seconded by Robert Snow, passed voice unanimous at 9:03 pm*

MOTION: Move to adjourn the January 11, 2010 Special Town Meeting.
Motion by David C. Petersen, seconded by Robert Snow, passed voice unanimous at 9:03 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 21st day of December in the year two thousand nine.

David C. Petersen,
Chairman
Robert Snow, Vice
Chairman
Richard M. Cummings,
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, Rowley Pharmacy, Inc., Public Library, Knowles Filling Station, Market Basket, First National Bank of Ipswich, and Town Hall Annex.

Nathaniel N. Dummer, Constable of Rowley
2009

Dec. 24,

**Certification: I, Susan G. Hazen, duly elected and
qualified Town Clerk for the Town of Rowley do
hereby certify that the statements contained
above with regard to the Town of Rowley January
11, 2010 Special Town Meeting are true and
accurate according to documents maintained by
this office.**

**Susan G. Hazen, Town Clerk
Town of Rowley
January 12, 2010**