

Board of Selectmen Minutes 10/05/2015

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Board of Selectmen	October 5, 2015
Regular Session	Merritt Center, 600 Market Street

Present:	Philip Crawford, Chairman
	Thomas Terranova Jr., Selectman
	Christopher Barrett, Selectman

Chairman Crawford called the meeting to order at 6.32 p.m...

Town Administrator James Boudreau said the first item on the agenda is a request for an executive session under Mass. General Laws Chapter 30A, Section 21 (A) (3) to discuss pending litigation about which an open discussion may adversely affect the Town's negotiating position.

A roll call vote was held: Selectman Terranova – aye; Selectman Barrett – aye; Chairman Crawford – aye.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted to exit executive session and re-enter open session at 6:55 p.m. Roll call vote: Selectman Terranova – aye; Selectman Barrett – aye; Chairman Crawford – aye.

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

Recognition of Fire Lt. Theodore Cohen

The Board recognized the heroic actions undertaken by Fire Lt. Theodore Cohen in saving the life of a drowning man while at a training exercise at Pebble Beach in Rockport. Fire Chief Mark Tetreault said that Lt. Cohen had informed of the incident but was modest in his version of events. A letter from the Rockport chief of police informed him of Lt. Cohen's heroism.

Chairman Crawford read the below proclamation which was adopted unanimously by the Board:

PROCLAMATION

WHEREAS:	<i>Theodore Cohen serves as a Lieutenant in the Lynnfield Fire Department, and is longtime member of the department as a call firefighter, and</i>
WHEREAS:	<i>On the date of September 5, 2015, Lt. Cohen was off duty at Pebble Beach in the Town of Rockport when he spotted a diver, approximately 40 yards offshore, in distress, and</i>
WHEREAS:	<i>Lt. Cohen swam out to the diver's position and assisted him to shore, finding that the diver was struggling to breathe due to a tear in his wet suit, which caused it to fill with water, and</i>
WHEREAS:	<i>The Rockport Chief of Police reported that if it had not been for Lt. Cohen's heroic actions, the diver's life may have been lost.</i>
THEREFORE:	<i>We, the Board of Selectmen of the Town of Lynnfield do hereby offer our deep gratitude, and convey to him the thanks of the citizens of Lynnfield, for the alertness and bravery exhibited in this incident.</i>

Memorandum of Agreement, North Shore Workforce Investment Board

Mary Sarris, executive director of the North Shore Workforce Investment Board, Inc. (NSWIB) appeared before the Board to present a regional memorandum of agreement. NSWIB was created under the federal Innovation and Opportunity Act and is designed to continue the work done under a predecessor law. This regional organization seeks to respond to the needs of businesses seeking quality employees and local residents seeking suitable employment by matching job openings and candidates and providing training. Massachusetts is divided into 16 regions; Lynnfield is in the region in which the City of Salem is the lead city. The regional board, 51 percent of which is made up of business representatives, is

appointed by the Salem mayor, who welcomes nominations by member cities and towns. Once all member communities have signed the memorandum, a workforce summit will be convened.

In response to questions from Chairman Crawford, Ms. Sarris said that what is expected of member communities is that they will appoint someone to help plan resource activities, nominate potential members of the board of directors, and encourage local businesses and residents to make use of these services. She said the program is funded by the federal (65 percent) and state (35 percent) governments. She said that 90 percent of those helped by the program have been residents within the service area. She said Lynnfield residents and businesses have already benefitted from these services.

In response to questions from Selectman Terranova, Ms. Sarris confirmed there would be no cost to the Town of Lynnfield.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to authorize Chairman Crawford to sign the Memorandum of Agreement with the North Shore Workforce Investment Board, Inc. on behalf of the Town.

Public hearing, pole relocations, Parsons Avenue

Chairman Crawford declared open the public hearing on pole relocations on Parsons Avenue at the appointed time of 7:15 p.m. The hearing was duly posted and advertised and abutters notified with the below notice:

In accordance with Chapter 166, Section 22 of the General Laws of Massachusetts, and upon petition from the Verizon New England, Inc. and Reading Municipal Light Department request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other sustaining and protective fixtures to be owned and used in common upon, along, under and across the following public way or ways:

PARSONS AVENUE

Relocate one JO pole on the northwesterly side of Parsons Avenue to a point approximately 60 feet northwesterly from its current location.

Relocate one JO pole on the southeasterly side of Parsons Avenue to a point approximately 38 feet easterly from its current location.

The pole relocations are necessary in order to accommodate the extension of Parsons Avenue.

The petitioners also request that they be granted joint or identical locations for and permission to erect and maintain poles, wires, cables and fixtures, including the necessary anchors, guys and other sustaining and protective fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed with the Board of Selectmen and marked VZ N.E. Plan No. 4AOBU6J dated July 20, 2015.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and building as each of said petitioners may desire for distributing purposes.

Williams Wallace represented the petitioners, Verizon New England and Reading Municipal Light Department. He said the plan allows for the extension of Parsons Avenue and service to homes in a new subdivision. No new poles would be added. One is being moved up and another is being moves across the street to accommodate the new development. Selectman Terranova asked if there will be a need for additional poles for the new development. Mr. Wallace said there will not be, as the plans call for the burying of utilities. Selectman Terranova asked if there had been any input from residents. Mr. Wallace and Mr. Boudreau said there had been none.

Chairman Crawford asked if anyone else wished to speak in favor or against the petition. No one did.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the petition from the Verizon New England, Inc. and Reading Municipal Light Department for the relocation of two utility poles on Parsons Avenue.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to close the public hearing.

Petition for change of manager, Kings Bowl, Inc., dba Kings, Market Street

Joshua Rossmeisl, Chief Operating Officer of Kings, and Christopher Barrows, prospective manager of Kings Lynnfield, appeared before the Board. Mr. Rossmeisl said Mr. Barrows has been a Kings employee for 10 years, including having served as general manger of its Boston location.

Board members said that Mr. Barrows was well qualified with his work experience and certifications in alcohol service and crowd control. Chairman Crawford and Selectman Terranova said the chief concerns of residents are making sure customers are not over-served and drive under the influence of liquor, and keeping noise and other issues from spreading into the surrounding neighborhood.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the proposed change of manager at Kings to Christopher Barrows.

Application for Class II motor vehicle dealer's license, Michael DiCorato, 3 Melch Road

Resident Michael DiCorato of 3 Melch Road appeared before the Board on his application for a Class II motor vehicle dealer's license at his address. The application specified that this would be a wholesale dealer's license only and would not provide for storage, display or repair of the vehicles at that address.

Mr. DiCorato noted that he has works as a police safety dispatcher for the Town for 15 year and also has owned the Countryside Deli on Salem Street for 21 years. He said he would be using his home office and would be dealing in wholesale sales of cars purchased at auction. They will not be housed in Town.

Chairman Crawford said his principal concern is that there will be no cars related to the business on the property. Mr. DiCorato assured him this would never happen. Selectman Terranova reiterated the concern about cars being present at the property.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the granting of a Class II used motor vehicle license to Michael DiCorato of 3 Melch Road at that address, with the condition that there will be no storage, display or repairing of vehicles at that property and that the only approved use is office use.

Appeal of tree warden's decision on removal of public shade trees, Parsons Avenue

Public Works Director Andrew Lafferty, in his capacity as tree warden, appeared before the Board as there had been an objection to his granting of a petition to remove seven mature shade trees on Parsons Avenue.

Mr. Lafferty explained that the developer of a new subdivision at the end of Parsons Avenue had requested the removal of seven mature shade trees. A public hearing on the matter was posted, advertised, and held. Three residents submitted written objections to the removal of the trees, which triggers the appeal before the Board. In his decision, Mr. Lafferty granted the removal with the condition that there be a one-for-one replacement of the trees removed. He said he would usually not be in favor of the removal of the trees, but said that he was in accord due to their location and potential for future damage. There will be significant excavation and filling on the property which could affect the health of the trees, which would eventually result in the need to remove them at Town expense. The Town is already burdened with the need to remove many diseased and decaying trees, and Mr. Lafferty would rather see a better-quality tree be provided by the developer. He said that some of the threes that would be removed are pines, which are not ideal public shade trees and as they do not weather storms well.

In response to questions from Board members, Mr. Lafferty said that the original request, made by the property owner via Hayes Engineering of Wakefield, was for the removal of five trees. Mr. Lafferty visited the site with the developer and determined that seven trees required removal. Three members of the Conservation Commission (Denise Young, Donald Gentile, and Melanie Lovell) filed objections to the removal. There is no viable method to save the trees and relocate them. The cost of removing one large tree runs from \$2,000 to \$5,000. He indicated that the locations of the trees on the privately owned lot.

Tree Committee member Jane Bandini asked what the recommendation of the tree warden is. Mr. Lafferty said that the removal is conditioned on a one-for-one replacement of trees removed, with the specifics to be agreed upon by the Town and the developer. He said that the trees may not all be planted on Parsons Avenue. Ms. Bandini said the trees are large, mature and healthy and said there does not be an effort to protect the Town's shade trees.

In response to questions from the Board, Mr. Lafferty said the trees being planted would not be similar in size as it is not feasible to plant 34-inch trees. He said larger trees could be planted in a park or open space. He said he is working with Townscape and the Tree Committee on potential sites for planting new trees. He said a number of diseased or decayed trees have been removed around Town and are candidates for replacement.

Jeffrey Rhuda of Lynnfield Meadows, LLC, the developer, said that there is fill being put in the site due to the high water table and the seed to support the septic systems. He said the developer is trying to preserve all the trees it can, but these trees would not survive and cannot be preserved in any other manner.

In response to a question from Selectman Terranova, Ms. Bandini said she would prefer the replacement trees be native trees. Some of the trees that are slated for removal are Norway maples, which are not native but are hardy. The trees are still effectively absorbing water and cleaning the air, and she urged that due to their size, a two-to-one replacement ratio be adopted. Mr. Lafferty said he and Ms. Bandini would work with the developer on locations and the species of trees. After some negotiation back and forth with the Board and Ms. Bandini, Mr. Rhuda agreed to plant 12 trees of 2.5 to 3 inches in caliper to replace the seven trees being removed, with the site of the new trees to be identified by the tree warden and the tree committee.

Request by LIFE, Inc. to increase sales prices for the units and Center Village and Essex Village

H. Joseph Maney, chairman of the Lynnfield Initiatives for Elders, Inc. (LIFE) Board of Directors, appeared before the Board to request that the Board approve increases in sales prices for units in two of the three LIFE villages: from \$229,000 to \$259,000 at Essex Village and from \$184,000 to \$199,000 for two-bedroom units at Center Village and from \$150,000 to \$159,000 for one-bedroom units at Center Village.

Mr. Maney said that when a unit is sold, LIFE recoups a certain amount of the sales price to rehabilitate the unit and then splits with the seller any remaining proceeds above the price which the seller paid upon purchase. This is one of three revenue streams used by LIFE to pay for improvements to the villages, the others being monthly fees and investment income. He said that with the passage of time, the rehab costs are

increasing, requiring significant upgrades to cabinets, appliances, fixtures and heating and air-conditioning systems. The average unit rehab cost is \$45,000 at Essex Village and \$35,000 at Center Village. Price increases afford LIFE a larger amount in the splitting of proceeds above the original sales price. The most recent price change took place in April of 2012; the previous price change was in 2005. He said there was no intervening price change due to a period of shrinking or stagnant real estate values.

Mr. Maney said that LIFE attempts to price units at 80 percent of market value for two-bedroom units and 60 percent of market value for one-bedroom units. These values were once determined by use of appraisers, but now LIFE uses its own expertise. He said the higher percentage price increase at Essex Village was due to a higher demand for those units; some buyers preferred to wait for Essex Village units when Colonial Village units were available, even though the Colonial Village units have more amenities. Any would-be buyer who has already made a deposit on a purchase will pay the current price.

In response to questions from Board members, Mr. Maney said that the LIFE units are intended to be affordable, and are far less expensive than condominium units in Town, the sales prices of which LIFE monitors. He said LIFE is hiring an engineering firm to study replacement costs of all features and systems in the three LIFE properties, to ensure LIFE will have sufficient funds to meet these needs. The LIFE holdings for this purpose are now \$2.4 million, which is close to but below the \$2.7 million target. LIFE could impose an additional assessment on its residents to make up the difference, but would prefer not to. He updated the Board on recent maintenance efforts.

Chairman Crawford asked about unit turnover in the two older villages. Mr. Maney said 35 units had turned over in the past four years. He said the problem with not increasing sales prices is that if a unit is sold at the same price it was purchased, there are no proceeds to put toward maintenance. He said the last unit at Colonial Village has been sold; there are three units in Essex Village and two at Center Village in the process of being turned over. He said there is some additional work that is being done at Colonial Village. Street light fixtures are being replaced because residents at Arborpoint complained they are too bright, at a cost of \$41,000, and a fence is being put in along the golf course at a cost of \$62,000.

In response to questions from resident Patricia Campbell, Mr. Maney said that original tubs at Center Village are replaced when units are turned over and that the payment in lieu of taxes to the Town remains unchanged when unit sales prices are adjusted. He said that in an agreement with the Town the PILOT payment increases 2.5 percent a year, and that PILOT costs are part of the monthly assessment to unit owners.

Selectman Barrett asked if LIFE would increase the monthly assessment to unit owners if the Board rejected this request. Maney said it would not do so immediately.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the proposed changes to sales prices at LIFE villages as follows: from \$229,000 to \$259,000 at Essex Village and from \$184,00 to \$199,000 for two-bedroom units at Center Village and from \$150,000 to \$159,000 for one-bedroom units at Center Village.

Application for common victualler license, Sweetgreen, 675 Market Street

Eric Emery, East Coast development manager, said that Sweetgreen offers healthy, delicious food with local organic ingredients. He introduced area manager Jason Hopkins and Lynnfield head coach Jacqueline Hernandez. He said that foods include salads, grain bowls, soups and other healthy fare.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the common victualler license for Sweetgreen at 675 Market Street.

Police Department staffing

Police Chief David Breen reviewed current police staffing levels and future needs. He said that in the current configuration, Officer Curran is serving as the school resource officer and traffic officer. He worked on traffic issues this summer before school opened and spent a lot of time on Walnut Street. He was very aggressive in addressing problems there. Now with school in session he is very busy with students and parents, especially at the middle school and high school. In addition, openings on the day shift create overtime. During weekdays, the department can operate with two patrolmen on the day shift.

Chief Breen noted that a number of residents have voiced their opinion that the department should hire an additional officer, and the Board at its last meeting held at the Merritt Center agreed to separate the traffic and school resource officer positions. The opening for a transfer candidate was posted, but applications were slow at first. He and Mr. Boudreau interviewed candidates, two of which were very impressive. One of these candidates received glowing reports from his department and the chief of his current department asked that he stay through the busy Halloween season. The other candidate is also very well qualified and would be a good candidate to hire, which would allow the filling of the traffic officer position immediately.

Chief Breen said that if the Board wished to hire only one transfer candidate and fill the other position from the civil service patrolman list, that officer will not be able to fill shifts alone for a year, due to the need for physical and psychological screening, background checks, the six-month police academy training, and local training. Residents had expressed a desire to see the traffic officer position filled immediately.

Chief Breen said he and the Board had previously discussed seeking funding that would allow the hiring of two additional officers. One of the officers was originally intended to replace an officer who was out for a long period on injured-on-duty leave. It was anticipated that this officer

would file for disability retirement. However, both his doctor and the Town's doctor cleared him to return to duty without restriction and he has returned to duty. The position had been funded to allow for the hiring of an officer until the disability issues was cleared up, as the Town had been paying overtime costs to fill the shifts left vacant by the officer's injury.

Chief Breen said he was seeking the Board's approval to hire the second transfer candidate. He noted prior to this round of hiring, the Town had hired four officers from the civil service list and two transfers. He is ready to proceed with the hiring of Officer Duzz, a transfer from Salem, and wants to proceed with talking to the chief of the department of the second candidate if the Board approves.

Chief Breen said that patrolman vacancies existed due to the promotion of Alfred Scotina to sergeant and the assignment of Sgt. Nicholas Secatore to the detective position.

Selectman Terranova said that originally the Board has approved the appointment of the transfer candidates in order to address an immediate need. Residents were upset that they would not have the opportunity to be hired from the list. He said that while he understands the pressure for immediate action, he feels badly for the local residents on the list who have been waiting for a vacancy on the department. He said reducing the number of candidates to take from the list from two to zero would make residents feel that had been wronged by the Town and the Board. He said he is struggling to balance the Town's financial concerns with the morality of passing over local residents.

Chief Breen said he is trying to be fiscally responsible and respond to the residents who want a full-time traffic officer immediately. He said the decision is up to the Board.

Selectman Barrett asked about the delay between hiring a candidate from the list and the ability of that officer to fill shifts. Chief Breen said it would be about a year, and that the current list is expiring soon. Selectman Terranova asked if there are any anticipated retirements in the department. Chief Breen said he has not been approached by any officers saying they have plans to retire, and that he will not broach that subject with officers.

Mr. Boudreau said that adding a third officer would put the department at full complement, with officers available for the detective, school resource and traffic positions. The additional officer was planned to fill shifts left open due to a long-term injured-on-duty leave and anticipated disability retirement, which is no longer necessary as this officer has returned to work. The question for the Board is how soon it wants to put a dedicated traffic officer on the streets. The Town will not be able to hire off the current list as it would not have time enough to conduct the background checks and tests before it expires. He said of the eight people who signed that they were interested in serving from the list civil service provided, three filled out the necessary paperwork provided by the chief. One submitted an incomplete packet; another did not meet the deadline and the third candidate, which the T has decided to rejoin the armed services.

Chief Breen said one advantage to hiring transfers candidates is they have a work history in law enforcement that can be checked. He said the department has had success hiring from the civil service list, but that there has been a failure as well.

Chairman Crawford said one option would be to have Officer Curran continue to split his time between school resource officer and traffic duties and see how that works over a year. Chief Breen said he expects the residents who sought a full-time traffic officer may object to this. He said that even if the traffic officer position is filled, he would use the school resource officer on traffic duties during school vacations when he was on duty. He said it is likely the school resource officer will be taking his vacation time during periods when schools are not in session.

Chairman Crawford said there are some excellent candidates on the civil service list and that he would like to promote someone off that list. He favors sticking to the original plan to accept one transfer and hire one person from the civil service list.

Selectman Terranova asked about current and past staffing levels and the current staffing needs due to the growth in the Town. Chief Breen said the second extra position would give the Town full staffing on days shifts, which it never had previously, as well as one school resource officer and one traffic officer. He said future staffing needs will have to be evaluated each year. He said that his department had to reach out to another department to assist with coverage due to the shift being fully deployed on calls.

Selectman Terranova noted that a study of the department discussed staffing levels. Chief Breen said that the BadgeQuest report said that the staffing level of 13 patrolmen was "minimally adequate," and noted this study was undertaken before Market Street and large-scale housing developments took place. He said the department will have 15 patrolmen and one additional sergeant.

Selectman Barrett said it is important to hire Lynnfield residents for the police department, and suggested having the school resource officer continue to act as the traffic officer until a new hire from the list was ready to take over shifts. Chief Breen said that in the current configuration, the officer is spending 80 to 95 percent of his time on school-related issues. Mr. Boudreau said the school resource officer has already forged strong relationships with students, and said that other officers are assigned traffic enforcement duties on a regular basis.

Resident Joseph DeMaina said it is preferable to hire a resident from the civil service list. He said that the traffic officer issue has been in flux for two to three years. He said the Town has done all it can to deal with traffic issues in the Walnut Street area without enforcement. He said during the month he was on full-time traffic duty, Officer Curran made a major impact, writing a large number of citations to motorists. Since school opened,

he said, he has not been visible. He said this demonstrates the need for a full-time traffic officer and said this cannot wait a year. He said that in July the Board agreed to seek funding for a full-time traffic officer at the fall town meeting, and asked that a full-time traffic officer be put in place.

Resident Steve Berardino said that he speak for local residents who received a letter from the state's civil service division in August. He said they have been waiting a long time for an opportunity to serve their community as police officers, and have pursued the study of criminal justice in college to that end. He noted the patrolman test is given every two years, and that originally the Board has said it would fill vacant positions by hiring two transfers and two from the civil service list, then agreed to hire three transfers and one from the civil service list. Now it is considering not hiring anyone from the civil service list. He said these local youths will be deprived of having their chance to serve in their hometown.

Mr. DeMaina said he agreed with all of this except putting of a traffic officer for a year; he said it was a matter of public safety.

Selectman Barrett said he agreed that hiring local residents is important. Selectman Terranova asked what the cost would be of hiring at overtime rates officers to work four hours per day for traffic enforcement. Mr. DeMaina said this would be an adequate solution until a full-time officer would be available. Chief Breen said it may be difficult to fill four-hour overtime shifts as officers prefer to work eight-hour detail shifts, but that it could be done. He said he would like to do an analysis of the issue, and that it would be ready in time for fall town meeting.

Chairman Crawford asked if this overtime could be split into two-hour shifts, during peak morning and evening times. Chief Breen said it could, but it may be more difficult to fill. He said he received traffic complaints from many areas of Town.

Mr. Berardino asked if Chief Breen would sponsor local residents to attend the police academy if they are willing to self-fund their attendance. Chief Breen said he would have to look into the matter, as there had been issues in the past with this practice. He also noted that in addition to the local residents on the civil service list, Massachusetts residents who are the children of police officers killed or permanently disabled in the line of duty, or who are disabled veterans or on every community's list and are placed at the top of the list.

Kinder Morgan proposed gas pipeline

Lynnfield Center Water District (LCWD) Superintendent Kenneth Burnham, LCWD Board of Commissioners Chairman John "Jay Kimball, and two engineers from the firm Camp Dresser McKee Smith (CDMS) who are working with the LCWD were on had for a discussion of the proposed Kinder Morgan gas pipeline project.

Mr. Burnham said that the original pipeline proposal brought the pipeline very close to the artesian wells in the Glen Drive area. A revised plan would have moved the pipeline away from those wells but would still have been very close to proposed future well sites. He said a further revision made after discussions with LCWD officials moved the proposed path another 2000 feet from the artesian wells and at least 1000 feet from Zone 2 of the potential well sites. He said no liquid passes through the pipeline, and if there is an accident, content would go into the air, not the ground. He said the state Department of Environmental Protection has stringent rules and regulations regarding drinking water supplies.

Selectman Terranova asked if only Lynnfield draws drinking water from this area. Mr. Burnham reviewed past failed efforts to build a reservoir on LCWD land and said LCWD supplies only Lynnfield residents. Lynn and Peabody also have rights to draw from the Ipswich River; Lynn has an intake that feeds into the Suntaug Lake reservoir, and Peabody has not drawn water from this source for several years.

Chairman Crawford asked how close the existing gas pipeline comes to wells of Apple Hill lane and Tophet Road. Mr. Burnham said they are about 1500 feet away. He said that the proposed pipeline cannot be pushed further away from the existing and proposed well sites because of the proximity to the Ipswich River. Chairman Crawford said that while no one wants the pipeline in Town, officials are working to minimize the impact if a route through the Town is approved by federal authorities despite the local objections. Mr. Burnham said that the LCWD is like the Town, working on the proposed route while opposing the project.

John Doherty of CDMS, who is also a Lynnfield resident, said he reviewed the regulations and asked the state Department of Environmental Protection (DEP) if the LCWD could stop the pipeline due to its proximity to LCWD resources. DEP said it could not, although it can control within 400 feet of well sites. He said that while the proposed pipeline may be within Zone 2 of the groundwater protection area, so are many residences, septic systems and existing gas lines. He said mitigation is the proper approach, and that the Town provides good protection in its groundwater districts.

Resident Wayne Perry raised the issue of use of herbicides along the pipeline route. Mr. Burnham said such use can be regulated by the water district and the Board of Health, as well as the DEP. In Lynnfield, almost all vegetation management is done by cutting rather than by application of herbicides, and that such matters go before the Conservation Commission. Mr. Doherty said that Kinder Morgan will have to comply with wetlands protection laws and local conservation bylaws, but can choose to apply to the Federal Energy Regulatory Commission (FERC) to supersede state and local regulations. It still must take proper precautions and restore disturbed areas. He said that local governments can restrict the use of herbicides and require clear-cutting instead. Gas companied fly over pipelines periodically to check whether there are signs of leaks, such as vegetation around the pipeline site dying.

Ms. Shea asked how far apart the shut-off valves in the pipe are, and asked how they could be reached if there is a sinkhole or other obstacle. Chairman Crawford said that these questions should be addressed to Kinder Morgan representatives, who will hold a meeting in Town during the last week of October. Ms. Shea said that the pipelines as planned would cross residents' yards and asked if the Town had made provision for

abatements if there is a loss in property values. Chairman Crawford said that Kinder Morgan will negotiate with property owners over mitigation measures. He said eight or nine homeowners would be affected.

Resident Arthur Douglas expressed concern about the dangers inherent in fracked gas, which will be the source gas to be carried in the proposed pipeline. Mr. Burnham said that his understanding is that fracked gas goes through a process after which it is the same as any other gas product one it is in the distribution line. Mr. Douglas also expressed concern about cancer-causing substances related to the gas. Chairman Crawford recommended asking these questions of the Kinder Morgan representatives at the late October meeting.

Residents asked how leaks are detected. Mr. Boudreau said that there is hissing and other signs. Resident Patricia Campbell asked about reports of widespread leaks in the existing gas lines in Town. Mr. Boudreau said he has asked National Grid for a listing of the leaks and their grading.

Selectman Terranova said that he had asked Mr. Boudreau to invite representatives of Kinder Morgan to attend a Board of Selectmen meeting. Chairman Crawford said they have been asked and have refused. Selectman Terranova asked if it would be possible to videotape their meeting in late October. Mr. Boudreau said this would be feasible if they set up the event as a meeting with one speaker at a time, but not if they have multiple people available to answer one-on-one questions.

Union Hospital update

Chairman Crawford said that efforts continue to try to preserve emergency services at Union Hospital, and that a meeting will be held with the hospital commission on October 13. He noted that WMEX-Boston Herald Radio broadcast a show from the Merritt Center on October 2 and interviewed local resident Mary Stewart and State Rep. Bradley Jones about efforts to preserve Union Hospital.

Perley Burrill update

Selectman Terranova said that due to a previous professional relationship with the owner of Perley Burrill, he was recusing himself from this discussion in order to err on the side of extreme caution. He left the room during the discussion.

Resident Mark McDonough said that Selectman Barrett is a direct abutter to the property and said he should recuse himself and leave the room as well. He said that if he does not choose to do so, he will file an ethics complaint against him. Selectman Barrett said he is a resident of Lynnfield. As Mr. McDonough continued to object, Chairman Crawford said that Mr. McDonough's remarks are noted.

Chairman Crawford said that the main impediment to taking action at the Perley Burrill site is the \$1 million mortgage held by Bank of America. State Rep. Jones has reached out to representatives of the bank, and a meeting will be arranged within two weeks. If this meeting does not take place or is not fruitful, the Town will pursue legal action to put the property into receivership, so work on the property can take place without the Town incurring liability for any existing contamination. He noted that the Town is first creditor and is in first position to receive money if the property is sold. He reviewed the issues with asbestos removal and the environmental and safety hazards.

Selectman Barrett asked if the property could still be used for a gas station. Mr. Boudreau said that its non-conforming use has lapsed and he believes any future use of the property, unless it is rezoned, will have to be residential. Chairman Crawford said if the Town gains ownership of the land, it could be used for recreational purposes, or that it could be developed for two single-family houses.

Resident Joseph Duhaime said he believes the asbestos in the dilapidated structures pose a safety hazard to areas residents as it may be dispersed if the buildings collapse through neglect. He asked about cost estimates regarding its removal. Mr. Boudreau said he is awaiting guidance from town counsel on this issue. Chairman Crawford said the situation is frustrating and that he has discussed the matter with town counsel. A court order could be obtained which would allow the Town to act, but the appeals periods are such that the owner could drag the process out for a year. He said the process the Town is pursuing would, if successful, have a quicker outcome.

Resident Jason Smith agreed with Mr. Duhaime and said the neighborhood has ten children less than eight years of age. He said the state of the property poses a threat to all of these children and that the property, once a point of Town pride as one of the oldest continually operating gas stations in the nation, is now the Town's greatest embarrassment. He said the property has been used, in violation of local zoning, to house a landscaping company and to display autos for sale. Chairman Crawford said that the building inspector has been diligent about addressing these issues, but the owner will merely comply with an order to desist and then proceed to another violation.

Camp Curtis Guild cellular tower update

Chairman Crawford said that the state has granted approval for the placement of one or two cellular towers at Camp Curtis Guild. There will be hearings on the possible locations within the National Guard camp. The state has ruled out several areas within the camp because of existing uses. He said the residents will be notified of the situation as soon as additional information is made available.

Recommendations on fall town meeting warrant articles

Mr. Boudreau reviewed the warrant articles and proposed motions, noting that the article that would have asked town meeting to rezone parcels on Route 1 North near Salem Street to pave the way for a CVS store at that site was withdrawn by the petitioner.

He reviewed the warrant, which is listed below. Discussion on specific items follows, with the motions on recommendation.

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 2016 Fiscal Year for various purposes; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited into the Other Post Employment Benefits Liability Trust Fund; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 4. To see if the Town will vote to petition the Legislature for the purpose of amending the Town Charter to enact the following:

An Act amending the Charter of the Town of Lynnfield

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. The Town Charter of the Town of Lynnfield, which is on file with the archivist of the Commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by deleting the first sentence of section 3-1-1 and inserting in its place thereof the following sentence:

A Board of Selectmen of five members shall be elected for three-year overlapping terms.

SECTION 2. At the annual election of the Town of Lynnfield occurring in 2016, three selectmen shall be elected as follows: two for a three-year term and one for a two-year term. Thereafter, upon the expiration of the term of a selectman, his successor shall be elected for a term of three years.

SECTION 3. This act shall take effect upon its passage.

provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general objectives of this petition, or what action it shall take thereon.

Submitted by PETITION

ARTICLE 5. To see if the Town will vote to authorize the establishment of a Revolving Fund, pursuant to Massachusetts General Laws Chapter 44, Section 53 E-1/2, to be spent by the Department of Public Works, limited to a certain amount, without further appropriation during Fiscal Year 2016, to pay expenses related to maintenance and upkeep of athletics fields for the fiscal year commencing July 1, 2015; said fund to be credited with all field maintenance fees and charges received during FY 2016 for field use, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 6. To see if the Town will establish a Recreation Capital Trust Stabilization fund pursuant to Massachusetts General Laws Chapter 40, §5B for large and/or long-term capital projects, improvements and turf replacement to the town's synthetic turf fields; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 7. To see if the Town will vote to appropriate from free cash a sum of money to pay certain outstanding medical bills, and to empower the Town Administrator to pay any and all other bills associated with the April 8, 2013 line of duty injury suffered by Firefighter Kim Diorio McGonnell, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 8. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 110A which states, "Any public office in any town may remain closed on any or all Saturdays as may be determined from time to time in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any~Saturday~to the same extent as if such~Saturday~were a legal holiday," or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

430772400ARTICLE 9⁴³⁰⁷⁷²⁴⁰⁰Thomas Mullen. To see if the town will revise the dog licensing fees as currently listed in Section 17A of Chapter 4 of the town's general bylaws as follows:

Neutered males and spayed females: \$10.00

Intact dogs - \$15.00

(D) Any owner or keeper of a dog who shall fail to comply with the provisions of this section by March in any year shall be subject to a penalty of \$10.00 per dog;

Or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 10. To see if the Town will vote to renumber and recaption the General Bylaws of the Town as follows: to assign a new number to each chapter of the General Bylaws; to renumber each section accordingly; to insert chapter and section titles; to update internal references to reflect the new numbering system; and to reorganize defined terms to be indented and capitalized in the definitions sections of various chapters, all as set forth in the document entitled "Lynnfield Recodification – Final Draft – August 2015," on file in the office of the Town Clerk; or what it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 11. To see if the Town will vote to enact certain global changes to the text of General Bylaws of the Town, all as incorporated in the document entitled "Lynnfield Recodification – Final Draft – August 2015," on file in the office of the Town Clerk, as follows:

To cite statutory references to the Massachusetts General Laws in a consistent manner, to read in the form MGL c. __, § __.

To consistently spell and capitalize the words "Bylaw," "Section," "Chapter," and "Article."

To cite all numbers one through nine in text format; and all numbers 10 and above, fractions and decimals in numeric format.

or what it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 12. To see if the Town will vote to enact certain changes to the text of the General Bylaws of the Town, as noted by strikethroughs (indicating deletion) and underlines (indicating addition), all as set forth in the document entitled "Lynnfield Recodification – Final Draft – August 2015," on file in the office of the Town Clerk; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen and Conservation Commission to convey approximately 9,104 square feet of land located at 353-385 Broadway Rear (behind Kelly Jeep-Chrysler, Inc.), as described on a plan entitled "Plan of Land #353 Broadway (NEWBURYPORT TRNPK) RTE 1, Lynnfield, Mass. dated January 4, 2014 prepared by Hayes Engineering, Inc." (the "Parcel"), being a portion of a larger 2.29 acre parcel conveyed to the Town of Lynnfield, acting by and through its Conservation Commission, on July 3, 1996 and as further described in Essex South District Registry of Deeds, Book 13666, Page 224. This Article would authorize the Board of Selectmen and Conservation Commission to sell the Parcel per the provisions of Massachusetts General Law Chapter 30B, as applicable, or other authority as may be applicable, upon such terms and conditions as the Board of Selectmen and Conservation Commission deem in the best interests of the Town, for not less than \$170,000 in replacement property and cash (i.e., the fair market value of the land and cash to be included shall together equal at least \$170,000) and for additional consideration of a permanent access easement, to the remaining portion of the 2.29 acre parcel owned by the Town and being known as the Bow Ridge Conservation Area, from Route One for recreational purposes in the Bow Ridge Conservation Area and Lynn Woods and to provide an easement for five parking spaces for recreational users of the Bow Ridge Conservation Area and further to authorize the Board of Selectmen to petition the General Court and seek legislative authorization for the aforesaid transfer and conveyance under Article 97 of the Articles of Amendment to the Massachusetts Constitution, if such approval is deemed by the Board of Selectmen to be necessary, or take any other action necessary, appropriate and relative thereto to permit the sale of the Parcel; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 14. To see if the Town will vote to accept the provisions of M.G.L. c. 59, § 5, Clause 56 which would allow the Board of Assessors to grant to members of the Massachusetts National Guard or military reservists who are on active duty and serving in a foreign country a reduction of all or part of their real and personal property taxes, or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 15. To see if the Town will vote to amend the Zoning Bylaws by adding the following subsection to the end of Section 6, concerning signs:

6.8 STANDARDS APPLICABLE IN ALL DISTRICTS

The sections on sign regulations are~intended to ensure that all signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare including impact upon residential property value while allowing adequate communication.

Signs shall neither contain moving elements nor convey the appearance of movement, whether by changing pixilation or any other physical or electronic representation of movement.

Or what action it will take thereon.

Submitted by PLANNING BOARD

ARTICLE 16. To see if the Town will vote to amend the Zoning Bylaws by adding the following subsection to Section 2, concerning definitions:

2.15 SIGN:

Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated surface which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors including any from the foregoing which may be visible in any manner from the outdoors.

Or what action it will take thereon.

Submitted by PLANNING BOARD

ARTICLE 17. To see if the Town will vote to amend the Zoning Bylaws by adding the following subsection to Section 2, concerning definitions:

2.16 STANDARDS APPLICABLE TO ALL DEFINITIONS

2.16.1 TENSE & CONSTRUCTION: Words used in the present tense include the future; the singular includes the plural, and the plural the singular; the words “structure”, “land”, or “premises” shall be construed as though followed by the words “or any portion thereof”, and the word “shall” is always mandatory and not merely discretionary.

2.16.2 PRECEDENCE: Those definitions that are set forth in a subsection outside this Section 2 shall take precedence only in that subsection; otherwise those listed in this section shall be used.

2.16.3 SPECIFIC DEFINITIONS: In this Zoning Bylaw each term shall have the meaning given herein, unless another meaning is required by the context.

2.16.4 MISSING DEFINITIONS: Words not defined herein shall have the meaning as defined in the Commonwealth of Massachusetts Building Code in effect on April 1, 2015.

Or what action it will take thereon.

Submitted by PLANNING BOARD

ARTICLE 18. To see if the Town will vote to amend the Zoning Bylaws by adding the following subsection at the end of Subsection 9.3.3 concerning definitions used in connection with the Groundwater Protection District:

7. Acre: For the purposes of this section of the Bylaw relating to Groundwater Protection only, an acre shall be considered to be 40,000 square feet.

Or what action it will take thereon.

Submitted by PLANNING BOARD

Mr. Boudreau summarized each article and added information of certain articles.

Article 1. Mr. Boudreau said that \$2,590.68 is needed to pay unpaid bills from the prior fiscal year.

2,400.00	The Appraisers Group
57.00	Focus Technology
103.00	Reliable Technologies
20.68	Cassandra Costa (Mileage reimbursement BOH)
10.00	Alan Dresios (Meeting Reimbursement)
Total:	2,590.68

Article 2. Mr. Boudreau said that the sense of the Board is that it would wish to change the motion on this article to provide additional funding for police officer overtime to provide additional traffic enforcement. The motion as drafted calls for the following:

Transfer To:		~
0112254-530000	Selectmen-Other Professional Services	20,000.00
0112257-574100	Selectmen- Property and Casualty Insurance	25,000.00
0113551-511000	Town Accountant Salary	18,000.00
0113552-513000	Asst. Town Accountant-Overtime	2,500.00
0114153-531410	Assessing Consultant	5,000.00
0122052-511000	Firefighter Salaries	30,008.00
0161051-511000	Library Director Salaries	15,650.00
0175251-592504	Short Term Interest-BAN	7,500.00
0191653-517010	Federal Medicare	61,472.00
2516-511000	W.P.A.T. Septic Administration	10,000.00
6350-490000	Golf Course Enterprise-Other Financing Sources	70,000.00
~		~
Transfer From:		~
0114152-511000	Assessing Manager Salary	5,000.00
2536-597500	WPAT Betterments-Transfers for Administrative Costs	10,000.00
0191151-517011	Essex Country Retirement	21,472.00
0191254-517006	Worker's Compensation	40,000.00
0100-104000	Certified Free Cash- General Fund	70,000.00
-----	Additional Appropriations- Raise and Appropriate	<u>118,658.00</u>
~		

Article 3. Mr. Boudreau said that he is recommending \$200,000 be placed in the Other Post-Employee Benefits (OPEB) Trust which would allow for the fund to be large enough for the state or other professional management. Resident Katy Shea asked if he knew of any reason this money might be taken to pay for Obamacare. Mr. Boudreau said he did not.

Article 7. Mr. Boudreau said that the Town would save money by paying medical bills incurred by this firefighter which both the Town's police-fire accident insurer and her employee health insurance will not pay, as payment will lead to her filing for retirement and allowing the Town to fill her shifts, as the Town is currently paying her and her replacement.

Article 9. Mr. Boudreau said this article on increasing the annual dog license fee and reducing the late fee was submitted by the town clerk in response to complaints that the late fee was disproportionately high.

Resident Heather Keane complained that town meeting was not able to muster a quorum for a second session in order to act on the Planning Board articles in the spring; these articles are once again at the bottom of the warrant. She asked that they be moved up. Selectman Barrett said he would make a motion at town meeting to take these articles out of order so they could be acted upon earlier.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 1.

The Board agreed to defer recommendation on Article 2 until funding for additional police overtime was finalized.

On Article 3, Selectman Terranova said he would like to see revenue from the meals tax go into the OPEB trust fund. Mr. Boudreau said that would require special legislation. Chairman Crawford said that the Board had previously stated these revenues would be used to fund the debt on the fields project.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 3.

Selectman Terranova moved to recommend Article 4. That motion failed for the lack of a second. Chairman Crawford said that he had expressed his displeasure in the manner in which this was presented, circumventing the ratification at a town election. He said if the charter is to be amended. A full charter review process should be undertaken. He noted that a change to five members of the Board as presented would leave unaddressed

portions of the charter which require the votes of "three selectmen." Selectman Barrett concurred and said that it is extremely important that the community thinks this proposal through.

On the motion of Selectman Barrett, duly seconded by Chairman Crawford, the Board voted 2-1 (Selectman Terranova opposed) to recommend against passage of Article 4.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 5.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 6.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 7, with the amount not to exceed \$5,000.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 8.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 9.

On Articles 10, 11 and 12, Selectman Terranova asked if the proposed bylaw codification would change any bylaws. Mr. Boudreau said this proposal standardized the bylaws, reorganized them, and brought them into line with state laws and regulations. Selectman Terranova said he agrees with this if there are no material changes to the bylaws.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Articles 10, 11 and 12.

On Article 13, Chairman Crawford said there is no objection to the proposed land sale by neighbors, and Selectman Terranova said the proposed changes to topography will lower the level of lights at the car dealerships relative to the neighborhood.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 13.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Article 14.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend passage of Articles 15, 16, 17 and 18, submitted by the Planning Board.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the use of the common on October 30 for a Lynnfield Recreation Halloween parade event.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the minutes of the meeting of September 9 as submitted.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve a proclamation declaring the weekends of October 3-4 and 10-12 Knights of Columbus Tootsie Roll Drive Days.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to adjourn at 11:01 p.m.