

# Board of Selectmen Minutes 03/24/2014

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Board of Selectmen	March 24, 2014
Regular Meeting	Selectmen's hearing room, Town Hall

Present:	Philip Crawford, Chairman
	David Nelson, Selectman
	Thomas Terranova Jr., Selectman

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

## **Public hearing, laying out of Market Street (portion) as a public way**

Chairman Crawford declared open the public hearing on the laying out of a portion of Market Street as a public way. He announced that representatives of the land owner, National Development of New Lower Falls, were unable to attend, and proposed that the public hearing be continued to April 14.

Resident David Basile asked if the delay in the hearing would affect the warrant article asking the Town to accept this portion of Market Street as a public way. Chairman Crawford and Mr. Gustus said that if the laying out of the way was not approved before town meeting, the warrant article would be indefinitely postponed. Town meeting cannot accept as a public way a street not laid out by the Board.

Resident David Miller asked about the intent of this measure. Chairman Crawford said that this would allow for the placement on state Department of Transportation property along the Route 95 North ramp to Walnut Street of signage directing traffic to the Market Street development, in response to residents' complaints of traffic coming onto side streets to turn around after motorists could not find the entrance to the Market Street development. Mr. Gustus said the state Department of Transportation does not allow for signs directing traffic to a private way on their property, except for certain food and lodging signs which carry paid advertisements. He said that this measure would also allow the Department of Transportation to place signs for Market Street along the highway if it chose to do so.

Mr. Gustus explained that the first portion of the Market Street entranceway along Walnut Street is part of the state right of way. The portion to be accepted by the Town would be the first 50 feet beyond that right of way, approaching the first traffic circle within the development. The Department of Public Works has expressed concern about the Town taking over responsibility of plowing and maintaining the street. The Town plans to seek an agreement with the landowner in which National Development agrees to continue to plow and maintain the roadway and maintain legal responsibility for that portion of the roadway.

Resident Joseph DeMaina asked if the Town would open the door to additional signage if it approved this measure. Mr. Gustus said what is anticipated is a single sign on the Route 95 North ramp to Walnut Street and perhaps a sign on the stanchion on the ramp from Route 95 South at Walnut Street. He said signage on the highway is a matter for the state to decide. He said there could be an agreement between the Town and the landowner to limit signage to these specific sites and the Town could convey this agreement to the state Department of Transportation.

Resident Wallace McKenzie said that there is an existing food/lodging sign of the ramp from Route 95 South to Walnut Street with an arrow that points right instead of straight ahead to Market Street. He also noted that there is an open culvert near the ramp as well. Mr. Gustus said that the Town will bring these items to the attention of the Massachusetts Department of Transportation.

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted to recess the public hearing on the laying out of Market Street (portion) to 7:15 p.m. on April 14, 2014, at the Selectmen's Hearing Room, Town Hall.

## **Conservation Commission appointment**

Melanie Lovell appeared before the Board to interview for a vacant position on the Conservation Commission. Chairman Crawford said he had met Ms. Lovell at the most recent Conservation Commission meeting, which they both attended. Mr. Gustus said that the chair of the Conservation Commission had met with Ms. Lovell and recommended her appointment. Selectman Nelson noted that Ms. Lovell is an attorney with a graduate degree in business management. Board members thanked Ms. Lovell for her willingness to serve and said her credentials would make her a great addition to the Finance Committee.

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to appoint Melanie Lovell to a term on the Conservation Commission expiring on June 30, 2015.

**Fiscal Year 2015 operating and capital budgets**

Mr. Gustus said that the Board has received his recommended operating and capital budgets. The latest version of the budget includes state charges, off-budget needs such as overlay reserves. The Board should vote a final budget tonight. The total operating budget is \$45,326,891.01, and the total spending plan is \$47,110,351.01, which includes the capital budget, state charges and other items such as putting funds into the stabilization and capital facilities maintenance funds.

Chairman Crawford noted that the Board had been discussing the budget over several meetings and asked for comments. Selectman Nelson said that this is a tight, efficient budget for the Town. Selectman Terranova said he recommends reducing the budget by \$235,552, which represents one-half of one percent of the overall budget. Selectman Terranova recommended reducing all budgets by one-quarter of one percent, or \$117,776, and allocating \$117,776 of the taxes to be raised through new growth to tax relief. He said that this would be a symbolic dollar amount to show Lynnfield taxpayers that the Town is serious about controlling costs and taxes. He said this would be a step in the right direction.

In response to a question from Chairman Crawford, Mr. Gustus said that as some costs are fixed, some line item could not be reduced, and others would have to be reduced by a greater amount to achieve the proposed reduction. He said pay increases for union workers are contractually obligated; as a result, reductions in salary costs would require layoffs. Department heads were granted salary increases at levels consistent with union contracts, although these can be reduced without violating a contract.

Selectman Terranova said he was not suggesting that payroll be reduced. He said there must be places in the budget that can be reduced to achieve the desired reduction, and suggested that the Board go through the budget by each department to identify places where cuts can be made. Mr. Gustus said that the Board could go through the budget in that fashion if it wished. He said that the budget was developed to meet the needs of existing programs, and that some flexibility is built into the budget so that the Town can meet unanticipated expenses, such as snow and ice removal costs during a severe winter. He said he had sat with department head and committee representatives and cut back budget requests during the budget season.

Selectman Nelson said that he did not believe this exercise would be appropriate at this stage of the budget process. He said that the Board could consider this for the next budget cycle.

Selectman Terranova said he wished to allocate revenue from new growth to an account that would allow for relief for taxpayers. Mr. Gustus said that these new growth revenues have already been included in the Town's spending plan, and that to achieve this end further budget reductions in the amount to be set aside for tax relief would have to be made. He said the spending plans also calls for funds to be put into the stabilization and capital facilities maintenance funds.

Selectman Terranova asked if new growth revenues above the current estimates could be put toward tax relief. Mr. Gustus said that no further action by the Town would be required for that to happen.

Chairman Crawford said the he understands what Selectman Terranova is trying to do, but feels that it would not be feasible or responsible at this late point in the budget process. He said that the Board has heard from every major department and that the time to raise potential reductions to those budgets was when the department heads and committees were before the Board. He suggested that at the beginning of the next budget season the Board look at items it wishes to reduce or eliminate. Selectman Terranova said that this was the first opportunity to review the budget as a whole.

Resident David Miller said that he did not consider the timeline issue to be significant, as the Board will have less time to consider where it would cut should voters at town meeting choose to approve reductions in the budget. Mr. Gustus said that the town meeting will have to reduce specific appropriations if it votes to reduce the budget.

Selectman Terranova moved that the Board reduce line items in the budget that are not contractual salary items and have not been expended in years past, such as funds in the DPW budget for track repairs, and that any excess new growth realized above the \$800,000 estimate will be used to reduce real estate taxes. There was no second to the motion.

On the motion of Selectman Nelson, duly seconded by Chairman Crawford, the Board voted 2-0-1 (Selectman Terranova abstaining) to approve the Fiscal Year 2015 operating budget of \$45,326,891.01 and the Fiscal Year 2015 capital budget of \$629,750 as presented.

On the motion of Selectman Nelson, duly seconded by Chairman Crawford, the Board voted 2-0-1 (Selectman Terranova abstaining) to approve the proposed allocation of \$150,000 for the capital facilities maintenance fund and the proposed allocation of \$150,000 for the stabilization fund.

**Annual town meeting warrant**

Mr. Gustus presented the Board with a draft of the annual town meeting warrant. He reviewed the proposed warrant articles, noting that three had been submitted by citizen petition.

Mr. Gustus briefly reviewed the warrant articles. He explained that Article 16, which would extend the moratorium on locating medical marijuana treatment facilities in the community to the end of the year, has been submitted by the Planning Board in case the subsequent article, the proposed medical marijuana bylaw, is rejected by the attorney general or not approved by town meeting.

Mr. Gustus said that the article on the fields project was placed before the operating budget article because the proposed budget includes funds for the debt service on the project. If the fields project article is not passed, the debt and interest budget would be changed. Mr. Gustus said that no subsequent articles in the warrant would affect the budget.

Selectman Terranova asked if the fees in the medical marijuana bylaw are set by the state of the municipality, and asked if they could be increased. Mr. Gustus said that he is not sure, and that this question should be put to the Planning Board. Selectman Terranova said that the location of these facilities in Town could affect the police and other Town services. Chairman Crawford asked if the Town has any other fees comparable to those contemplated in the medical marijuana bylaw. Mr. Gustus said that the annual liquor license fees are comparable.

Selectman Nelson asked about Article 23, a petition article that asks the Board of Selectmen be directed to present two budgets to town meeting. Mr. Gustus said that under the charter, the Board presents the budget for consideration by the voters, and the town meeting votes the budget as it sees fit. This petition article is an attempt to advise the Board of the voters' wishes, and does not have a binding effect on the Board.

Chairman Crawford asks if the article expects the Board to present two budgets for every department. He said that if this were to be done, the voters should be advised of what cuts in services and staffing would be made if the lower amount is approved. Mr. Gustus noted that the article would allow the Board only two options, providing a budget in which the Town taxed to the maximum extent allowable under Proposition 2-1/2, and a budget in which the Town did not avail itself of any of the increase to the levy allowed under Proposition 2-1/2, except for new growth. He noted that this would preclude presentation of a budget that used some, but not all, of the levy increase allowed, or a budget that would require an override of Proposition 2-1/2.

Chairman Crawford asked about Article 22, which would ban bow hunting in Lynnfield. He asked if bow hunting is allowed during all four hunting seasons currently, and whether there had been an incident that triggered this petition article. Mr. Gustus said he knew of no limitations on bow hunting during allowed hunting seasons, and he knew of no incident involving a bow hunter. He said most of the signatories on the petition were from the Walnut Street area

Chairman Crawford and Selectman Nelson said they had no objection to the order of articles as presented.

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to close the warrant as presented.

#### **Renewal of seasonal liquor licenses**

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to approve the renewal of seasonal liquor licenses for Sagamore Spring Golf Club and Reedy Meadow Golf Course. Renewal documents were signed by Board members.

#### **Approval of Arbor Day proclamation**

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to approve the proclamation of April 25, 2014 as Arbor Day in Lynnfield. Chairman Crawford read the proclamation below, which was signed by Board members.

#### ***PROCLAMATION***

***The Board of Selectmen of the Town of Lynnfield hereby declares that April 25, 2014 be proclaimed as Arbor Day in Lynnfield and further acknowledges that much of the strength and beauty of this old New England Town comes from the forest of trees that our wise predecessors, by example, taught us to maintain along our streets and ways.***

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

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to allow the use of Town roads for the July 4, 2014 Lynnfield Athletic Association road race.

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to allow the use of the South Fire Station parking lot on May 18, 2014 from 10 a.m. to 2 p.m. for a car wash to be held by the Lynnfield High School baseball team.

#### **Administrative matters**

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to approve the minutes of the meeting of February 24, 2014 with two minor edits.

On the motion of Selectman Nelson, duly seconded by Selectman Terranova, the Board voted unanimously to adjourn the meeting at 7:58 p.m.