

2012 October Warrant

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LYNNFIELD TOWN WARRANT

THE COMMONWEALTH OF MASSACHUSETTS

SPECIAL TOWN MEETING – OCTOBER 15, 2012

Essex, ss.

To the Constable of the Town of Lynnfield in the County of Essex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet in the Middle School Auditorium, and in the Gymnasium, if necessary, on Monday, October 15, 2012 at 7:30 p.m. then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, sums of money to pay overdue bills of a prior fiscal year, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds, sums of money to supplement certain accounts in the current 2013 Fiscal Year where balances are below projected expenditures for various reasons, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 3. To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Sevinor Road as shown on a plan entitled “Plan of Land # 6 & 7 Sevinor Road, Lynnfield, Mass. Assessor’s Map 14, Parcels 695, 768, 789 & 1348,” dated February 25, 2008, by Hayes Engineering, Inc., which plan is recorded in the Essex County South District Registry of Deeds in Plan Book 413, Page 1 (the “Plan”), a copy of which Plan is on file with the Town Clerk of Lynnfield and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 4. To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Elizabeth Way as shown on a plan of land entitled “Definitive Plan, ‘Meadowview Estates,’ Lynnfield, Mass.,” dated November 28, 1994 and revised through September 18, 1995, by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 5. To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Kestda Lane as shown on a plan of land entitled “Definitive Plan, ‘Meadowview Estates,’ Lynnfield, Mass.,” dated November 28, 1994 and revised through September 18, 1995, by Hayes Engineering, Inc., a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 6. To see if the Town will vote to amend the General Bylaws by adding the following as Chapter 5, Section 29 thereof:

“Section 29 – Fingerprint-Based Criminal Record Background Checks

§ 29-1. Purpose and Authorization

In order to protect the health, safety and welfare of the inhabitants of the Town of Lynnfield, and as authorized by G.L. c. 6, § 172B½, this Bylaw shall require (a) applicants for certain Town licenses permitting the conduct of specific occupational activities within the Town as enumerated in § 29-2, below, to submit to fingerprinting by the Lynnfield Police Department, (b) the Police Department to conduct criminal record background checks based on such fingerprints, and (c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (the "DCJIS") and the Federal Bureau of Investigation (the "FBI") as may be applicable to conduct on behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this Bylaw. The Town authorizes the Police Department to receive and utilize records of the State Police, the DCJIS and the FBI in connection with such background checks, consistent with this Bylaw.

§ 29-2. Applicant's Submission to Fingerprinting by the Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Lynnfield Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

- Hawker and Peddler
- Liquor Licensee
- Manager or Alternate Manager of a Liquor Licensee
- Solicitors and Canvassers
- Dealers in Junk, Second-Hand Articles and Antiques
- Second-Hand Motor Vehicle Dealer
- Hackney Carriage (Taxi) Operator
- Ice Cream Truck Vendor

At the time of fingerprinting, the Police Department shall notify each individual who is fingerprinted that his or her fingerprints will be used to check such individual's FBI and state criminal history records.

§ 29-3. Police Department Processing of Fingerprint-Based Criminal Record Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to § 29-2 of this Bylaw to the Identification Section of the Massachusetts State Police, the DCJIS and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in the said section.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete, or challenge the accuracy of, the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction or updating of a criminal record, including a copy of 28 CFR Part 16.34 pertaining to FBI identification records. In no event shall the Police Department render a suitability evaluation pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with any other procedures required by any Town policy applicable to licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall in addition render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability. The Police Department shall indicate whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or the threat of force, controlled substances or a sex-related offense.

§ 29-4. Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in § 29-2, above. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

§ 29-5. Compliance with Law, Regulation and Town Policy

Implementation of this Bylaw and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations and Town policies. The Board of Selectmen is authorized to promulgate regulations for the

implementation of this Bylaw. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

§ 29-6. Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be One Hundred Dollars (\$100.00). A portion of the fee, as specified in G.L. c. 6, § 172B½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.”

or what action it will take thereon.

SUBMITTED by CHIEF of POLICE

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen,

- (1) pursuant to G.L. c. 40, § 14 and all other applicable law, to accept from Market Street at Lynnfield Development, LLC, a Massachusetts limited liability company, or its assignee, a donation of the fee interest in the real property described below, consisting of approximately 103 acres, more or less, to be used only for open space, a golf course and/or passive recreational uses, and subject to such other terms and conditions as the Selectmen may deem appropriate:

the land, together with any improvements thereon, located in Lynnfield, Essex County, Massachusetts, shown as Lot 1 on the plan entitled “Approval Not Required Plan, 427 Walnut Street, Assessors’ Map 45, Lot 999, Lynnfield, Massachusetts,” dated October 10, 2010, prepared by Nitsch Engineering, recorded with the Essex South District Registry of Deeds at Plan Book 428, Page 37, which plan is on file with Town Clerk (the “Plan”); and

- (2) pursuant to G.L. c. 40, §§ 15 & 15A and all other applicable law, to transfer, convey and assign to Lynnfield Initiative for Elders, Inc., a Massachusetts non-profit corporation (“LIFE”), the fee interest in the land, together with any improvements thereon, shown as Lot 4 on the Plan, consisting of approximately 6.691 acres, more or less, for consideration of One Million Eight Hundred Thousand Dollars (\$1,800,000) in principal amount, and subject to such other terms and conditions as the Selectmen may deem appropriate, which may include the delivery to and recording by the Town of a purchase money mortgage from LIFE to secure payment of up to Nine Hundred Thousand Dollars (\$900,000) of such principal amount;

or what action it will take thereon.

SUBMITTED by BOARD of SELECTMEN

ARTICLE 8. To see if the Town will vote to appropriate the following sum of money, being proceeds from security posted by the developer of the following subdivision pursuant to G.L.C. 41 S81U, for the purpose of completing the work as specified in the approved plan for the said subdivision, such appropriation to be effective upon a determination by the Planning Board that the developer is in default of his obligations and has forfeited his security:

Taylor Terrace	\$137,113
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or what action it will take thereon.

SUBMITTED by PLANNING BOARD

ARTICLE 9. To see if the Town will (1) amend its approval of Article 3 of the October 20, 2008 Special Town Meeting, which appropriated the sum of \$650,000.00 to be used towards the purchase of a new fire truck and which authorized the Treasurer with the approval of the Board of Selectmen to borrow that sum, by reducing the said fire truck appropriation by \$90,000.00, and (2) raise and appropriate, or appropriate by transfer from available funds or by borrowing, or from any or all such sources, the sum of \$90,000 for the purchase of a new Senior Center van,

or what action it will take thereon.

SUBMITTED by BOARD of SELECTMEN