

**TOWN OF ROCKPORT  
FALL TOWN MEETING  
SEPTEMBER 17, 2018  
ROCKPORT HIGH SCHOOL AUDITORIUM**

The Fall Town Meeting commenced at 7:06PM. The evening was started with the Pledge of Allegiance followed by the invocation given by Reverend Matt Wigton.

A motion was made, seconded, and passed by voice vote to omit the reading of the Articles.

The Town Clerk read the Officer's Return.

The Town Moderator gave instructions and directives.

The Town Moderator announced related Articles: A & B; C, D, E & F; H, I, J, K, L, and M & N

The first article pulled for the lottery was the series: H, I, J, K, L, and M & N

The Chair entertained a motion under Article H.

**ARTICLE H (1):** To see if the Town will vote to amend the Zoning Bylaws, Section IV.B, to correct the footnote designation for building coverage and to clarify the definition for relief to read as follows (with strikethrough text to be deleted and new text to be inserted shown in bold):

Coverage (7) **(8)** \*\*

(8) For lots ~~which cannot~~ **that will not** conform to building coverage requirements, a special permit may be granted by the Board of Appeals.

; or act on anything relative thereto. (*Zoning Board of Appeals*) (*requires 2/3 vote*)

MITCHELL VIEIRA FOR ZONING BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws, Section IV.B, and approve Article H as printed in the warrant and as set forth on page 38 of the *Fall Town Meeting Voters Booklet*.

The Board of Selectmen and the Planning Board support this motion.

**It was moved, seconded, and carried by hand vote of more than two-thirds.**

The Chair entertained a motion under Article I.

**ARTICLE I (2):** To see if the Town will vote to amend the Zoning Bylaws, Section III.B (Table of Uses), sub-section I.F. to restore words inadvertently omitted to read as follows (with text to be inserted shown in bold):

F. The conversion of **any existing dwelling into a two-family or** a multiple dwelling with not more than (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than (10%) of the area which was originally used for habitation; or act on anything relative thereto. (*Zoning Board of Appeals*) (*requires 2/3 vote*)

MITCHELL VIEIRA FOR ZONING BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws, Section III.B (Table of Uses), sub-section I.F., and approve Article I as printed in the warrant and as set forth on page 39 of the *Fall Town Meeting Voters Booklet*.

The Board of Selectmen and Planning Board support this article.

Moved and seconded.

TOBY ARSENIAN: 95 Granite Street – I move to refer this to the Planning Board. Moved and seconded.

A motion was made, seconded, and passed by an electronic vote of 92% (more than 2/3 rds.) to move the question (amendment).

The amendment failed with an electronic vote of 44% in favor to 56% opposed.

**The motion was carried by an electronic vote of 77% in favor to 23% opposed or 137 to 40.**

The Chair entertained a motion under Article J.

**ARTICLE J (3):** To see if the Town will vote to amend the Zoning Bylaws, Section VIII.C.3, to correct references used in this subsection to read as follows (with strikethrough text to be deleted and new text to be inserted shown in bold):

3. In the Floodplain District no new construction of buildings, nor substantial improvements to or relocation of existing buildings shall be undertaken except as provided in ~~Section~~ **Subsection 4** hereof. "Substantial improvements" as used in this Section ~~VII~~ **VIII** is any repair, reconstruction or improvement of a main structure on the property, the cost of which equals or exceeds 50% of the actual cash value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition substantial improvements are considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

a. Any alteration to comply with existing state or local health sanitary building or safety codes or regulations or;  
b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

; or act on anything relative thereto. (*Zoning Board of Appeals*) (*requires 2/3 vote*)

MITCHELL VIEIRA FOR BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws, Section VIII.C.3, and approve Article J as printed in the warrant and as set forth on pages 39 and 40 of the Fall Town Meeting Voters Booklet.

The Board of Selectmen and the Planning Board support this article.

Moved and seconded.

TOBY ARSENIAN: I move to refer it to the Planning Board. (With lengthy explanation.)

MODERATOR: Very interesting stuff out of order though. The article is just dealing with fixing two typos.

**The motion carried with an electronic vote of 148 in favor to 31 opposed – more than two-thirds.**

The Chair entertained a motion under Article K.

**ARTICLE K (4):** To see if the Town will vote to amend the Zoning Bylaws, Section XIII.C.6, to change the special permit lapse time to two years from one year, to read as follows (with strikethrough text to be deleted and new text to be inserted shown in bold):

6. Special Permits shall only be issued following public hearings held within the period, established by Law, after the filing of an application with the Board of Appeals.

Special Permits shall lapse within ~~one year~~ **two years**, and including such time required to pursue or await the determination of an appeal referred to in General Laws, Chapter 40A, as amended, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in case of a permit for construction, if construction has not begun by such date except for good cause. ; or act on anything relative thereto. (*Zoning Board of Appeals*) (*requires 2/3 vote*)

MITCHELL VIEIRA FOR BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws, Section XIII.C.6, and approve Article K as printed in the warrant and as set forth on pages 40 and 41 of the Fall Town Meeting Voters Booklet. (*2/3 vote*)

The Board of Selectmen and Planning Board support this article.

**It was moved, seconded, and carried by an electronic vote of 151 in favor to 30 opposed – more than two-thirds.**

The Chair entertained a motion under Article L.

**ARTICLE L (5):** To see if the Town will vote to amend the Zoning Bylaws, Section I.C, definition of "Structure" to allow fences to be up to seven feet in height, to read as follows (with strikethrough text to be deleted and new text to be inserted shown in bold):

Structure: A combination of materials assembled at a fixed location, for example a building, mobile home, tent, shed, swimming pool, deck or storage bin. The term structure shall include walls and fences or a combination thereof if over ~~six~~ **seven** feet high measured from the existing grade. The word "structure" shall apply where the context allows as though followed by the words "or part thereof."; or act on anything relative thereto. (*Zoning Board of Appeals*) (*requires 2/3 vote*)

MITCHELL VIEIRA FOR BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws, Section I.C, and approve Article L as printed in the warrant and as set forth on page 41 of the Fall Town Meeting Voters Booklet.

The Board of Selectmen and Planning Board support this article.

**It was moved, seconded, and carried by an electronic vote of 151 in favor to 31 opposed – more than two-thirds.**

The Chair entertained a motion under Article M.

**ARTICLE M (6):** To see if the Town will vote to amend the Zoning Bylaws. Section IV.A.11, to provide special permit relief for new nonconformities created when an addition proposal bringing a residence’s gross floor area (GFA) to 4000 square feet or greater increases side setbacks to 20 feet or greater making a conforming existing house nonconforming with regard to new setbacks and when the proposed addition is conforming to the increased setbacks, by inserting a new subsection after subsection titled “Floor Area and Side Setbacks”, as follows:

**A conforming structure that becomes nonconforming due to a proposed addition that increases gross floor area to 4,000 square feet or greater resulting in increased setbacks pursuant to Section IV.A.11.c.2.i and ii, a special permit may be granted, if the proposed addition is conforming to the new increased setbacks.**  
; or act on anything relative thereto. *(Zoning Board of Appeals) (requires 2/3 vote)*

MITCHELL VIEIRA FOR BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws. Section IV.A.11 and approve Article M as printed in the warrant and as set forth on page 42 of the Fall Town Meeting Voters Booklet.

The Board of Selectmen and Planning Board support this article.

**It was moved, seconded, and failed by an electronic vote of 119 in favor to 63 opposed – less than two-thirds**

We move on to Article N.

**ARTICLE N (7):** To see if the Town will vote to amend the Zoning Bylaws, Section I.D., by inserting a new subsection (9) “Nonconforming Lots” requiring a special permit for a conforming house on a nonconforming lot to read as follows (text to be inserted shown in bold):

**9. NONCONFORMING LOTS**

**Construction of a conforming dwelling and/or accessory structure on a nonconforming lot requires a special permit.** ; or act on anything relative thereto. *(Board of Selectmen) (requires 2/3 vote)*

MITCHELL VIEIRA FOR BOARD OF APPEALS CHAIR ALAN BATTISTELLI moves to amend the Zoning Bylaws, Section I.D., and approve Article N as printed in the warrant and as set forth on page 43 of the Fall Town Meeting Voters Booklet.

The Board of Selectmen and Planning Board support this article.

**It was moved, seconded, but withdrawn by the Board of Appeals Chairman.**

The Chair entertained a motion under Article A.

**ARTICLE A (8):** To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. (majority vote)

MITCHELL VIEIRA FOR FINANCE COMMITTEE CHAIR BILL WAGNER moves that the Town appropriate and transfer the sums set forth in the Fall Town Meeting Voters Booklet on page 29, all for the purpose of paying unpaid bills and adjustments from the previous fiscal year.

The Board of Selectmen and the Finance Committee support this article.

Amount	From	Vendor
\$880.93	Fire Electricity	National Grid
\$56.21	Conservation Office Supplies	Staples Business Advantage

**It was moved, seconded, and carried by voice vote.**

The Chair entertained a motion under Article B.

**ARTICLE B (9):** To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 7, 2018 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto.

MITCHELL VIEIRA FOR FINANCE COMMITTEE CHAIR BILL WAGNER moves that the Town amend the votes taken under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 7, 2018 Annual Town Meeting by transferring the sums set forth in the Fall Town Meeting Voters Booklet for Article B Motion on page 30 and in the amounts and for the purposes specified therein.

The Board of Selectmen and the Finance Committee support this article.

Amount	From	To
\$2,000.00	Essex Tech	ECS Utilities
\$900.00	Essex Tech	Treasurer/Collector Postage
\$2,870.00	Payroll/Benefits Specialist Salary	Parking Ticket Services
\$1,855.00	Workers Compensation	Parking Ticket Services
\$275.00	Sick Buyback	Parking Ticket Services
\$1,000.00	Essex Tech	Parking Printing Services
\$4,751.00	Essex Tech	HR Operating Expenses
\$249.00	Payroll/Benefits Specialist Salary	HR Operating Expenses
\$1,000.00	Essex Tech	HR Clerical Substitute Wages
\$1,500.00	Comm. House Exterior Painting	Trash Barrel Replacement
\$4,819.26	Comm. House Exterior Painting	Bench Replacement
\$1,065.00	Sludge Pumps/Motor Replacement	Wastewater Facility Master Account
\$561.58	Wastewater Treatment PH Study	Wastewater Treatment PH Improvements
\$6,589.27	DPW Sludge Truck Replacement	Pigeon Cove Pump Station Upgrade

It was moved, seconded, and carried unanimously by voice vote.

The Chair entertained a motion under Article G.

**ARTICLE G (10): To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form substantially as set forth below, authorizing the Board to issue up to two annual licenses for the sale of beer and wine at a gourmet or specialty food store not to be consumed on the premises; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve 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 this petition:**

**ACT RELATIVE TO THE GRANTING OF ALCOHOLIC BEVERAGES LICENSES NOT TO BE CONSUMED ON THE PREMISES BY 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. (a) Notwithstanding sections 11, 11A and 17 of chapter 138 of the General Laws, or any other general or special law to the contrary, the board of selectmen of the Town of Rockport may place upon the official ballot to be used at the next annual or special town election the following question:**

**Shall the Board of Selectmen be authorized to grant up to 2 year-round licenses for the sale of beer and wine at a gourmet or specialty food store not to be consumed on the premises?**

Yes\_\_

No \_\_

**If a majority of votes cast in answer to the question are in the affirmative, the town may grant up to two licenses for the sale of alcoholic beverages not to be consumed on the premises. The Board of Selectmen may from time to time issue regulations for the granting of the licenses and define terms appropriate to carrying out the objectives of this act. The granting of such licenses shall in all other respects be governed by said chapter 138.**

**(b) The Board of Selectmen may not approve the transfer of a license to a new location but may approve a transfer of a license issued pursuant to this act to a new applicant at the same location if the applicant files a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.**

**(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all rights, privileges and restrictions pertaining thereto, to the Board of Selectmen and the Board may then grant the license to a new applicant under the same conditions specified in this act.**

**SECTION 2. This act shall take effect upon its passage.** *(Board of Selectmen) (requires majority vote)*

MITCHELL VIEIRA FOR BOARD OF SELECTMEN CHAIR SARAH WILKINSON moves to authorize the Board of Selectmen to petition the General Court for special legislation and approve Article G as printed in the warrant and as set forth on pages 36 and 37 of the Fall Town Meeting Voters Booklet.

The Board of Selectmen supports this article.

A motion was made to send this back to the Board of Selectmen to define what a grocery store and what a specialty store would be before we make a decision on this.

It was moved, seconded, and failed by electronic vote 44 in favor and 143 opposed to send this back to the Board of Selectmen.

**It was moved, seconded, and carried by electronic vote 128 in favor to 53 opposed to allow the Board of Selectmen to petition the General Court for special legislation.**

The Chair will entertain a motion under Article O.

**ARTICLE O (11): To see if the Town will vote to amend Chapter 14 of the Town Code of By-Laws entitled “Environmental Protection and Public Health”, by:**

**\* Adding Section F “Single Use Plastics Prohibition”**

**\* Adding subsection 1 “Single Use Plastic Bag Prohibition”**

**As follows:**

**A. Purpose and Intent**

The production and use of thin-film single-use plastic bags has significant impacts on the marine and land environment, especially in coastal communities, including but not limited to: contributing to the injury and potential death of marine animals through ingestion and entanglement, contributing to the pollution of the land environment and waterways, clogging storm drainage systems, creating a burden to solid waste collection and recycling facilities, and requiring millions of gallons of oil nationally in the manufacturing and distribution process. Plastic or bioplastic bags labeled as “biodegradable” lack sufficient information about the timeframe and composting facility required for biodegradation. “Biodegradable” bags are not necessarily compostable or recyclable. Thus, bags simply labeled as “biodegradable” for all intents and purposes have similar environmental impacts as thin-film single-use plastic bags aforementioned. “Biodegradable” bags of this type are therefore also subject to the requirements herein.

Studies have shown that plastic bags considered “compostable” under the American Society for Testing and Materials (ASTM) D6400 Standard can be composted successfully under specific industrial composting conditions. The use of these bags and the education of consumers on how to use and dispose of these bags correctly is strongly encouraged.

The goal of this bylaw is to conserve, protect, and enhance the natural beauty and health of the marine and land ecosystems in the Town of Rockport by eliminating the usage of thin-film single-use plastic bags at all retail establishments within the town.

**B. Definitions**

**ASTM D6400 STANDARD:** The testing standard to designate a bag as “compostable” developed by the American Society for Testing and Materials. This label is placed on plastics that are intended to be composted under aerobic conditions in municipal or industrial composting facilities.

**COMPOSTABLE BAG:** A bag that conforms to the current American Society for Testing and Materials (ASTM) D6400 Standard specifications for compostability, and is certified and labeled as such by a recognized verification entity. .

**RECYCLABLE PAPER BAG:** A paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the American Society for Testing and Materials (ASTM) D6400 Standard.

**RETAIL ESTABLISHMENT:** Any commercial business facility that sells goods and/or services to the public including but not limited to grocery stores, pharmacies, bars, restaurants, markets, liquor stores, retail stores, and convenience stores.

**REUSABLE BAG:** A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric, or other durable materials.

**THIN-FILM SINGLE-USE PLASTIC BAG:** A bag, typically with handles, with a thickness of 4.0 mils or less, that is provided at the point of sale for transport of purchased products. This includes but is not limited to bags made of high-density polyethylene, low-density polyethylene, or “biodegradable” materials and which do not meet the ASTM D6400 standard specifications for compostable plastic.

### C. Use Regulations

- a. Thin-film single-use plastic bags shall not be distributed to customers or sold at any retail establishment in the Town of Rockport.
- b. Retail establishments may provide recyclable paper bags or compostable bags to customers.
- c. Customers are encouraged to bring their own reusable or compostable bags to retail establishments. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.
- d. Thin-film plastic bags, typically without handles, that are used to contain produce, meat, bulk foods, newspapers, dry cleaning, wet items, and other similar merchandise, are exempt from the provisions of this bylaw.

### D. Administration and Enforcement

This bylaw shall be enforced by any officer of the Police Department and by the Board of Health or its agent.

If a violation has occurred, the offending retail establishment shall receive a warning notice for the initial violation from the enforcing agent.

If an additional violation of this bylaw has occurred within one year after a warning notice has been issued for an initial violation, the enforcing agent shall issue a notice of violation and shall impose a penalty against the retail establishment.

The penalty for each violation that occurs after the issuance of the warning notice shall be as follows:

- i. \$50.00 for the first offense
- ii. \$100.00 for the second offense and each subsequent offense. Each day or portion thereof shall constitute a separate offense.

All fines shall be payable to the Town of Rockport.

\* Adding subsection 1 “Single Use Straw and Stirrer Prohibition” As follows:

### A. Purpose and Intent

The use and disposal of plastic straws and stirrers has significant negative impacts on the marine and land environment. It has been found that:

1. Plastic straws and stirrers are rarely recycled.
2. Rockport’s proximity to the ocean means that plastic straws and stirrers that are not disposed of properly have a high chance of ending up on the beaches and in the sea.
3. Plastic straws and stirrers take up to 200 years to degrade and are never fully absorbed by the planet.
4. The degradation of plastic straws and stirrers releases chemicals toxic to wildlife, humans, and the environment.
5. The United States uses and disposes of an estimated 500 million plastic straws every day.

The Town of Rockport has a duty to protect the natural environment, the economy, and the health of its citizens. This Bylaw aims to uphold these duties by banning the sale or dispensing of single-use plastic straws and stirrers within the Town of Rockport.

### B. Definitions

**ASTM D6400 STANDARD:** The testing standard to designate a plastic as “compostable” developed by the American Society for Testing and Materials. This label is placed on plastics that are intended to be composted under aerobic conditions in municipal or industrial composting facilities.

**BEVERAGE PROVIDER:** Any business, organization, entity, group, or individual located in the Town of Rockport that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

**COMPOSTABLE PLASTIC STIRRER:** A stirrer designated as compostable as it meets the American Society for Testing and Materials (ASTM) D6400 Standard.

**COMPOSTABLE PLASTIC STRAW:** A straw designated as compostable as it meets the American Society for Testing and Materials (ASTM) D6400 Standard.

**FOOD ESTABLISHMENT:** An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "Food Establishment" for purposes of this ordinance.

**PLASTIC STIRRER:** A device that is used to mix beverages, intended for only one-time use, and made from plastic materials including but not limited to polyethylene, polypropylene, and polystyrene.

**PLASTIC STRAW:** Any single-use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

**RETAIL ESTABLISHMENT:** Any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling food, clothing, and personal items, dry cleaning services, and theaters.

### **C. Use Regulations**

**a. No food establishment, retail establishment, or beverage provider within the Town of Rockport shall use, provide, distribute, or sell plastic straws and/or stirrers.**

**b. Nothing in this section precludes food establishments, retail establishments, or beverage providers from using or making non-plastic alternatives, such as those made from paper, Compostable Plastic, sugar cane, or bamboo, available to customers. Non-plastic alternative straws and/or stirrers shall only be provided upon request by the customer.**

**c. It shall not be a violation of this bylaw for a food establishment, retail establishment or beverage provider to provide a plastic straw or stirrer to an individual requesting one due to a disability or other physical condition that makes the use of alternative straws or stirrers unfeasible or unduly impractical.**

### **D. Administration and Enforcement**

**Enforcement of this bylaw is the responsibility of the Police Department and the Board of Health or its Agent.**

**Any establishment which violates any provision of this Bylaw shall be subjected to the following penalties:**

**I. A warning for the first offense**

**II. \$100.00 fine for the second offense**

**III. \$200.00 fine for the third offense and each subsequent offense.**

**Each day or portion thereof constitutes a separate offense. All fines shall be payable to the Town of Rockport. ; Or act on anything relative thereto.**

MITCHELL VIEIRA FOR BOARD OF SELECTMEN MEMBER DENISE DONNELLY moves that the town amend Chapter 14 of the Town Code of By-Laws entitled "Environmental Protection and Public Health" as printed in the warrant and as set forth on pages 23 to 27 of the Fall Town Meeting Voters Booklet, and further, adding an effective date of March 1, 2019 and further, by making the following changes in section F Single Use Plastics Prohibition: deleting the second paragraph under subsection A. Purpose and Intent; inserting the word "seafood" in subsection C. Use regulations, item d; inserting "and Pay As You Throw Bags and Public Trash Barrel Plastic Liners" in subsection C. Use regulations, item d after the word "merchandise"; and by amending subsection D. Administration and Enforcement with the proposed fine to be as follows: i. A warning for the first offense, ii. \$100.00 fine for the second offense, iii. \$200.00 fine for the third offense and each subsequent offense.

The Board of Selectmen and Government & By-Law Committee support this article.

**Moved and seconded.**

MODERATOR: Senator Bruce Tarr is in the house. Thank you very much Senator Tarr for coming to our little village and gracing us with your presence. (Applause)

MODERATOR: We have some folks from the high school and they have a spokesperson who is going to speak with us.

NATHANIEL KIRBY along with Cat Rania, Jillian Tierney, and Amanda Verga officers of the Rockport Public Schools' Green Team spoke about the environmental issues caused by the impacts of plastics.

The Government and By-Law Committee has looked at this issue and their report is in the Town Meeting Voters Booklet.

**The motion carried electronically by a vote of 150 in favor to 19 opposed.**

The Chair entertained a motion under Article C.

**ARTICLE C (12):** To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-Laws; or act on anything relative thereto. *(Community Preservation Committee)*

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that the town hear and receive the report of the Community Preservation Committee.

**It was moved, seconded, and carried by voice vote to receive the report.**

**ARTICLE D (13):** To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2017 estimated annual revenues for later spending for the respective purposes indicated:

- First*, a sum of money to be deposited in the Community Housing Reserve Account;
- Second*, a sum of money to be deposited in the Open Space/Recreation Reserve Account;
- Third*, a sum of money to be deposited in the Historic Preservation Reserve Account;

or act on anything relative thereto. *(Community Preservation Committee)*

The Chair entertained the **first** motion of Article D.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$58,850 be transferred from FY19 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Community Housing Reserve Account.

**It was moved, seconded, and carried unanimously by voice vote.**

The Chair entertained the **second** motion of Article D.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$58,850 be transferred from FY 19 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Open Space/Recreation Reserve Account.

**It was moved, seconded, and carried unanimously by voice vote.**

The Chair entertained the **third** motion of Article D.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves \$58,850 be transferred from FY19 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Historic Preservation Reserve Account.

**It was moved, seconded, and carried unanimously by voice vote.**

The Chair entertained a motion under Article E.

**ARTICLE E (14):** To see if the Town will vote to appropriate and transfer from the Community Preservation Fund or by borrowing the following amounts for the respective purposes indicated:

*First*, \$31,200 to be expended under the direction of the Thacher & Straitsmouth Islands Town Committee, working with the Community Preservation Committee, for the creation, preservation, construction, and installation of improvements to visitor access on Straitsmouth Island;

*Second*, \$15,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee, for the creation, construction, and installation of a handicapped-accessible entrance ramp to Evans Field;

*Third*, \$35,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee, to hire a consulting engineering firm to assess and develop plans for restoration, rehabilitation, and preservation of Harvey Park and Barletta Park;

*Fourth*, \$25,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee and the Old Garden Beach Association, for the restoration, rehabilitation, and preservation of Davis Park;

*Fifth*, \$52,800 as a grant to Rockport Art Association, a nonprofit corporation duly organized under the law of Massachusetts, to be expended under the direction of the Board of Selectmen, working with the Community Preservation Committee, for improvements to the roof for the historic restoration, rehabilitation, and preservation of the Hibbard Gallery;

*Sixth*, \$250,000 as a grant to Harborlight Community Partners, a nonprofit corporation duly organized under the law of Massachusetts, to be expended under the direction of the Board of Selectmen working with the Community Preservation Committee, for the creation, construction, and establishment of affordable community housing, and, as may be necessary, to authorize the Board of Selectmen to accept an affordable housing restriction in such housing in connection therewith;

*Seventh*, \$100,000 to be placed in the Conservation Trust Fund, to be administered by the Rockport Conservation Commission to be used for purposes consistent with the Community Preservation Act; or act on anything relative thereto. (*Community Preservation Committee*)

CPC Chair Phil Crotty explained that there are seven applications that the committee reviewed and approved. He also detailed the application process and where the CPC money comes from.

The Chair entertained the **first** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$31,200 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the direction of the Thacher Island & Straitsmouth Islands Town Committee, working with the Community Preservation Committee, for the creation, preservation, construction and installation of improvements to visitor access on Straitsmouth Island, including all incidental and related expenses.

**It was moved, seconded, and carried by voice vote.**

The Chair entertained the **second** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$15,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the oversight of the Director of Public Works and the DPW Board of Commissioners, working with the Community Preservation Committee, for the creation, construction and installation of a handicapped-accessible entrance ramp to Evans Field, including all incidental and related expenses.

**It was moved, seconded, and carried by voice vote.**

The Chair entertained the **third** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$35,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the oversight of the Director of Public Works and DPW Board of Commissioners working with the Community Preservation Committee, to hire a consulting engineering firm to assess and develop plans for restoration, rehabilitation and preservation of Harvey Park and Barletta Park.

**It was moved, seconded, and carried by voice vote.**

The Chair entertained the **fourth** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$25,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the oversight of the Director of Public Works and DPW Board of Commissioners, working with the Community Preservation Committee for plantings and contractor services for the restoration, rehabilitation and preservation of Davis Park.

**It was moved, seconded, and carried electronically with 75 in favor to 41 opposed.**

The Chair entertained the **fifth** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$52,800 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account as a grant to Rockport Art Association, a nonprofit corporation duly organized under the laws of the Commonwealth of Massachusetts, to be expended under the direction of the Board of Selectmen, working with the Community Preservation Committee, for improvements to the roof for the historic restoration, rehabilitation and preservation of the Rockport Art Museum building, located at 12 Main Street, and particularly the Hibbard Gallery; and, as may be necessary, to authorize the Board of Selectmen to accept an historic preservation restriction in said building.

**It was moved, seconded, and carried by voice vote.**

The Chair entertained the **sixth** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$250,000 be appropriated and transferred from the Community Preservation Community Housing Reserve account as a grant to Harborlight Community Partners, Inc., a nonprofit corporation duly organized under the laws of the Commonwealth of Massachusetts, for the creation, construction and establishment of affordable community housing, and, as may be necessary, to authorize the Board of Selectmen to accept an affordable housing restriction in such housing in connection therewith.

**It was moved, seconded, and carried by voice vote.**

The Chair entertained the **seventh** motion under Article E.

MITCHELL VIEIRA FOR CPC CHAIR PHIL CROTTY moves that \$100,000 be appropriated and transferred from the Community Preservation Undesignated Fund account to the Conservation Trust Fund, to be administered by the Rockport Conservation Commission, to be used for purposes consistent with the Community Preservation Act.

**It was moved, seconded, and carried unanimously by voice vote.**

**ARTICLE F (15):** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to fund the fiscal year 2017, 2018, and/or 2019 cost items contained in the separate collective bargaining agreements between the Town of Rockport and the following union: Rockport MassCoP, Local 154 Rockport Police Officers; with each agreement covering the term of July 1, 2016 through June 30, 2019; or act on anything relative thereto. (*Board of Selectmen*)

**THERE WAS NO MOTION UNDER ARTICLE F.**

The Chair entertained a motion under Article P.

**ARTICLE P (16):** To see if the Town will vote to appropriate by transfer from the School Bus Capital account to the School Department to offset the purchase cost for new school busses; or act on anything relative thereto. (*Board of Selectmen*) (*requires majority vote*)

MITCHELL VIEIRA FOR FINANCE COMMITTEE MEMBER DON SOUTHARD moves that the town appropriate by transfer the sum of \$24,004 from the School Bus Purchase Capital Account to the School Department to offset the cost of purchasing new buses.

The Board of Selectmen and Finance Committee support this article.

**It was moved, seconded, and carried unanimously by voice vote.**

**A motion was made, seconded, and carried to dissolve the meeting at 10:02PM.**

A TRUE RECORD ATTEST:

Linda A. Emerson, CMC

Asst. Town Clerk