



Office of the Town Clerk
2 School Street, Town Hall
Merrimac, MA 01860

**Minutes Annual Town Meeting
April 29, 2019 Article 19
May 13, 2019 Articles 1-18 & 20-21**

April 29, 2019

Pursuant to the foregoing Warrant, the legal voters of the Town of Merrimac met at the Fredrick N. Sweetsir School in the Town of Merrimac April 29, 2019 and May 13, 2019. A quorum of 747 registered voters gathered at 9:00pm, April 29, 2019.

The first session of the Annual Town Meeting was called to order by Moderator Bender at 9:01pm April 29, 2019. **The Moderator having inspected the Warrant for this meeting deemed it proper and correct**, and a motion from the floor was made to take Article 19 out of order and to hear that article first. Motion was duly seconded, **Moderator declared motion carried by majority.**

ARTICLE 19

Motion by Joel Breen and duly seconded to amend the Zoning Bylaw as follows:

Remove Article 3.1.1: The operation of all types of non-medical marijuana establishments as defined in GL c 94G sec.1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana related businesses within the Town of Merrimac.

Add Article 11.4.5 **Adult Use Retail Marijuana Establishments**

Add New Article **Adult Use Retail Marijuana Establishments**

MODERATOR DECLARATION: Yes votes: 228, No votes: 213. Motion did not pass so declared the moderator.

9:50pm April 29, 2019 Motion to recess the Special Town Meeting and to reconvene on May 13, 2019 and duly seconded. Motion carried.

May 13, 2019 8:00pm.

Pursuant to the foregoing Warrant, the legal voters of the Town of the Town of Merrimac met at the Fredrick N. Sweetsir School in the Town of Merrimac May 13, 2019. The second session of the Special Town Meeting was convened at the Fredrick N. Sweetsir School at 7:30pm by Moderator John Santagate.

The Moderator having inspected the Warrant for this meeting deemed it proper and correct.

A duly seconded motion to DISPENSE WITH THE READING OF THE WARRANT AT 8:01PM

Motion carried so declared the moderator.

ARTICLE 1

Motion by James Archibald and duly seconded to fix the salary and compensation of all elective officers of the Town as provided by Massachusetts General Laws, Chapter 41, Section 108 as amended: Town Clerk, three Assessors, three Commissioners of Municipal Light, and raise, appropriate or transfer sums of money therefore and to determine sums of money raised to be transferred to defray the necessary and usual charges and expenses of the Town for the Fiscal Year commencing July 1, 2019 and make appropriations for the same, said sums of money so raised, appropriated or transferred to be expended for specific purposes to be voted.

And that **\$ 15,753,948** be raised as follows:

Raise and Appropriate	\$ 15,753,948
Gen Govt Unclassified	\$ 1,164,068
General Government	\$ 903,278
Public Safety	\$ 2,154,556
Health & Sanitation	\$ 121,749
Highway	\$ 600,011
Public Assistance	\$ 393,696
Education	\$ 9,480,724
Library	\$ 299,686
Cemetery	\$ 60,700
Parks & Rec	\$ 12,300
Town Gardens	\$ 600
Long Term Principal	\$ 321,855
Long Term Interest	\$ 87,818
<u>Lease Expense</u>	<u>\$ 152,907</u>
TOTAL	\$ 15,753,948

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 2

Motion by Joel Breen and duly seconded to raise and appropriate, or transfer from available funds, a sum of money to operate the Wastewater Department Enterprise.

Salaries:	\$ 515,842
Expenses:	\$ 434,510
<u>Debt Service:</u>	<u>\$ 195,053</u>
Total	\$ 1,145,405

And that **\$ 1,145,405** be raised as follows:

Departmental Receipts:	\$ 1,105,405
Wastewater Betterment Fund:	\$ 40,000

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 3

Motion by Joel Breen and duly seconded to raise and appropriate, or transfer from available funds, a sum of money to operate the Water Department Enterprise.

Salaries:	\$ 404,272
Expenses:	\$ 374,292
<u>Debt Service:</u>	<u>\$ 264,001</u>
Total	\$1,042,565

And that **\$1,042,565** be raised as follows:

Departmental Receipts:	\$ 1,042,565
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MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 4

Motion by Joel Breen and duly seconded to raise and appropriate, or transfer from available funds, a sum of money to fund the operations of the Cable Television Department.

Salaries:	\$ 56,216
<u>Expenses:</u>	<u>\$ 85,500</u>
Total	\$ 141,716

And that **\$ 141,716** be transferred from the Cable Television Receipts Reserved Account.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 5

Motion by Joel Breen and duly seconded to raise and appropriate, or transfer from available funds, a sum in the amount of **\$15,000** from the Electric Light Operating Balance, said money to be used by the Assessors to reduce the Tax Rate for Fiscal Year 2020.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 6

Motion by Joel Breen and duly seconded to raise and appropriate, a sum of money in the amount of **\$10,740** to be expended by the Board of Assessors to hire a consultant to perform an independent revaluation.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 7

Motion by Joel Breen and duly seconded to transfer from available funds, a sum of money in the amount of **\$ 4,800** from available funds known as "Sale of Cemetery Lots", such sum or part thereof, to be expended under the direction of the Cemetery Trustees for the care, improvement and embellishment of said cemeteries, in accordance with M.G.L. Chapter 114, Section 15 and Section 25.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 8

Motion by Joel Breen and duly seconded to raise and appropriate a sum of money in the amount of **\$160,500**, to be used to make necessary repairs to Town roadways.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 9

Motion by Ralph Spencer and duly seconded to accept the State Grant of Chapter 90 Highway Funds and authorize the Board of Selectmen to expend said funds for Highway purposes in accordance with the terms of said grants.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 10

Motion by Ralph Spencer and duly seconded to raise and appropriate a sum of money in the amount of **\$275,000** for Solid Waste Collection and Disposal, Recycling Collection.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 11

Motion by Ralph Spencer and duly seconded to establish fiscal year limitations on expenditures from the revolving funds established by the General Bylaw entitled, "Departmental Revolving Funds", with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended as follows:

Revolving Fund	Fiscal Year Spending Limit
Firearms	\$5,000
Zoning Board of Appeal	\$4,000
Town Nurse	\$10,000
Zoning and Building Code Compliance	\$15,000
Board of Health Projects	\$4,500
Rental Inspections	\$4,000
Inspectional Services	\$100,000
PRSD Grounds	\$50,000
Tax Title	\$5,000
Fire Watch	\$5,000

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 12

Motion by Ralph Spencer and duly seconded to raise and appropriate, a sum of money in the amount of **\$60,000**, for additional closure activities at the Battis Rd. Landfill.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 13

Motion by Ralph Spencer and duly seconded to accept the donation of a certain parcel of land located on Lakeview Avenue, described in a deed recorded with the Essex South Registry of Deeds in Book 2613, Page 301 (Parcel ID #94-1-223), to be held by the Board of Selectmen for general municipal purposes.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 14

Motion by Ralph Spencer and duly seconded to amend the Pentucket Regional School District Regional Agreement last amended July 1, 2014, per the attached document (Attachment A) with strike through and underlined changes.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 15

Motion by Ralph Spencer and duly seconded to accept MGL C41, §19K: Additional Compensation for Town Clerk.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

ARTICLE 16

Motion by Holly Moran and duly seconded to amend the Merrimac Zoning Bylaw; Article 15: Open Space Residential Development, as written above, where new text is shown in bold and deleted text is stricken through.

2/3's Vote Required

MODERATOR DECLARATION: Yes votes: 203, No votes: 4. Motion passed so declared the moderator.

ARTICLE 17

Motion by Holly Moran and duly seconded to amend the Merrimac Zoning Bylaw; Article 17 ACCESSORY DWELLING UNITS & CONVERSION OF EXISTING SINGLE-FAMILY DWELLINGS, Subsection 17.3 Accessory Dwelling Unit as written above: By deleting the current sub-section 17.3.5 in its entirety and replacing it as written above.

2/3's Vote Required

MODERATOR DECLARATION: Yes votes: 184, No votes: 8. Motion passed so declared the moderator.

ARTICLE 18

Motion by Philip Parry to table and duly seconded. Motion did not pass to table so declared the moderator.

Motion by Holly Moran and duly seconded to amend the Official Zoning Map, by re-zoning the parcels of land located at 6 High Street and Broad Street and an abutting unnumbered parcel of land at High Street shown on Assessor's Map 36 as Lots 2-4 and 2-3.A, respectively, from the Agricultural Residential District to the Highway Services District, as follows:

1. Change the designation of parcels of land known as Assessor's Map 36 Lots 2-4 and 2-3.A, from the Agricultural Residential District to Highway Services District; and
2. Revise the Official Zoning Map to locate Assessor's Map 36 Lots 2-4 and 2-3.A in the Highway Services District.

2/3's Vote Required

MODERATOR DECLARATION: Yes votes: 5, No votes: 215. Motion did not pass so declared the moderator.

ARTICLE 20

Motion by Holly Moran and not seconded to vote to accept the provisions of M.G.L. c.64N, §3, to impose an excise tax on the retail sales of marijuana for adult use at the rate of three percent (3%).

2/3's Vote Required

Motion by Earl Baumgardner to table Article 20 and duly seconded.

MODERATOR DECLARATION: Yes votes: 171, No votes: 4. Motion passed to table so declared the moderator.

ARTICLE 21

Motion by Holly Moran and duly seconded to accept the provisions of M.G.L. c.40, §8J authorizing the Town to create a Commission on Disabilities, and in accordance therewith, to establish a Commission of 5-13 Members to be appointed by the Board of Selectmen for alternating three year terms (other than initial appointments, which must be for one, two and three year terms); a majority of said Commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said Commission shall be either an elected or appointed official of the Town; such Commission shall be charged to undertake all of the matters authorized by law, including but not limited to: researching local problems of people with disabilities, serving as a resource to the Town in ensuring compliance with applicable state and federal laws affecting people with disabilities; and reviewing and making recommendations about Town policies, procedures, services, activities and facilities of departments, boards and agencies as they affect people with disabilities.

MODERATOR DECLARATION: MOTION PASSED BY HAND VOTE

A duly seconded motion to adjourn was made at 9:10 PM. Motion carried so declared the Moderator.

Respectfully Submitted,

Gwendolyn Lay Sabbagh, Town Clerk Town of Merrimac

