

**MINUTES OF THE ANNUAL FALL TOWN MEETING
OCTOBER 28, 2013
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Jerry Klima called the Annual Town Meeting to order at 7:09 p.m. with the checklist showing 132 registered voters; the final tally totaled 152 registered voters. There were 15 non-voters present: Donald Levesque, Terry Kyrios, Lisa Pearson, Neil Harrington, Angeljean Chiaramida, Elizabeth Pettis, Thomas McEnaney, John W. Morris, David Lovering, Cheryl Gorniewicz, Richard Dellaria, Tim Hunter, Steve Sforza, Andrew Gould, Christine Lindberg.

Anne Jones, Joan McGilvray and Susan Tatro were checkers at the door aided by Assistant Town Clerk Melinda Morrison. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

ARTICLE ONE

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new section entitled "Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries," to be numbered as appropriate in the Zoning Bylaw, and that would provide as follows, and further to amend the Table of Contents to add "Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries:"

Section _____ Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013. On May 8, 2013, the State Department of Public Health promulgated regulations that became effective on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center, identified in the State Regulations as a Registered Marijuana Dispensary, is not a permitted use in the Town of Salisbury. The State Regulations are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of such use and to address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section _____ Definition

“Medical Marijuana Treatment Center shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health as a Registered Marijuana Dispensary, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

Section _____ Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center/Registered Marijuana Dispensary. The moratorium shall be in effect through June 30, 2014, or until such time as the Town adopts Zoning Bylaw amendments that regulate Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and related uses, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the State Regulations and operation of Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and related uses; or to take any other action relative thereto

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Planning Board unanimously recommended approval

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

Seconded & carried by unanimous vote

ARTICLE TWO

To see if the Town will vote to accept the provisions of Chapter 108, Section 8A, of the Acts of 2012, and Mass. General Laws Chapter 59, Section 5N, to authorize the Board of Selectmen to establish a program effective July 1, 2014, for veterans, as defined in Mass. General Laws Chapter 4, Section 7, Clause 43, who qualify for participation to volunteer to provide services to the Town in exchange for a reduction in real property tax obligations of that veteran on the veteran’s tax bill, in addition to any exemption or abatement to which the owners are otherwise entitled, with a maximum abatement of \$500.00 for each qualified household, and based on a rate per hour of volunteer service not to exceed the current minimum wage of the Commonwealth, with annual cost of said program not to exceed \$5,000.00 in such abatements; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Two be approved as herein stated

Seconded & carried

ARTICLE THREE

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a fee simple interest or lesser interest in all or

any portion of a parcel of land being shown on Assessors' Map #28 as Lot #9, located on Beach Road, said land being further described as follows:

A parcel of land on the westerly side of Beach Road, in the Town of Salisbury, Massachusetts, bounded and described as follows:

Westerly by land of 191 Beach Road Realty LLC forty four and 37/100 (44.37) feet;
Northerly by land of 191 Beach Realty LLC one hundred and 4/100 (100.4) feet;
Easterly by the State Highway, known as Beach Road fifty (50.0) feet;
Southerly by land of Beach Realty LLC fifty (50.0) feet.

The above-described parcel of land is more particularly shown as Lot 220 on registered plan 6250A, Sheet 4, said plan entitled: "Plan of Land in Salisbury," dated November 1, 1915, prepared by John P. Titcomb, upon such terms and conditions as the Board of Selectmen deems appropriate, for general municipal purposes and for the purpose of conveyance, and further to authorize the Board of Selectmen to convey all its right, title and interest, or any lesser interest, in said parcel or portions thereof on such terms and conditions as the Selectmen deem appropriate; or take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Fred Knowles I move that Article Three be approved as herein stated

Seconded & carried by majority vote

ARTICLE FOUR

To see if the Town will vote to amend its vote to adopt the FY2014 general fund budget of the Town, taken at the Annual Town Meeting on May 20, 2013, by reducing the total amount to be raised and appropriated from \$20,127,443.00 to \$20,065,266.00 to fund the FY2014 annual operating budget of the Town, which includes \$9,487,410.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2014, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; 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 Four be approved as herein stated

Seconded & carried by majority vote

ARTICLE FIVE

To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 64L, Section 2(a), authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the Town; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee voted to recommend approval by a vote of 4 to 1.

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

Seconded & carried by majority vote

ARTICLE SIX

To see if the Town will vote to amend Chapter 17, Article 1, §17-3 of the Town's bylaws relative to late fees for dog licensing as follows:

Delete §17-3 in its entirety and insert in place thereof the following:

Any person who is the owner or keeper of a dog or kennel within the Town of Salisbury and who fails to obtain a license for said dog or kennel, as required by MGL Chapter 140, within 30 days of the date on which the license fee is due, shall pay, in addition to the regular fee for such license, a penalty of \$5.00 per each additional month from the first day following the due date. The penalty fees herein required shall be payable to the Town of Salisbury. Residents aged 65 or older shall be exempt from paying these penalty fees; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Six be approved as herein stated

Seconded & carried by majority vote

ARTICLE SEVEN

To see if the Town will vote to rescind the vote taken under Article 6 of the May 17, 2004 Annual Town Meeting, which established a Zoning Review Committee; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Fred Knowles I move that Article Seven be approved as herein stated

Seconded & carried by majority vote

ARTICLE EIGHT

To see if the Town will vote to rescind the residual amount of \$174,100 from Article 16 of the May 18, 2009 Annual Town Meeting which authorized a borrowing in the amount of \$1,371,000.00 for the purpose of replacing an elevated water storage tank at Salisbury Beach, said funds having supplemented the sum of \$1,629,000.00 previously authorized for this purpose under Article 10 of the May 14, 2007 Annual Town Meeting; 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 Eight be approved as herein stated

Seconded & carried

ARTICLE NINE

To see if the Town will vote to transfer the sum of \$25,000.00 from FY2014 budget line item number 0100.0220.5850 (Fire Department – Vehicles – Capital Outlay) to FY2014 budget line item number 0100.0210.5850 (Police Department – Vehicles – Capital Outlay) for the purpose of funding a portion of the first year cost of a three-year lease/purchase agreement for two cruisers for the Police Department; 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 Nine be approved as herein stated

Seconded & carried by majority vote

ARTICLE TEN

To see if the Town will vote to appropriate and authorize the Treasurer to borrow the sum of \$197,700.00 in accordance with General Laws Chapter 44, Section 7, or any other enabling authority, for the purpose of funding a portion of the cost of an Owner's Project Manager and the cost of the schematic design phase of a new police station for the Town, as detailed in a report prepared for the Town by HKT Architects, Inc. entitled "Salisbury Emergency Services Feasibility Study Final Report," dated June 7, 2013, a copy of which is on file in the office of the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Ten be approved as herein stated

Seconded

Motion: Henry Richenburg I move to amend Article Ten to read as follows: To see if the Town will vote to appropriate the sum of \$197,700.00 for the purpose of funding a portion of the cost of an Owner's Project Manager and the cost of the schematic design phase of a new police station for the Town, as detailed in a report prepared for the Town by HKT Architects, Inc. entitled "Salisbury Emergency Services Feasibility Study Final Report," dated June 7, 2013, a copy of which is on file in the office of the Town Clerk, including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$197,700.00 under G.L. c.44, §7(21) or any other enabling authority; and that the Town Manager and Board of Selectmen are authorized to take any action necessary or convenient to carry out this project.

Seconded & carried by majority vote

Motion: Mitchell Makarewicz I move to table this Article until the spring town meeting.

Motion failed for lack of a second

Main Motion as amended carried by unanimous vote

ARTICLE ELEVEN

To see if the Town will vote to authorize the Board of Selectmen to accept for drainage purposes a grant of permanent easement shown as a 15' Wide Drainage Easement 1,398±S.F. on a plan entitled "Easement Plan in Salisbury, MA" showing an installed drainage system at the intersection of Second Street and Ferry Road, dated October 8, 2013, prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA, a copy of which plan is on file with the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Prior to any action on Article Eleven, Moderator Jerry Klima recused himself and asked that Deputy Moderator Reginald Santos act as Moderator for this Article, which Mr. Santos did

**Motion: Fred Knowles I move that Article Eleven be approved as herein stated
Seconded & carried by majority vote**

ARTICLE TWELVE

To see if the Town will vote to authorize the Selectmen to file a petition with the General Court for special legislation, as set forth below, which will exempt the Town of Salisbury from the provisions of G.L. c. 31, §58, which provides that all Civil Service police officers shall live in a city or town within the Commonwealth that is within ten miles of the city or town in which such officers work; provided, however, that the General Court may make grammatical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT RELATIVE TO RESIDENCY OF POLICE OFFICERS EMPLOYED BY THE TOWN OF SALISBURY

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of Chapter 31, section 58, of the General Laws, no full-time police officer employed by the Town of Salisbury shall be required to establish his residence within the Commonwealth of Massachusetts.

SECTION 2. This act shall take effect upon its passage.

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**

**Motion: Gilbert Medeiros I move that this Article be tabled
Seconded & carried by majority vote to table Article Twelve**

ARTICLE THIRTEEN

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

Resident Bruce Merluzzi noted the service and acknowledged the impending retirement of Town Clerk Wilma McDonald, who received an ovation from the crowd.

**Motion: Fred Knowles To adjourn the meeting
Seconded & carried**

Moderator Klima declared the meeting adjourned at 8:22 pm.

Respectfully submitted,

Wilma M. McDonald MMC/CMMC
Town Clerk
October 29, 2013