

Town of Rockport
Special Town Meeting
Saturday, April 4, 2015
Rockport High School

MODERATOR: (9:08AM) Ladies and gentlemen we are about to begin. Ladies and gentlemen, boys and girls welcome to the Rowell auditorium or arena and to our town meeting. We are actually going to have two town meetings this morning and before we start either of them we are going to open with the Pledge of Allegiance which will be led by Quenton Hurst and then we'll ask you to remain standing as he sings our National Anthem. Please rise. Put your hand over your heart. Stand straight and face the flag.

Quenton Hurst gloriously sang our National Anthem. The Pledge of Allegiance followed.

MODERATOR: Matt Wigton of the First Baptist Church will give the invocation.

REVEREND WIGTON: Gracious, eternal God in pausing at the beginning of this meeting we thank you for the gift of life and the gift of living together within community. We thank you for the remarkable village that you placed us in and all the individuals who make up the Town of Rockport. We thank you for your provision that has guided us through a difficult winter and brought us to the dawn of spring. We pray particularly for those with various needs in our community and pray that we would aspire towards the common good seeking the welfare of others before ourselves. We thank you for the past and present people of this town and ask for your continued blessing upon it. As we come to address the matters of town business we recognize our responsibility to be stewards of the assets that you've given us. May we indeed be faithful responding to the matters and people you've placed within our care. We pray you give us wisdom and clarity in discussing and deciding the matters on today's agenda and even in cases where we may disagree with one another. May we practice patience, consideration, charity and kindness as we work towards excellence both in our character and execution of our town business. We pray this in God's name. Amen.

MODERATOR: Now we'll hear from Ruth Maasen, Poet Laureate for our town.

The Blizzards of 2015

The storms crawled by with fearsome power,
snow blowing sideways hour after hour.

Shovel a shovel-wide path to the door.
Oops, snowed again! Shovel once more.

Dig out the driveway, the car—what a slog.
Dig a path to the hydrant, dig a path for the dog.

Heave the snow high up over your head.
Try to forget what the weatherman said:

Another one's coming! *Man oh man.*
With a bull's-eye painted right on Cape Ann.

There go the plows scraping and rumbling
all through the night—we shouldn't be grumbling,

we're snug in our beds, while the heroic
crew on the roads, exhausted but stoic,

battle the stuff coming out of the sky,
ton after ton, but they never say die.

Another one's coming! Can we hope for
a break between blizzards to get to the store?

No train, no T, no parking, no walking
the kids stir-crazy, the grouch not talking.

Trapped in a snow globe! *Let me out, let me out!*
the snowsick, slap-happy denizens shout.

At least we broke the record snowfall,
though that doesn't begin to make up for it all.

The leftover filthy snow piled up high
no doubt will melt by the Fourth of July.

So step aside, Blizzard of '78.
You've had your day, you really did rate,

but you weren't as gargantuan and messy and mean as the Blizzards of 2015.

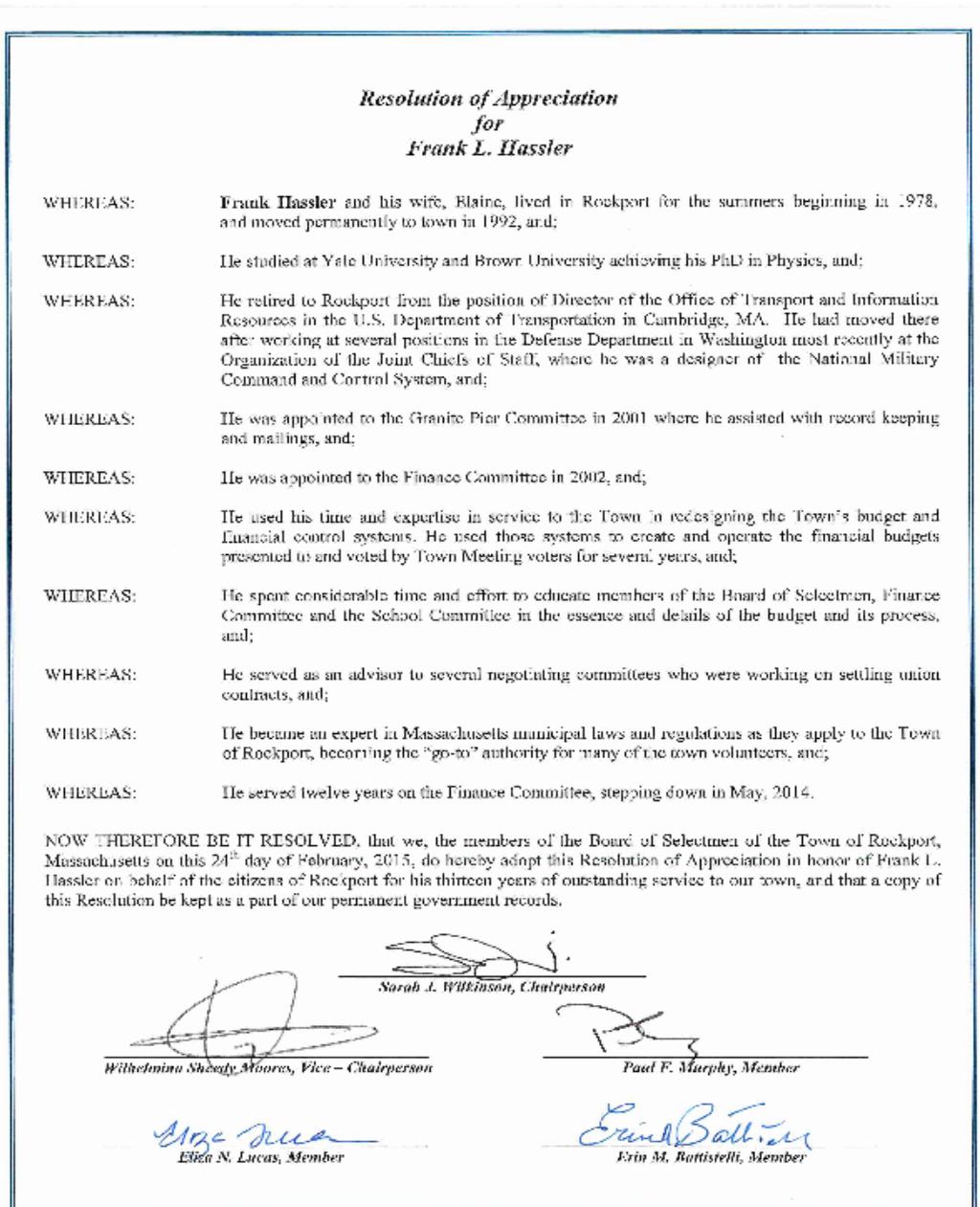
MODERATOR: That was fantastic and now some introductions. I am first going to introduce our Interim Police Chief – Jim Mulligan and ask him to stand for a moment and be recognized. (Applause) You've stepped in and done a wonderful job for the citizens and we really appreciate it. I'm going to introduce the Chairman of the Finance Committee – Wally Hess who will introduce his committee, they'll be very active at today's meeting.

WALLY HESS: Good morning. I want to introduce our Finance Committee sitting here. First we have June Michaels, Mike Hughes, Bill Wagner, Melissa Tingley, Ian Crown and Beth Daley. Melissa and Ian were just appointed last week.

MODERATOR: Thank you very much and I'm going to ask Sarah Wilkinson to introduce the Board of Selectmen and Mitch and then she has some presentations to make on behalf of the board after that.

SARAH WILKINSON: Good morning. I wish I had a fantastic poem to read too. Instead you just get to meet us again. To my left we have the Assistant Town Administrator Mitch Viera, to the right we have Selectman Paul Murphy, next we have Selectwoman Erin Battistelli, and then we have (ooh you got a woo, Erin) next we have Selectwoman Eliza Lucas and Selectwoman Wilhelmina Sheedy is out of the country and she won't make it in time for the meeting today but we look forward to spending the day with you. Next I'd like to ask, Selectwoman Erin Battistelli is going to do a recognition of Frank Hassler. Is Frank here? If Frank could please join Erin at the front.

SELECTWOMAN ERIN BATTISTELLI: Good morning. This is extra special because my dad spent many years on the Finance Committee Frank, so I know how much effort goes into that committee. This is a Resolution of Appreciation for Frank L. Hassler:



Applause

FRANK HASSLER: Thank you. WOW that's a lot of whereas and now, therefore. My thanks to the Board of Selectmen and to all of you. It's been a privilege and a pleasure to serve. I was raised in the belief that public service is a responsibility and duty of each citizen. I'm proud to have been part of that type of effort attempting to manage the town's finances often in very difficult times. It's a great deal of work that requires a lot of effort on the part of each and every member of the Finance Committee, all of the town officials and the many, many volunteers who truly keep this town going. I'm proud to have been a part of it.

Applause.

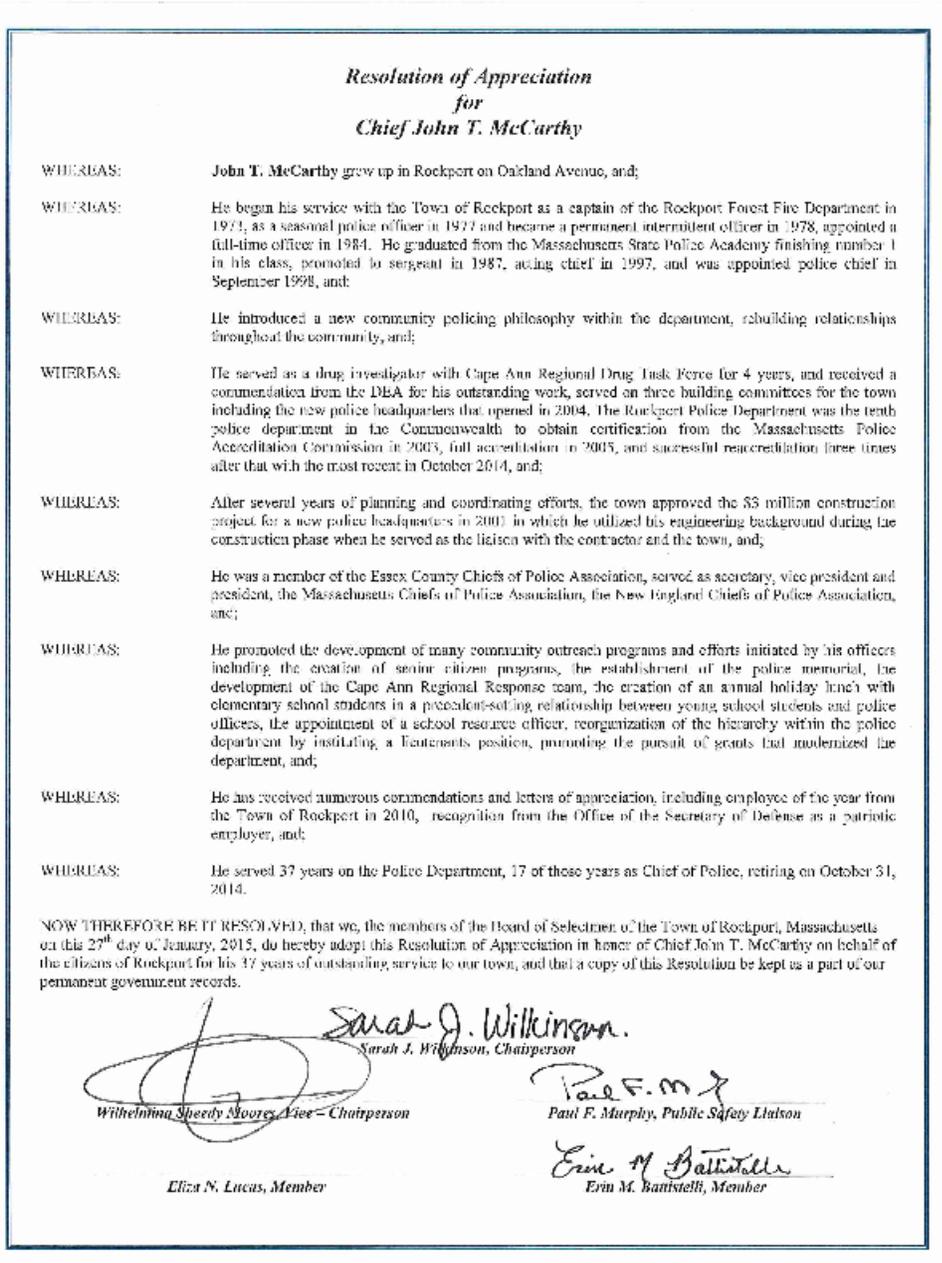
SARAH WILKINSON: Next Selectman Paul Murphy is going to do a recognition of Chief Tom McCarthy. Is Chief McCarthy here?

SELECTMAN PAUL MURPHY: Don't be nervous Tom – you have the right to remain silent, no just kidding.

MODERATOR: Don't say a word Chief.

Laughter

SELECTMAN PAUL MURPHY: Resolution of Appreciation for Chief John T. McCarthy:



Applause

CHIEF TOM MCCARTHY: Thank you. I want to first thank the honorable Board of Selectmen and the previous boards that I've worked with. I consider myself probably one of the most fortunate chiefs in the Cape Ann area for sure. I've always had tremendous support from the board and I really appreciate it as well as the Finance Committee, working with them over the years they've supported us to develop all these programs that you just heard about so I consider myself very, very fortunate to be the Chief of Police in Rockport for 17 years. But what I want to thank is the people that supported us as well. The Public Safety in Rockport including the Fire Department, Ambulance is spectacular, DPW what a job they did this winter. Unbelievable. (Applause) But most of all I want to thank my family, my wife Gail, my daughters Haley, Sabrina, my son Michael. It's very difficult for young people to grow up in a small community like Rockport with their father being the Chief of Police (laughter) but they're spectacular kids and I've been very, very fortunate. I want to thank the community for everything they've done for me. Thank you.

Applause

SARAH WILKINSON: We have one more Resolution. It's for Dick Merringer who we've just found out is still somewhere warmer than here so we're going to hold off and we'll do it at the next meeting that Dick can be at so we're all set. Thank you.

MODERATOR: Okay, to my right today are the clerks – Pat Brown and Linda Emerson and they are going to assist in all aspects of the meeting today and specifically they wanted me to remind you that if in the course of the meeting you're reading from a speech or some notes to make sure that you give it to them so that they can make sure it's part of the record. To my left is Linda Sanders the Town Administrator and Darren Klein our town counsel. Anyone who needs help in, well if they get arrested, or if they have a motion or an amendment they want to talk to town counsel feel free to do so and as I always remind you from time to time there will be questions that will appropriately be addressed to town counsel and you don't have to shout out "Let's hear from legal" we'll give him a moment to actually reflect on things and then we'll present questions to him. The Town Clerk will now read the names of those citizens who served our town so well who passed away last year.

TOWN CLERK PATRICIA BROWN: We remember those who passed on in the year 2014:

Robert P. Aspesi
John E. Bennett
Marguerite H. Brown
Hope Coffman
Albert V. Dapolito
Eleanore A. Fisher
Frederick R. Grover
Marion A. Horgan
Mary "Tina" C. Ketchopulos
Miriam E. Lane
Beverly Quint
Ann Sheinwald
John W. Sparks
Margery M. Story

We are grateful for the years of faithful service that they gave to the Town of Rockport. (applause)

MODERATOR: Thank you. The ground rules in a moment we're going to be turning to our booklets so make sure you have that ready. I know that there are non-voters here today you are of course welcome as guests of the meeting but you have to be seated in a special section which is over there and you may not participate in the meeting without permission of the Chair, I guess that's me – If you are a registered voter don't sit over there we won't look for you and have one of these (placard) so you're ready to vote. In a few years this may be replaced by something electronic because we all want to have the same gadgets that our kids have.

We are now going to be talking about the special town meeting. The Chair will entertain a motion to omit the reading of the articles in the warrant. Moved and seconded. All those in favor say aye. Opposed. The motion passed to omit the reading of the warrant.

Town Clerk Patricia Brown read the Officer's Return.

MODERATOR: Okay the meeting is going to be conducted in accordance with parliamentary procedure as described in Chapter 2 of our town bylaws which can be found on page 7 and of course the basis for many of these rules is Robert's Rules of Order and you can have that booklet with you if you need it or you can consult what I consult of course which is this. We use the interpretation of Robert's Rules based on town meeting time which if you want that book I can make that available also for you as well. So if you turn to page 7 we will go through this in a little bit of detail. As you know in the previous meeting there was a little bit of parliamentary wrangling, some procedural issues and so many people were shocked to find out that we had rules governing such things so we'll spend a few minutes and we'll talk about that.

We will always be talking about a pending motion and not a warrant article. The warrant provided notice to the town that the subject matter may be considered but the motion is actually what we are going to act upon. With respect to each article I'll recognize a proponent to offer a motion and after it is seconded state the reasons for the motion. Linda Sanders will handle most of those in order to move the meeting along. We have advisory committees who from time to time will provide their opinions, the Town Government and Bylaw Committee, I don't think we'll hear from them today but we will hear on many occasions from the Finance Committee. If you wish to speak get my attention – I will look around and try to look for different sections of this big room I don't want to just pick on the same people over and over again and the town clerks help me in that regard. You have that beautiful voter card and we will look for you. When you are recognized please either come up front or we have many volunteer microphone runners and so if you stand up they are in the back, kind of wave if you would, they are in the back and they will come to your assistance and provide a microphone and state your name and at least the first time you speak, your address. Address all remarks through the Chair and I say this many times but remember we must be civil. We're all Rockporters we have passionate and different ideas about just about everything. Matter of fact, I picked up this book at the library just a few hours ago – "Some People Think Things Are The Dumbest Idea Ever" but even if that is your belief be respectful of those who have other opinions and so if in fact you're making personal attacks on somebody you will probably not speak a second time.

When I sense that we're ready to vote I will state the question and then we will vote and there is a section here called – a motion to reconsider – and so spend a few moments if you would going through that we had that issue pop up recently. Sometimes people call out "move the question" and just so you know that is not the type of thing that for which you can interrupt the meeting and so you must, if that's what you

want to do, just raise your hand and once you do that itself is a motion and that requires a two-thirds vote and it won't be debatable so just keep that in mind.

This is a business meeting so to keep it going I have asked and I'll ask again that if people let me know prior to the meeting about any proposed amendments so we can spend time ahead of going and asking town counsel for opinion and things like that. So if you come up with some snappy amendment and it seems like something you could have brought ahead of time and you're an experienced pro at the meeting I might give you a very respectful hard time.

We are guests of the school department today and Rob Liebow wants me to remind you other than him smoking is not permitted anywhere on the school grounds and I don't know if there is still a rule about yoga pants (laughter) You can wear yoga pants this year, last year remember if you wore them you had to take them off. (laughter)

Is Erin Caniff here this year to have us exercise between meetings? Last year we had a spark break and ya know I'm always worried about town meeting I wake up - middle of the night wondering if I've missed something and this morning I woke up and the first thing I did was you know looked at the Gloucester Times online and it said "Town meeting to debate medicinal marijuana dispensaries" and I thought geez how did I miss that one? (laughter) But in fact that one is happening in Manchester. (laughter)

The Town Clerk will tell us a little bit about the different divisions if in fact we need to vote in that manner.

The Town Clerk explained the areas involved in each division in case of a standing vote.

MODERATOR: Okay in the Special Town Meeting the following Articles are related and we'll go in order – all of them. In the Annual Town Meeting 1-6 we will hear in order – B,C,D,E are about charities we will hear them in order – R and S deal with easements and Pat Brown will moderate those, as I have a conflict, those are in order and T and U are about reports and those will be in order. We will complete this meeting today so now let's take a look at – oh and I have announcements. I put on my website, how many people have looked at my website? – yeah, so the three of you know this (laughter) that I have asked any official town boards, committees to let me know of upcoming events and I would spend a second or two announcing them and so I did get some feedback on that – on the 15th of April the Millbrook Meadow Committee is having a meeting; on the 30th of April the Board of Health is going to have a public information session at the library on fluoride and on May 5th there is a town election. So if you are from an official town committee and you want to have me announce something come on up, let me know and I'll do it from time to time here.

I will entertain a motion under Article A.

ARTICLE A(1)To see if the Town will vote to appropriate by transfer from available funds sums of money to be expended by various Town Departments to balance the FY15 budget; or act on anything relative thereto.

LINDA SANDERS FOR WALLY HESS CHAIRMAN OF THE FINANCE COMMITTEE:

I move that the Town appropriate by transfer the sums of money to be expended by various Town Departments to balance or supplement the FY15 budget as are set forth on page 27 of the April 4, 2015 Town Meeting Voters Booklet with the addition of one line that is not in your booklet but is on the slides and that's \$25,000.00 to be transferred from the town hall air conditioners account and transferred to the library building account for bathrooms.

Amount	From	To
\$110,000	Group Health Insurance	Snow & Ice Expenses
\$ 5,000	Town Accountant Salary	Veterans Agent Assessment
\$ 5,000	Town Accountant Salary	Legal Fees
\$ 20,000	Selectmen Misc Receipts (Legal Settlement)	Legal Fees
\$ 11,238	Betterments Marmion Way	Essex Regional VoTec Assmnt
\$ 60,000	Parking Meter Fund	Parking Meters Account
\$ 25,000	Town Hall Air Conditioners Account	Library Building - Bathrooms
\$ 40,000	Group Health Insurance	Snow & Ice Overtime
\$ 1,960	Selectmen Printing	Assessor Clerk Wages
\$ 633	Selectmen Printing	Council on Aging Clerk Wages

Moved and seconded.

MODERATOR: I promised my wife that I would not make any bathroom humorous comments today so that's my number 1 and number 2 pledge and I won't do it.

All right you've heard the motion. All those in favor say aye, opposed say no.

That motion carries. We move on to Article B which requires a super majority of 9/10s.

The Chair will entertain a motion under Article B.

ARTICLE B(2) To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay unpaid bills and payroll of previous years; or act on anything relative thereto. *(Town Accountant) (requires 9/10 vote)*

LINDA SANDERS FOR WALLY HESS: I move that the Town appropriate by transfer the sums of money to be expended by various Town Departments to pay bills from previous fiscal years as set forth on page 28 of the April 4, 2015 Town Meeting Voters Booklet and is shown on the slide.

Amount	From	To
\$1,000.00	Ambulance Medical Expenses	Beverly Hospital
\$ 468.53	Fire Engineer Expenses	R.E. Paradis Marine & Equip
\$2,052.36	Bedrock Wells Account	Dewbury Engineers, Inc.
\$ 25.00	DPW Other Purchased Services	Quadrant Health
\$ 25.00	Sewer Enterprise Other Purchased Services	Quadrant Health

Moved and seconded. Any discussion? All right, you've heard the motion. All those in favor say aye. Any opposed?

That motion carries unanimously.

The Chair will entertain a motion under Article C.

ARTICLE C(3) To see if the Town will vote to appropriate by transfer the unexpended amount of \$19,611.13 from funds that were initially borrowed as authorized in Article 6A of the April 9, 2012 Annual Town Meeting to finance the Water Filtration Plant Generator Upgrade capital project that is now complete, and for which no further liability remains, to pay costs of water main replacements and upgrades, including the purchase of the water main pipe material as well as hydrants, valves and other associated materials needed for water main work, as permitted by Chapter 44, Section 20 of the General Laws; or act on anything relative thereto. *(Department of Public Works)*

LINDA SANDERS FOR DPW COMMISSIONER JIM GARDNER: I move that the Town appropriate by transfer the remaining unexpended funds in the amount of \$19,611.13 from funds that were initially approved and borrowed under Article 6A of the April 9, 2012 Annual Town Meeting to finance the Water Filtration Plant Generator Upgrade capital project that is now complete, and for which no further liability remains, to a Water Main Replacements and Upgrades account to pay costs of water main replacements and upgrades, including the purchase of materials needed for water main work, as permitted by Chapter 44, Section 20 of the General Laws.

Moved and seconded. Any discussion? You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion under Article D.

ARTICLE D(4) To see if the Town will vote to close the Carlson's Quarry Dam Inspection account voted as Article E at the April 3, 2010 Special Town Meeting and appropriate by transfer the remaining unexpended funds in the amount of \$26,301.50 to the Water Treatment Plant Capital Improvements account for the purpose of carrying out capital improvement projects for the Water Treatment Plant facilities; or act on anything relative thereto. *(Department of Public Works)*

LINDA SANDERS FOR JIM GARDNER: I move that the Town close the Carlson's Quarry Dam Inspection account voted under Article E of the April 3, 2010 Special Town Meeting and appropriate by transfer the remaining unexpended sum of \$26,301.50 to the Water Treatment Plant Capital Improvements account for the purpose of carrying out capital improvement projects for the Water Treatment Plant facilities.

Moved and seconded. Any discussion? You have heard that motion all in favor say aye. Opposed say no.

That motion carries.

The Chair will entertain a motion under Article E.

ARTICLE E(5) To see if the Town will vote to establish a special revolving fund, in accordance with the provisions of General Laws Chapter 44, Section 53E½, to be known as the Net Metering Credit Receipts Revolving Fund, to which shall be credited receipts received from National Grid, by whatever name, in connection with the Town's purchase of net metering credits as a Host Customer under a 2012 agreement with Berkeley Real Estate, LLC, or either of their successors or assigns, and from which monies may be expended without further appropriation for the purpose of meeting the Town's obligations to Berkeley under said 2012 agreement, in an amount not exceeding \$525,000 in FY2016; and further, to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior

to enactment by the General Court, and provided further 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:

AN ACT PROVIDING FOR A NET METERING CREDIT RECEIPTS FUND IN THE TOWN OF ROCKPORT

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

SECTION 1. Notwithstanding the provisions of section 53E½ of chapter 44 of the general laws, or of any other general or special law to the contrary, there shall be established in the town of Rockport a special revolving fund to be known as the Net Metering Credit Receipts Fund, to which shall be credited all receipts received from an electric utility or its affiliate, successor or assign, in connection with said town's purchase of net metering credits from the operator of a net metering facility as a host customer, whether under a 2012 agreement with Berkeley Real Estate, LLC, or otherwise ("Agreement"), and from which monies may be expended by the director of public works without further appropriation for the purpose of meeting said town's obligations under such Agreement; provided, however, that the Rockport town meeting shall annually impose a limit on expenditures from the fund in an amount equal to that estimated by the electric utility to be provided to said town as net metering credits, and further that any monies in said special fund not needed to meet the town's obligations under the Agreement may be transferred or appropriated by town meeting for any legal purpose. The fund authorized hereunder may exceed the limit described in said section 53E½ of 1 per cent of the amount raised by taxation

in the most recent year for which a tax rate has been certified, and shall not be included to determine the aggregate limit of all revolving funds authorized under said section 53E½ of said chapter 44.

SECTION 2. This act shall take effect upon passage.; or act on anything relative thereto.

(Department of Public Works)

LINDA SANDERS FOR JIM GARDNER I move to approve Article E as printed in the warrant and shown on pages 30 and 31 of the Town Meeting Voters Booklet and further that the General Court may make clerical 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, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

Moved and seconded. Any discussion? You've heard the motion all those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion under Article F.

ARTICLE F(6): To see if the Town will vote to appropriate by transfer the sum of \$20,000 from the School Roof account to the Library Fire Escape Construction account for the purpose of providing additional funds needed to install three new code-compliant fire escapes at the library; or act on anything relative thereto. *(Department of Public Works)*

LINDA SANDERS FOR PAUL SENA, CHAIRMAN BOARD OF DPW COMMISSIONERS: I move that the Town appropriate and transfer the sum of \$20,000 from the School Roof account to the Library Construction account for the purpose of providing additional funds needed to install three new code-compliant fire escapes at the library.

Moved and seconded. Any discussion? All those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion under Article G.

ARTICLE G(7): To see if the Town will vote to expend the additional sum of \$96,374 allocated to the Town under the provisions of Section 34(2)(a) of M.G.L. Ch.90 or otherwise, so-called "Chapter 90 monies"; or act on anything relative thereto. *(Department of Public Works)*

LINDA SANDERS FOR CHAIRMAN PAUL SENA: I move that the Town expend the additional sum of \$96,374 allocated to the Town under the provisions of Chapter 90 of the General Laws, plus the additional sum of \$28,912 allocated to the Town under the special Winter Recovery Assistance Program.

Moved and seconded. Any discussion? You've heard the motion. All those in favor say aye. All those opposed say no.

The motion carries.

The Chair will entertain a motion under Article H.

ARTICLE H(8): To see if the Town will vote to appropriate by transfer to FY2015 Snow and Ice accounts for the purpose of decreasing the unprecedented deficit in such accounts such sums as specified from the appropriations originally approved under Article 6 of the April 6, 2013 and April 2, 2011 Annual Town Meetings, as follows, and further, to close said accounts:

- \$40,000 from the Pigeon Cover Fire Station Repairs account;
- \$20,000 from the Fire Station Additional Repairs account;
- \$45,000 from the Fire Station Electrical account;

or act on anything relative thereto. (*Department of Public Works*)

LINDA SANDERS FOR MICHAEL HUGHES, FINANCE COMMITTEE MEMBER: I move that the Town close the specified accounts as printed in the Warrant and shown on page 32 of the Town Meeting Voters Booklet and transfer their unexpended funds in the amounts of \$40,000 and \$20,000 to the Snow & Ice Expenses account and the sum of \$45,000 to the Snow & Ice Overtime account to help fund the FY2015 unprecedented deficit.

Amount	From	To
\$40,000	Pigeon Cove Fire Station Repairs, A6/13	Snow & Ice Expenses
\$20,000	Fire Station Additional Repairs, A6/13	Snow & Ice Expenses
\$45,000	Fire Station Electrical, A6/11	Snow & Ice Overtime

Moved and seconded. Any discussion? All those in favor say aye. Opposed?

The motion carries.

The Chair will entertain a motion to dissolve the Special Town Meeting. Moved and seconded. All those in favor say aye. Opposed say no.

The motion carries.

The meeting dissolved at 9:49AM.

Congratulations, that is a record. I am going to take that back to the Mass Moderators Association. I get a little pin (laughter) and that took less time than Mr. Murphy's presentation of the citation for Chief McCarthy. (Applause)

We move on to the Annual Town Meeting.

