

**MINUTES FOR THE ANNUAL TOWN MEETING
MAY 15, 2017
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Jerry Klima called the Town Meeting to order at 7:37 p.m. with the checklist showing 154 registered voters. There were 19 non-voters present: Terry Kyrios, Neil Harrington, Angeljean Chiaramida, Elizabeth Pettis, John W. Morris, Cheryl Gorniewicz Christine Lindberg, Scott Vandewalle, Karen Snow, Brian Forget, Kara Kosmes, Joyce Tomaselli, Lisa DeMeo, Joseph Lynch, Jessica Vedrani, Brenda Pham, Tom Saab, John Harris, Joan Travis

Josephine Kohan, Anne Jones and Susan Tatro were checkers at the door with Assistant Town Clerk, Lynne Karpenko, assisting. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

The first order of business, as per the Town Charter, was to elect a Deputy Moderator. Moderator Klima asked for a motion to ratify his selection of Reginald Santos to serve as Deputy Moderator until the May 2018 Annual Town Meeting. A Motion was made by Freeman Condon to appoint Reginald Santos Deputy Moderator until May 2018. The motion was seconded & carried by unanimous vote.

Articles Nineteen and Twenty are non-existent as the warrant articles were numbered incorrectly.

ARTICLE ONE

Election of Officers – Tuesday, May 9, 2017

One Selectman for a Three-Year Term

Three Triton Regional School Committee Members (Three-year terms, one member from each town)

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented.

Ryan McAdams gave a report of the Parks and Recreation Committee

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$25,135,074.00, including appropriating \$283,595.00 from Fund Balance Reserved for Amortized Bonding Premiums, to fund the FY2018 annual operating budget of the Town, which includes \$11,050,927.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2018, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$2,452,370.00 to fund the FY2018 Sewer Enterprise Fund budget; to appropriate \$2,586,320.00 to fund the FY2018 Water Enterprise Fund budget; to transfer the

sums of \$404,429.00 from the FY2018 Sewer Enterprise Fund budget and \$157,885.00 from the FY2018 Water Enterprise Fund budget to the General Fund; and to transfer the sums of \$15,000.00 from the Municipal Waterways Improvement and Maintenance Fund and \$45,295.00 from the Waterways Permit Fees Fund to the General Fund; or to take any other action relative thereto.

Warrant Advisory Committee voted 4-1 to Make Recommendation at Town Meeting

**Motion: Henry Richenburg I move that Article Three be approved as herein stated
Seconded & Carried**

Motion made by Chuck Colburn to waive the reading of Article Four. Motion was seconded and carried

ARTICLE FOUR

To see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds for FY2018 and spending limits as set forth below, and further (2) to amend the General Bylaws by inserting a new bylaw, Article ____, Revolving Funds, establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

ARTICLE ____: Revolving Funds

§__ - 1: There are hereby established in the Town of Salisbury pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Program	Authorized Representative or Board to Spend	Department Receipts	Purpose
Conservation Comm.	Conservation Commission	Filing fees paid pursuant to the Wetlands Protection Act	To pay for consultant fees, expenses of, and a portion of the salary and benefits of the Town's Conservation Agent for administration and enforcement of the Wetlands Protection Act
Parks and Recreation Commission	Parks and Recreation Commission	Charges for activities	To pay for activities sponsored by the Parks and Recreation Commission
Building Inspector's Department	Building Inspector	Receipts from fees charged for electrical, plumbing and gas	To pay for services of the Town's electrical, plumbing and gas

		inspections	inspectors
Earth Filling	Board of Selectmen and/or Town Manager	Receipts from applicants for borings and test pits, inspections, monitoring, certifications, reports and testing	To pay for borings and test pits, inspections, monitoring, certifications, reports, tests and consultants, to monitor performance under and/or to establish compliance with conditions in the permit and the Bylaw
Planning Board	Planning Board, in conjunction with the Town's Department of Public Works	Fees from developers, landowners and other applicants seeking subdivision or site plan approval, except for those receipts specifically for the payment of outside consultants	To pay for design, engineering and construction costs of sidewalks pursuant to the Town's Subdivision Control Bylaw
Planning Board-Arts Stroll/Comm. Gardens	Expenditure by the Planning Director, in conjunction with the Town Manager	Receipts from vendors related to the Town's Annual Art Stroll and lease/license fees from users of the Town's community gardens	To pay for costs and expenses associated with administering and promoting the annual Art Stroll and payment of the utility charges at the Town's community gardens
Harbor Commission	Harbor Commission	Mooring fees, waterway permit fees, dinghy fees and sewage pump out fees	To pay for maintenance and development of riverfront recreational activities, equipment maintenance or replacement, Harbormaster's operating expenses, water safety education and expenses of complying with the Clean Waters Act
Health Department	Director of Public Health, with approval of the Town Manager	Receipts and fees charged to property owners and/or other applicants for Health Department inspections	To pay for services of qualified individuals to conduct health inspections, including but not limited to, inspections of

			restaurants and food establishments, housing, septic systems and Title 5 and enforcement thereof
Department of Public Works	Director of Public Works	Receipts and fees for rent and other fees charged to tenants of the former Memorial School	To pay for capital repairs and improvements to the former Memorial School
Tax Collector	Tax Collector	Receipts from fees to record documents at Registry of Deeds	To pay for costs of recording documents at Registry of Deeds

§__ - 2: Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

And, further, to set annual spending limits for such revolving funds as follows:

Program or Purpose	Spending Limit
Conservation Commission	\$100,000.00
Parks and Recreation Commission	\$25,000.00
Building Inspector's Department	\$75,000.00
Earth Filling	\$50,000.00
Planning Board - Sidewalks	\$40,000.00
Planning Board – Arts Stroll/Community Gardens	\$30,000.00
Harbor Commission	\$100,000.00
Health Department	\$100,000.00
Department of Public Works	\$75,000.00
Tax Collector	\$20,000.00

; or take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Charles Takesian I move that Article Four be approved as herein stated

Motion: Freeman Condon

I move that Article Four be amended by inserting, after the annual spending limits grid, the following: “and further, to authorize the Town Clerk to assign appropriate article and section numbers to the bylaw consistent with the numbering system of the General Bylaws

Motion was seconded and carried

Main motion as amended was seconded and carried unanimously

ARTICLE FIVE

To see if the Town will vote to transfer the sum of \$500,000.00 from Free Cash to FY2017 budget line item number 0100.0910.5964 (Capital Projects – Transfer Out) for the purpose of reducing the amount of money to be borrowed, pursuant to the vote taken under Article 10 of the October 28, 2013 Annual Fall Town Meeting and the vote taken under Article 19 of the October 27, 2014 Annual Fall Town Meeting for the cost of the schematic design phase and design development and construction documents phases of the Town's new police station; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Ronalee Ray Parrott I move that Article Five be approved as herein stated
Seconded & Carried Unanimously**

ARTICLE SIX

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$2,000,000.00 in accordance with General Laws Chapter 44, Section 7 or any other enabling authority, for the purpose of funding engineering, permitting and construction costs, including all incidental and related costs, for an outfall diffuser and plant upgrades at the Town's wastewater treatment facility; and further to authorize the Board of Selectmen to apply for, accept and expend any grants available for said purposes; and further to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G. L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Wilma McDonald I move that Article Six be approved as herein stated
Seconded & Carried Unanimously (2/3 vote required)**

ARTICLE SEVEN

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$250,000.00 in accordance with General Laws Chapter 44, Section 7 or any other enabling authority, for the purpose of funding the construction of Well #8, including all costs incidental or related thereto, said funds to supplement the sum of \$2,500,000.00 previously authorized by Town Meeting for this purpose, and to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G. L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay

such costs by a like amount; and, further, that the amount authorized to be borrowed hereunder shall be reduced by the amount of any grant funds received from the U.S. Department of Agriculture and/or any other source for this project; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Freeman Condon I move that Article Seven be approved as herein stated

Seconded & Carried by a declared 2/3 majority vote

ARTICLE EIGHT

To see if the Town will vote to appropriate, in accordance with G. L. c. 44, §20, \$103,000.00 of the net premium received by the Town upon the sale of the Town's \$12,630,000 General Obligation Municipal Purpose Loan of 2016 Bonds, dated September 15, 2016, to pay for costs of the \$7,500,000 library project authorized under G.L. c. 44, §7(1) and a vote taken under Article 25 of May 20, 2013 Annual Town Meeting, and to reduce the amount authorized to be borrowed for such library project by a like amount; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Eight be approved as herein stated

Seconded & Carried Unanimously

ARTICLE NINE

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Charles Takesian I move that Article Nine be approved as herein stated

Seconded & Carried Unanimously

ARTICLE TEN

To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 40, Section 13D and establish a reserve fund for future payment of accrued liabilities for compensated absences due to employees or full-time officers of the Town upon termination of employment; and, further, to transfer the sum of \$100,000.00 from Free Cash and \$25,000.00 from Sewer Enterprise Fund Retained Earnings to said fund and designate the Town Manager to authorize payments from this fund; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Ronalee Ray Parrott I move that Article Ten be approved as herein stated

Seconded & Carried Unanimously

ARTICLE ELEVEN

To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 59, Section 57A, allowing for property tax bills not in excess of \$100.00 to be made due and payable in a single installment, beginning in Fiscal Year 2018; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Wilma McDonald I move that Article Eleven be approved as herein stated

Seconded & Carried Unanimously

ARTICLE TWELVE

To see if the Town will vote to amend Chapter 132 of the Town's General Bylaws (Licenses and Permits) in Section 132-2 by adding the words "and may periodically" after the word "annually" in the first line, and by deleting the words "for not less than a twelve-month period" after the words "municipal charges"; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Freeman Condon I move that Article Twelve be approved as herein stated

Seconded & Carried Unanimously

ARTICLE THIRTEEN

To see if the Town will vote to amend the vote approved under Article 22 of the December 12, 2005 Special Town Meeting, allowing the Board of Selectmen to dispose of real property acquired through foreclosure or a deed in lieu of foreclosure, by increasing the fair market value threshold from \$25,000.00 to \$35,000.00; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Thirteen be approved as herein stated

Seconded & Carried Unanimously

ARTICLE FOURTEEN

To see if the Town will vote to transfer the sum of \$29,058.00 from Water Enterprise Fund Retained Earnings to FY2017 budget line item number 7000.0450.5278 (Purchase of Service – Town Incremental Costs) for the purpose of paying an unpaid bill from Pennichuck Water Services Co. from FY2016; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Charles Takesian I move that Article Fourteen be approved as herein stated

Seconded & Carried Unanimously (4/5 vote required)

ARTICLE FIFTEEN

To see if the Town will vote to authorize the Town Manager and the Board of Selectmen, acting in its capacity as the Board of Water Commissioners, to enter into a five (5) year contract for the operation and maintenance of the Town of Salisbury water supply and distribution system, such contract to commence on July 1, 2017, and, at the option of the Town, to extend such contract an additional five (5) years upon such terms as the Board of Selectmen may deem favorable to the Town; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Ronalee Ray Parrott I move that Article Fifteen be approved as herein stated
Seconded & Carried Unanimously**

ARTICLE SIXTEEN

To see if the Town will vote to amend and reorganize Article 102 of the General Bylaw, entitled "Harbor Regulations," which amendments are on file with the Town Clerk's Office, with the text added to said Article 102 shown in bold and deletions shown in strike-through; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Wilma McDonald I move that Article Sixteen be approved as herein stated
Seconded & Carried Unanimously**

ARTICLE SEVENTEEN

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift and/or eminent domain, for recreational trail purposes, the fee, long-term leases, permanent recreational trail easements and/or temporary or permanent construction, drainage, utility and related easements as may be necessary or appropriate to construct and use a recreational trail in, on and under the parcels of land identified as X-1-T, X-D-1, X-TE-1, X-TE-2, X-2-T, X-TE-3, X-TE-4, X-1, X-TE-5, X-TE-6, X-TE-7, X-E-1, and X-TE-8 and land adjacent or near to said parcels, all as shown on a plan of land entitled "Plan and Profile of Border to Boston Trail in the Town of Salisbury Essex County Preliminary Right of Way" prepared for the Massachusetts Department of Transportation Highway Division, dated March 6, 2015, a copy of which is on file with the Town Clerk, as said plan may be amended, and on the parcels of land shown as Parcels 23-88 and 23-90 on the Town Assessor's maps; and, further, to transfer and/or dedicate a portion or portions of the Town-owned property located at 100 Lafayette Road, which portion is shown on said plan, for access and other trail-related purposes; and, further, to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Freeman Condon to indefinitely postpone the article
Seconded & Carried Unanimously**

ARTICLE EIGHTEEN

To see if the Town will vote to amend the Zoning Bylaw by making the following amendment to Chapter 300, §300-111(B):

In the second sentence, after the word “filed,” insert the following words: “or, in the case of a project that does not require a building permit, the submission of a detailed plan of the proposed project to the Building Inspector,”; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to Make Recommendation at Town Meeting

Motion: Henry Richenburg I move that Article Eighteen be approved as herein stated

The Warrant Advisory deferred to the Planning Board

The Planning Board Chairperson made a motion to indefinitely postpone Article Eighteen.

The motion was seconded and carried unanimously to indefinitely postpone the article

ARTICLE TWENTY-ONE

To see if the Town will vote to transfer the care, custody and control of a parcel of the Town-owned land located at 52 Beach Road, which land is shown on Assessors Map 4 as Lot 120, containing 750 square feet, more or less, and is a portion of the premises described in a deed recorded with the Essex South District Registry of Deeds in Book 17706, Page 448, from the Board of Selectman, in its capacity as the Board of Water Commissioners, for water supply purposes, to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey said parcel on such terms and conditions and for such consideration, which may be nominal consideration, as the Board deems appropriate; and, further, to authorize the Board of Selectmen to acquire, for general municipal purposes, by purchase, gift and/or eminent domain, as consideration for the conveyance of the aforementioned Town-owned land or otherwise, a parcel of land located on Seabrook Road (rear), shown on Assessors Map 23 as Lot 69, containing 29 acres, more or less, and described in a deed recorded with said Registry of Deeds in Book 32264, Page 449; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Charles Takesian I move that Article Twenty-One be approved as herein stated

Seconded & Carried Unanimously (2/3 vote required)

A motion was made by Chuck Colburn to waive the reading of Article Twenty-Two. The motion was seconded and carried by majority vote.

ARTICLE TWENTY-TWO

To see if the Town will vote to (establish a bylaw, amend the Town of Salisbury’s general/zoning) by: reinstating the original voted sewer user charge system *based* on the “**actual water use method**” – resulting in each user *shall* be charged a sewer user fee in a “fair and equitable” manner to cover sewer system services operating costs in proportion to each user’s use of the sewer system in accordance with MGL Ch. 83 section 16 and recommended by U.S. Clean Water Act and the U.S. EPA 1985 sewer grant condition to Salisbury. Each sewer user’s

charge shall be determined by using their *actual metered water* and using the Town's formula to convert the actual water consumed to EQR's see <http://www.salisburyma.gov/wastewater-department/pages/sewer-user-fee-policy>. Note that the Town uses the actual water method formula for certain sewer users, such as commercial sewer users.

The Town shall take in the same money needed to operate the system but each user's charges are imposed in a fair and equitable manner. (The current flat fee EQR method is not fair or equitable.)

To see if the Town will vote to amend Article 19 of the May 19, 2008 Annual Town Meeting to read that "The Town will vote to amend Article 6 of the April 9, 1990 Special Town Meeting as amended by Article 20 of the October 26, 1992 Annual Fall Town Meeting" and replace, adopt and enact the following: "All sewer users, including seasonal residents and properties that are not using water as evidenced by their individual water metering, shall be charged sewer user fees strictly based upon their actual metered water usage and not by EQR (Equivalent Residential Dwelling Unit) flat fee charge method commencing with each individual user's first water bill, calculated and determined by the fully metered water data history available from Salisbury's (currently Pennichuck) Water Services Company using the Town's annual EQR dollar rate in the billing formula (rate is determined by the Sewer Commission rate setting authority). This water usage data shall be used to determine each user's first quarterly sewer user bill and shall continue to be calculated in the same manner, based upon the water user's proportionate share of the actual annual year costs for operation and maintenance of the sewer treatment works-plant, based upon the individual user's proportionate contribution to the total treated wastewater that is obtained from all combined users. Adoption of this Article shall eliminate the (1) EQR minimum charge; or to take any other action relative thereto."

ON PETITION OF GRACEMARIE TOMASELLI ET AL.

Warrant Advisory Committee unanimously voted not to recommend approval

**Motion: Ronalee Ray Parrot I move that Article Twenty-Two be approved as herein stated
Seconded**

**There was much discussion about the article and a motion was made to move the question.
That motion was seconded and carried.**

Main Motion was voted on and defeated

ARTICLE TWENTY-THREE

To take any other action that may be lawfully taken at this meeting.

Motion: Wilma McDonald made a motion to adjourn the meeting

Seconded & Carried Unanimously

Moderator Klima declared the Annual Town Meeting adjourned at 9:02 pm

Respectfully Submitted,

Melinda J. Morrison
May 16, 2017