

Town of Rowley, Commonwealth of Massachusetts
MINUTES OF SPECIAL TOWN MEETING
October 27, 2008

Tellers appointed: Sandra Jervah, 28 Central St., Charles Hazen, 4 Central St., Doreen Glowik, 545 Newburyport Turnpike, and G. Robert Merry, 40 Warehouse Lane.

Quorum certified by Board of Registrars at 7:44 pm

Meeting called to order by Town Clerk Susan Hazen at 7:45 pm

Pledge of Allegiance by Board of Selectmen Chairman, David C. Petersen

Invocation by Rev. Robert M. J. Hagopian of the First Congregational Church of Rowley

Due to the absence of Moderator Warren G. Appell, the Town Clerk announced that according to MGL, nominations would be accepted for the position of Moderator for this meeting.

Nomination: I nominate Joan Carol Petersen of 25 Newbury Rd for temporary or interim moderator for the Special Town Meeting of October 27, 2008.

Motion by Mark Emery, seconded by Donald Hovey

Additional nominations were sought, none were forthcoming, nominations were closed.

So voted - Nomination of Joan Carol Petersen for Moderator of this Special Town Meeting of October 27, 2008 by voice unanimous vote at 7:47 pm – Mrs. Petersen was sworn in by Town Clerk at 7:48 pm

BOS Chairman David C. Petersen announced that apparently this meeting would not be broadcast since the Comcast equipment and technicians were not in attendance.

Finance Committee Note: With only four members in attendance (Jack DiMento, Karen Muzi, Sharon Emery and Janet Bridges), do not have the required quorum of five and therefore will not be able to make any 'Finance Committee Recommendations from the floor' as required in Articles 8, 9, 10 and 11. Note of "**Finance Committee Recommends**" indicates that decisions were made at duly posted Fin Com meetings with a quorum in attendance.

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 27th day of October, 2008 at 7:30 p.m., then and there to act on the following articles:

MOTION: Madame Moderator, I move to suspend further reading of the October 27, 2008 Special Town Meeting Warrant because present Town Meeting members have copies of this warrant.

Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 7:49 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 Jack L. Cook, seconded by Stuart L. Dalzell, passed voice unanimous at 7:50 pm

ARTICLE 4. Move the Town vote to transfer and appropriate the sum of \$4,000 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, for a total appropriation of \$11,523.

Inserted by the Board of Selectmen

Finance Committee Recommends

Motion by Jack L. Cook, seconded by Stuart L. Dalzell, passed voice unanimous at 7:51 pm

ARTICLE 5. Move the Town vote to transfer and appropriate from the sum of \$20,000 from Line 29 (Town Counsel Litigation) of Article 5 of the Annual Town Meeting of May 19, 2008 to be added to as follows: \$7,000 to Line 48 (Town Hall Expense) of Article 5 of the Annual Town Meeting of May 19, 2008; \$7,000 to Line 49 (Town Hall Annex Expense) of Article 5 of the Annual Town Meeting of May 19, 2008; and \$6,000 to Line 90 (Highway Department Expenses) of Article 5 of the Annual Town Meeting of May 19, 2008; to cover anticipated expense increases relating to heating and energy costs of these buildings.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The Board of Selectmen anticipates extraordinarily high heating and energy costs this winter season. These funds are needed to cover these costs.

Motion by Jack L. Cook, seconded by Stuart L. Dalzell, passed voice unanimous at 7:53 pm

ARTICLE 6. Move the Town vote to transfer and appropriate the sum of \$2,500 from Line 29 (Town Counsel Litigation) of Article 5 of the Annual Town Meeting of May 19, 2008 to Line 7 (Selectmen's Expenses) of Article 5 of the Annual Town Meeting of May 19, 2008 to be used to cover the Town's 2009 Greenscapes program cost for a total appropriation of \$14,023.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The Town's participation in Greenscapes fulfills a requirement of the National Pollutant Discharge Elimination System Permit Program (NPDES). The Environmental Protection Agency administers the NPDES Permit Program, which was established under the federal Clean Water Act. Greenscapes is a regional education and outreach program designed to protect the region's waters by offering a myriad of resources for Rowley residents such as reference guides, workshops, coupon discounts for rain barrels and newsletters.

Motion by Richard M. Cummings, seconded by David C. Petersen, passed voice unanimous at 7:55 pm

ARTICLE 7. Move the Town vote to transfer and appropriate the sum of \$15,000 from the Stabilization Fund to be used by the Board of Selectmen for the purchase and installation of a new water meter and backflow preventer units for the Pine Grove School.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: A routine inspection of the water meter showed that the existing meter is not working correctly and backflow preventer units must be installed. It is imperative that these items be replaced as soon as possible for health and sanitary reasons.

Motion by Robert Snow, seconded by Jack L. Cook, passed voice unanimous at 7:56 pm

ARTICLE 8. Move the Town vote to transfer and appropriate the sum of \$9,131 from Line 89 (Highway Department Wages) to be added to the following wage lines of Article 5 of the Annual Town Meeting of May 19, 2008 as stipulated in the Memorandum of Agreement with the American Federation of State County and Municipal Employees (AFSCME):

Budget	Budget	Wage	Adjusted
Line #	Description	Increase	Budget Line
14	Assistant Town Accountant	1,070	14,831
18	Assessors' Clerk	213	21,084
24	Treasurer/Collector Administrative Assistant	298	30,650
53	Police Department Wages	7,117	1,038,546
102	Council on Aging Wages	433	42,506
	Total Appropriation	9,131	

Inserted by the Board of Selectmen

Finance Committee: No Quorum – No Recommendation

Explanatory Note: The Board of Selectmen has reached an agreement with the AFSCME bargaining unit. This article funds a two percent cost-of-living wage increase effective January 1, 2009 for positions covered by the bargaining unit. These funds are available for appropriation because a laborer position has not been filled in the Highway Department. Wage increases for Highway Department union positions are not shown in the table above because the funding source for this appropriation is the Highway Department wage line. Some union wages lines are not listed in the table above, because there are sufficient funds in their FY 09 budgets to cover this increase.

Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 7:59 pm

ARTICLE 9. Move the Town vote to transfer and appropriate the sum of \$12,564 from Line 89 (Highway Department Wages) to be added to the following salary and wage lines of Article 5 of the Annual Town Meeting of May 19, 2008 as listed below:

Budget	Budget	Wage	Adjusted
Line #	Description	Increase	Budget Line
3	Town Administrator/Personnel Officer	742	77,208
5	Administrative Assistant Wages	1,458	28,004
13	Town Accountant Salary	450	46,286
17	Principal Assessor Salary	725	71,826
22	Treasurer/Collector Salary	700	70,700

23	Assistant Treasurer Salary	456	46,416
33	Town Clerk Salary	373	37,633
34	Assistant Town Clerk Wages	33	3,283
40	Conservation Administrator Salary	525	44,416
51	Police Chief Salary & Other Earnings	1,169	129,599
52	Deputy Police Chief Salary	874	91,577
53	Police Department Wages	1,085	1,039,631
58	Fire Chief Salary	694	70,941
67	Animal Inspector Salary	24	2,479
70	Animal Control Officer Salary	118	9,853
72	Tree Warden/Moth Control Salary	70	7,039
74	Harbormaster Salary	57	5,685
88	Highway Surveyor Salary	630	63,499
96	Coordinator of Health Svs & Reg. Compl.	454	46,577
97	Sanitary Health Agent wages	217	21,399
98	Admin. Asst./Assistant Health Inspector	285	23,741
101	Council on Aging Director Salary	101	32,582
108	Library Director Salary	455	45,801
109	Library Department Wages	869	70,569
	Total Appropriation	12,564	

Inserted by the Board of Selectmen

Finance Committee: No Quorum – No Recommendation

Explanatory Note: Non-union and certain elected employment positions have not received a cost-of-living wage increase this fiscal year. This article funds a two percent cost-of-living wage increase effective January 1, 2009. These funds are available for appropriation because a laborer position has not been filled in the Highway Department.

Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:05 pm.

ARTICLE 10. Move the Town vote to amend Article 4 of the May 19, 2008 Annual Town Meeting for the following elective officers:

Treasurer Collector - \$70,700

Town Clerk - \$37,633

Highway Surveyor - \$63,499

Tree Warden – \$7,039

Inserted by the Board of Selectmen

Committee: No Quorum – No Recommendation

Explanatory Note: Article 4 of the May 19, 2008 must be amended in order to adjust the annual compensation of elected positions.

Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:07 pm.

ARTICLE 11. Move the Town vote to transfer and appropriate the sum of \$2,368 from Line 89 (Highway Department Wages) to be added to the Line 59 (Firefighter Wages) of Article 5 of the

Annual Town Meeting of May 19, 2008 for a total appropriation of \$123,900 as stipulated in the Memorandum of Agreement with Teamsters Local 170 (Firefighters).

Inserted by the Board of Selectmen

Finance Committee: No Quorum – No Recommendation

Explanatory Note: The Board of Selectmen has reached an agreement with the Teamsters bargaining unit. This article funds a two percent cost-of-living wage increase effective January 1, 2009 and increases in stipends for positions covered by the bargaining unit. These funds are available for appropriation because a laborer position has not been filled in the Highway Department.

Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous at 8:08 pm

ARTICLE 12. Move the Town vote to authorize the Council on Aging to trade in the 1994 Dodge Ram van as part of the purchase of a used 14 passenger van to be acquired with grant funds.

Inserted by the Council on Aging

Finance Committee Recommends

Explanatory Note: The Council on Aging has received a grant from East Hill Foundation to be used toward the purchase of a replacement van for the COA. The grant funds, in combination with the trade in of the 1994 Dodge Ram, will be used to purchase a used van for the COA.

Motion by Robert Snow, seconded by Jack L. Cook, passed voice unanimous at 8:10 pm

ARTICLE 13. Move the Town vote to charge for each written demand issued by the Town Collector a fee of \$15.00 to be added to and collected as part of the tax, as authorized by MGL c.60 §15, effective January 1, 2009.

Inserted by the Treasurer/Collector

Finance Committee Recommends

Explanatory Note: MGL c.60 section 15 authorizes the Collector to charge a fee for issuing demands of not more than \$30.00. The Collector recommends \$15.00.

Motion by Stuart L. Dalzell, seconded by Jack L. Cook, passed voice unanimous at 8:11 pm

ARTICLE 14. Move the Town vote to transfer and appropriate the sum of \$500 from Article 14 of the November 5, 2007 Special Town Meeting, to be used by the Board of Selectmen for a Merrimack Valley Planning Commission regional assessment study of police and fire department operations.

Inserted by the Board of Selectmen

Finance Committee: No Quorum – No Recommendation

Explanatory Note: MVPC is conducting a study on how regional police and fire departments can better collaborate and cooperate with personnel, equipment, training and services.

Motion by David C. Petersen, seconded by Richard M. Cummings, passed voice unanimous 8:12 pm

ARTICLE 15. Move the Town vote pursuant to MGL c. 82A, §2 to designate the Board of Selectmen as the means by which the Town shall designate a board or officer to issue permits for the purpose of creating a trench as that term is defined by MGL c. 82A, §4 and 520 CMR 14.00.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: A new state law regulating trench safety requires municipalities to designate a board or officer to be responsible for the issuing of trench permits. Passage of this article is necessary for the Town's compliance with the new law and accompanying regulations, which go into effect on January 1, 2009.

Motion by Stuart L. Dalzell, seconded by Jack L. Cook, passed voice unanimous at 8:15 pm

ARTICLE 16. Move the Town vote to amend the Dog Bylaw of the General Bylaws of the Town of Rowley by adding to such sections the words and punctuation marks that appear in **bold** within parenthesis, and deleting from such sections the words and punctuation marks that appear in *italics* within brackets, as printed on pages five and six of the October 27, 2008 Special Town Meeting Warrant:

Section 9. (Penalties)

(9.1 An owner of a dog who upon investigation by the Animal Control Officer after receipt of a complaint is found to be in violation of any provision of Section 1. of this bylaw, shall be subject to a \$250.00 fine, as provided for in the Enforcement of Town Bylaws Bylaw.)

(9.2) [Penalties:] An owner of a dog who is found to be in violation of any provision of Section 2 or Section 3 of this bylaw, shall be subject to the following fines, as provided for in the Enforcement of Town Bylaws Bylaw:

[First Offense \$10.00]

(First Offense \$25.00)

[Second Offense \$25.00]

(Second Offense \$50.00)

[Each Subsequent Offense \$50.00]

(Each Subsequent Offense \$75.00)

Inserted by the Board of Selectmen

No Fin Com Recommendation Necessary

Explanatory Note: Several incidents involving unlicensed dogs this past year have shown the need for the Town to strengthen the existing dog bylaw. Dogs are required to be licensed and up to date on all shots and vaccinations.

Motion by Richard M. Cummings, seconded by David C. Petersen, passed by paper ballot vote 87 YES to 12 NO at 8:51 pm

ARTICLE 17. Move the Town vote to amend the Fee Bylaw-Enforcement of Town Bylaws (Non-Criminal) by first deleting category r in its entirety, under Section 3, Penalties for Violations of Bylaw, which states as follows:

r. Dog Bylaw	Warning for first offense
(Violation of Sections 2&3)	\$25.00 for second offense
	\$50.00 each subsequent offense

Animal Control Officer

and secondly, replacing it with a new category r, under Section 3, Penalties for Violations of Bylaw to read as follows:

r. Dog Bylaw	
Violation of Section 1	\$250.00
Violation of Sections 2 and 3	
First Offense	\$25.00
Second Offense	\$50.00
Each Subsequent Offense	\$75.00

Animal Control Officer

Inserted by the Board of Selectmen

No Fin Com Recommendation Necessary

Explanatory Note: This article reflects updates to the fines listed under Article 16 – Dog Bylaw amendment. Passage of Article 16 is contingent upon passage of this article.

Motion by Richard M. Cummings, seconded by David C. Petersen, passed voice unanimous at 8:52 pm

MOTION TO ADJOURN: Move the Town vote to adjourn the October 27, 2008 Special Town Meeting.

Motion by Robert Snow, seconded by Jack L. Cook, passed voice unanimous at 8:53 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 9th day of October in the year two thousand eight.

*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 of Rowley

October 10, 2008

Certification: I, Susan G. Hazen, Town Clerk for the Town of Rowley do hereby certify that the statements contained above with regard to the minutes of the October 27, 2008 Rowley Special Town Meeting are true and accurate according to documents maintained by this office.

***Susan G. Hazen, Town Clerk
Town of Rowley
October 29, 2008***