

# Board of Selectmen Minutes 06/07/2016

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Board of Selectmen	June 7, 2016
Regular Session	Merritt Center, 600 Market Street

Present:	Philip Crawford, Chairman
	Christopher Barrett, Selectman
	Richard Dalton, Selectman

Chairman Crawford called the meeting to order at 7:00 p.m. Chairman Crawford announced that the meeting was being recorded for transmission by cable television. He led those assembled in the Pledge of Allegiance.

Chairman Crawford acknowledged the recent death of Lewis Budd, longtime resident and member of the original Capital Facilities Committee, and retired firefighter Robert Henderson, one of the original full-time firefighters here, and extended condolences to their families and recognized them for their service.

## Needham Road zoning update

Chairman Crawford said the fatal shooting at 8 Needham Road is under investigation. The Town found that renting of a house for short-term lodging is not permissible under the Town's bylaws. A cease-and-desist order has been sent to the owner. The owner has 30 days to appeal this order to the Board of Appeals, apply for a special permit before that board, or comply with the order. If the Board of Appeals rejects the special permit application or the appeal to the order, the Town would then file a petition for an injunction to enjoin the owner from further renting the property on that basis. He said that the district attorney's office is investigating the shooting. He said the Board is extremely concerned with the safety and welfare of the residents. On the evening of the shooting, there were over on hundred cars parked on the street and adjoining streets.

Selectman Barrett said the Town should look to strengthen its bylaws in this area. Mr. Boudreau said that he is discussing that issue with town counsel and Building Inspector Jack Roberto. Selectman Dalton said he has spoken who are neighbors who are upset and nervous. They are concerned about statements the property owner has made saying that he plans to continue renting the property. Neighbors have told him this is not the first large party to be held at that address. He said he wanted to assure the neighbors that the Town is taking all appropriate steps to address this situation.

## Request for amended weekday entertainment license, Legal C Bar, Market Street

John Archambault, general manager of Legal C Bar at Market Street, appeared before the Board. He said that he is seeking to add live acoustic music to the existing license. He said he is not looking to have loud music, and the restaurant is not a late-night destination, and is seeking to roll back its hours. The musicians would be located in the back of the patio area. He said the music would not interfere with the neighbors, and described the music as island-related, in the style of Jimmy Buffett. He said he would be agreeable to a trial period.

Chairman Crawford said the restaurant is well run. He said the chief concern is the music loud. He said a trial basis would be considered so that the neighbors could weigh in. Mr. Archambault said the live music would be one day a week until 9:00 p.m. and would not conflict with other Market Street live entertainment.

Selectman Barrett asked if the license would be limited to one day per week. Mr. Archambault said that one day a week would be the best for the restaurant economically and would allow it to avoid conflicting with other events. He is planning to have the live music on a weekday. He is agreeable to a one-day-per-week limitation. He said it is likely a couple of tables will be removed to accommodate the musicians. Selectman Dalton said this would replace the recorded music, and said he had no objection as long the decibels are in the same range as the recorded music and it does not create an issue for the neighbors. He agreed with the trial approach. Chairman Crawford said he was amendable a one-month trial and pointed out that Legal C Bar is the closest establishment to the Walnut Street neighbors. Selectman Dalton suggested that the trial be scheduled so that there is not a gap. Chairman Crawford said the trial period could expire at the time of the Board's July meeting.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to amend the Legal C Bar's weekday entertainment license to allow for live acoustic music outdoors one day per week on a trial basis until the Board's July meeting.

## Yard Waste Facility policy

Public Works Director Andrew Lafferty said that he has drafted proposed changes to the policy based on recent discussion with the Board regarding the policy on commercial vehicles. Most communities that were surveyed do not allow any commercial vehicles. This revision would allow for pickup trucks without landscaping or contractor company markings to use the facility as long as they are not dump-body pickup trucks and they are registered in the Town of Lynnfield. He said it is unclear how this will affect the usage level.

Chairman Crawford said this is in response to residents who use commercial vehicles as their primary vehicles. He said this responds to residents' requests and the Board's concerns.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to amend the Yard Waste Facility Policy as reflected in Mr. Lafferty's draft revision.

#### **Contract with library union**

Mr. Boudreau said this three-year contract reflects the changes presented in the Memorandum of Understanding approved by the Board at its May 23 meeting.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve to Memorandum of Understanding between the Town of Lynnfield and with the Lynnfield Library Staff Association, Local 4928 Massachusetts Library Staff Association, American Federation of Teachers, Massachusetts AFL-CIO on the terms of a three-year contract from July 1, 2016 to June 30, 2019. Board members signed the document. Board members signed the contract.

#### **Request by Police Department dispatcher for exemption under Massachusetts General Laws Chapter 268A, Section 20 (B), Veterans Services contract**

Chairman Crawford said that this request would allow police dispatcher and call firefighter Michael DiCorato's company, Countryside Deli and Catering, to provide food for the Veterans Services Department observation of Memorial Day and Flag Day.

Veterans Services Director Bruce Siegel said the traditional Memorial Day barbecue was canceled due to rain and is rescheduled to June 22, 2016, with a rain date of Thursday, June 23, from 6:00-8:00 p.m. on the common. There will be music, food and prizes for children and veterans who attend.

Chairman Crawford said Mr. DiCorato has been very generous to the Town and has this for several years. Selectman Barrett congratulated Mr. Siegel on the Memorial Day observance, which was well attended despite the rain.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the request from the Veterans Services Department for an exemption for police dispatcher and call firefighter Michael DiCorato for an exemption under Massachusetts General Laws Chapter 268A, Section 20 (B) a contract with his business, Countryside Deli and Catering, for provision of food at the patriotic cookout.

#### **Update on Perley Burrill property**

Selectman Barrett said that he was removing himself from the Board for this topic, as he is the owner of an abutting property, but said he would sit in the audience and said he reserved the right to participate as a resident on this topic, which is of great interest to residents of South Lynnfield.

Chairman Crawford said that some significant progress has made on this issue in the last year. Bank of America has agreed to discharge its mortgage on the property. Another mortgagor, who is also a local resident, has stepped forward and expressed interest in developing the property. A subdivision plan will be before the Planning Board on June 22, which would allow the property to be developed into a residential subdivision of four house lots on two acres on land. This would enable the developer to have sufficient funds to clean up the property. He said the neighbors he has spoken to are in favor of this plan.

Another \$1.2 million lien against the property held by the Bank of America, due to a lawsuit filed by the bank over nonpayment of the mortgage, persisted after the mortgage had been removed. After a meeting with State Representative Bradley Jones Jr., with bank representatives present, the lien was discharged.

In response to a question from a resident, Chairman Crawford said one plan considered by the developer called for three house lots and a playground. But this required that the land for the playground be purchased by the Town, which would have required town meeting action. Neighbors were in favor of the four house lots, approval of which can be achieved through the regular process without town meeting action.

#### **Public comment period**

Resident Wayne Perry asked if the Town has any policies regarding movies and filming. Mr. Boudreau said there are none.

#### **Use of Town facilities**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the request from the Veterans Services Department for use of the common on June 22, 2016, with a rain date of June 23, 2016, for a patriotic cookout.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the request from the library for the use of the common for a summer reading kick-off party on June 24, 2016.

#### **Administrative matters**

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the minutes of the meeting of April 25, 2016 with one typographical error corrected by Selectman Dalton.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to approve the minutes of the meeting of May 9, 2016 as presented.

### **Proclamation**

Chairman Crawford read a proclamation that designates July 26, 2016 as Spirit of the 26th Anniversary of the Americans with Disability Act (ADA) Day. Members signed the document.

### **Newhall Park field discussion**

Chairman Crawford said the Board received about three dozen e-mails complaining about the condition of the baseball fields at Newhall Park last week. He visited the fields after receiving the complaints and found the grass was overgrown. He said the fields were mowed on Thursday of last week, which is the regularly scheduled day for mowing. Mr. Lafferty said that the week prior to Memorial Day, due to the upcoming holiday, crews were working on prepping the cemeteries and the common. The same crew of five handles the parks and cemeteries. The fields were mowed on Tuesday instead, which created a nine-day gap in mowing during a period conducive to grass growth, creating conditions unacceptable for playing.

Mr. Lafferty said that at a meeting he, Mr. Boudreau, Chairman Crawford and Recreation Commission members attended, an agreement was made to free up funds from the revolving fund which will allow for mowing of fields on two days per week, Mondays and Thursdays. The Mondays will be handled by a contractor, with Town employees moving on Thursdays, through July. It will continue in August if it is needed, based on growth and the schedule.

Chairman Crawford said that the sprinkler system was disabled when the poor drainage at the site was addressed. The main irrigation line had to be pulled up for the drain lines to be installed. It will be operable again once the drainage work is completed and the irrigation line is re-installed. Mr. Lafferty said an outside contractor will be used for aerating during the summer, and slice-seeding will take place in the fall after the baseball season is completed.

Selectman Barrett said that one of the problems may have been communication, as once many of those who complained received an explanation from the Town, they understood the issues. Mr. Lafferty said the DPW communicated with the Recreation Commission, which communicates with the various leagues. He said that it would be beneficial to communicate with the league officials in charge of this area. He said the best way for the Town to get out information is through the Town website. Selectman Barrett said the more information provided the better. Mr. Lafferty said he responded to all e-mails he received on the issue.

Selectman Dalton said that he had the same reaction from residents when they received the explanation, and urged better efforts to communicate. He said residents want to see value for what they are paying. He said the \$30 usage fee paid by parents does not go just for regular maintenance, but a large portion is reserved for the larger long-term maintenance projects that are necessary. He suggested providing updates to the local newspaper as well. He said residents want to see a plan to address the short-term issues they are seeing. He visited Glen Meadow and would grade its condition an "A"; Newhall Park he would grade a "C," due to some problems like weeds on the warning track that do not relate to the irrigation and mowing issues. He asked when the proper raking equipment for the new infield material will be in. Mr. Lafferty said the items have been ordered but are still a few weeks out. The manufacturer said the most significant issue is to get the field watered. Glen Meadow has already seen improvement to the surface. He said the irrigation must be re-installed at Newhall, and he is hoping it will happen by early next week.

Mr. Lafferty said Newhall Park needs extensive work beyond regular maintenance to address such issues as lipping and ponding on the playing area. He said the DPW will improve the infield and outfield as best it can while keeping the fields available for play. Selectman Dalton suggested having the Fire Department provide water to the fields in the interim period. He said the department might not have the right equipment to water fields properly. Chairman Crawford said they will take up the issue with the fire chief.

Selectman Dalton asked about borrowing the proper equipment from a neighboring community. Mr. Lafferty said other communities are busy using their equipment, and he said the nail rake will not be effective at Newhall Park until it is watered. He said that Glen Meadow is working well once the irrigation was adjusted.

Joseph Maney, director of fields for the Recreation Commission, said he had many of the same questions the Board already asked. Selectman Barrett asked about communicating with the various leagues. Mr. Maney said that many of the complaints had come to him. He said that he believes Little League representatives had more detailed information that was not shared with all parents and coaches, many of whom complained. He said the complaint letter that went out was not completely accurate. He said that most important is taking the proper actions to remedy the field conditions. He agreed that it is important to get the information out to the families as well.

Selectman Dalton asked about the issues that need to be addressed immediately. Mr. Maney said he agreed that irrigation at Newhall is paramount. He also said that the Town should not wait on full agreement to a comprehensive maintenance plan to address specific issues of concern. He said use of outside contractors started before the complaint letter was sent, but perhaps could have earlier.

Mr. Boudreau said that the Summer Street and Huckleberry Hill playground work will take place this summer, as will work on the Middle School baseball and softball fields, including drainage work at the baseball field.

Chairman Crawford said Recreational Fields Advisory Chairman Arthur Bourque III has provided the following update: At Newhall Park, the contractor has completed the drainage work except for the final grading of the stone. Binder on the tennis courts and the parking area and the fence poles at the tennis courts have been installed. Curbs and sidewalks will be installed in the next few days and grading issues will be addressed. After one month required for the oils to dry, the pavement will be sealed and the courts will be painted, the parking spaces will be lined and the nets installed. At Glen Meadow, the children's playground installation contract has been awarded and the playground will be closed as of Friday for installation, which will take a month for the site work and installation. He said the plan is to have the playground open by mid-July. The playground equipment will be delivered next week.

Resident Mary Stewart asked if maintenance of Rotary Park at Pillings Pond is included in the field project. Chairman Crawford said it was not. Ms. Stewart said that area is overgrown. Mr. Lafferty said the conservation restrictions prohibit cutting at the water's edge, but the grass is mowed regularly.

On the motion of Selectman Barrett, duly seconded by Selectman Dalton, the Board voted unanimously to adjourn at 8:07 p.m.