

Board of Selectmen Minutes 03/23/2015

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Board of Selectmen	March 23, 2015
Regular Meeting	Selectmen's Hearing Room, Town Hall

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

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

Request by Finance Committee member for exemption under Massachusetts General Laws Chapter 268A, Section 20 (B)

Finance Committee member Robert Priestley is requesting the Board's approval of an exemption under Massachusetts General Laws Chapter 268A, Section 20 (B). Mr. Priestley has received a contract to handle photography for the Recreation Commission's Father-Daughter Dance. Mr. Priestley is also a member of the Recreational Fields Study Committee.

Town Administrator James Boudreau said to approve the request, the Board would have to find that there is no conflict for Mr. Priestley in serving on these committees and holding this contract.

Members of the Board said they had no objections to the granting of the exemption, as they had done so in the past for similar contracts. Selectman Terranova said Mr. Priestley has done an outstanding job in this capacity.

On the motion of Selectman Terranova, duly seconded by Selectman Crawford, the Board voted unanimously to grant Finance Committee member Robert Priestley an exemption under Massachusetts General Laws Chapter 268A, Section 20 (B) in relation to a contract for handle photography for the Recreation Commission's Father-Daughter Dance.

Charge for and appointment of Library Building Committee

Library Director Nancy Ryan appeared before the Board to present a draft charge for the Library Building Committee and asked the Board to appoint members to this committee.

She said that the Library Building Committee would be charged with overseeing the library building project from the selection of an owner's project manager and architect through the post-construction phase. Suggested members are Christopher Mattia (Finance Committee), and community members Ted Caswell of the Capital Facilities Advisory Committee, Christopher Barrett of the School Committee, and unopposed Board of Library Trustees candidate Russell Boekenkroeger, who would serve as chairman. Ms. Ryan will be an ex-officio member. Serving as liaisons from other boards are Brian Shaffer (Board of Appeals liaison) and Heather Sievers (Planning Board liaison).

While the Board of Library Trustees has not formally voted to approve this list, it plans to take up the matter at its April 7 meeting, and Ms. Ryan said she is confident the Board will approve. She asked the Board to make these appointments.

Ms. Ryan reviewed the proposed charge, listed below:

Mission

To work as a team in the selection and hiring of an Owner's Project Manager (OPM) and the selection and hiring of an architect / designer;

To work as a team with the library director, designer/architect, owner's project manager, consultants, and others throughout the life of the library building project, that is, the design development, public bidding, and construction and post-construction phases.

Organization:

When appointed, and after the Board of Selectmen has appointed one of the members as Chairman, the committee will be sworn-in by the Town Clerk and will establish other officers at their first regular meeting. The committee will meet on an as needed basis according to the MA Open Meeting Law.

Responsibilities:

- Review/revise the building program.

- *Prepare and go out to bid for the owner's project manager and architect.*
- *Negotiate and contract with the owner's project manager and architect.*
- *Complete the design development, working drawings and bid specifications.*
- *Prepare and go out to bid for the general contractor and subcontractors.*
- *Negotiate and contract with the general contractor and subcontractors.*
- *Prepare and go out to bid for other goods and services that do not fall under the scope of work for the architect or builder, for example interior designer services, technology, and audiovisual equipment and installation.*
- *Monitor construction process.*
- *Select colors, finishes, furniture, fixtures and equipment.*
- *Complete landscaping design and installation.*
- *Monitor project budget.*
- *Approve or make recommendations to approve change orders.*
- *Report and make recommendations to the Board of Selectmen and the Board of Library Trustees.*
- *Make payment requests.*

Post Construction:

- *Accept the building and secure the certificate of occupancy.*
- *Approve and follow up on punch list or warranty items.*
- *Recommend final payments.*
- *Recommend close out of project accounts.*
- *Receive as-built drawings and operating manuals.*
- *Report recommendations to the Board of Selectmen and the Board of Library Trustees.*

Chairman Nelson asked if the committee would operate under the Open Meeting Law. Ms. Ryan confirmed it would. Selectman Terranova asked how the committee members were chosen. Ms. Ryan said she worked on a list of people willing to contribute and spoke to the staff, Selectman Crawford, the Board of Selectmen liaison to the Library, as well as patrons. Selectman Terranova asked if applicants had been solicited through the newspapers or any other means. Ms. Ryan said it was done by word of mouth, and that she was familiar with the proposed members and their expertise and talents.

Chairman Nelson said a lot of effort had gone into the charge and said he saw nothing wrong with the suggested committee. He asked if Mr. Boudreau would be involved, and Ms. Ryan said the committee would work closely with him.

Selectman Crawford thanked the prospective members and Mr. Boekenkroeger for volunteering to be the chairman. He said this committee would play an important role in this project moving forward.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to approve the Library Building Committee membership as presented, for an indefinite term.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to charge for the Library Building Committee membership as presented.

Presentation of Fiscal Year 2016 capital budget

Mr. Boudreau said that he received \$2,783,844 in capital budget requests from Town departments and boards, of which he is recommending \$1,276,060. He reviewed the list, which appears below.

<i>FY 16 Capital Budget</i>	
School Department	
Security	\$225,000
Technology	\$250,000
Central Admin Renovations	\$75,000
Sub-Total Schools	\$ 550,000.00
Library	
Furniture	\$ 5,000.00

Sub-Total Library	\$ 5,000.00
Police Department	
Portable Radios	\$27,500.00
Tasers (4)	\$6,600.00
Rifles	\$4,000.00
Computers	\$3,600.00
Toughbooks	\$6,000.00
Audio/Video Recorder	\$4,500.00
Cruiser	\$38,760.00
Sub-Total Police	\$ 90,960.00
Fire Department	
Hose Replacement	\$ 10,000.00
PPE Replacement	\$ 10,000.00
Extrication Tools	\$ 10,000.00
Radios/Pagers/It	\$ 5,000.00
Sub-Total Fire	\$ 35,000.00
Historic Commission	
Landmark Signs	\$ 3,500.00
Sub-Total Historic Commission	\$ 3,500.00
Public Works	
<i>Highway</i>	
New Trucks	\$ 72,000.00
Drainage Issues	\$ 100,000.00
Sub-Total Highway	\$ 172,000.00
<i>Parks/Playgrounds & Cemeteries</i>	
Mowers	\$ 10,000.00
Sub-Total Parks	\$ 10,000.00
<i>Trees</i>	
Saws	\$ 3,000.00
Sub-Total Trees	\$ 3,000.00
<i>Recycling</i>	
Site Restoration	\$50,000.00
Sub-Total Recycling	\$ 50,000.00
<i>DPW Administration</i>	
Software/AutoCad	\$ 6,000.00
GIS	\$ 7,000.00
Gas System Filler box	\$ 6,500.00
Copy Machine lease	\$ 3,800.00
Storm Water Compliance	\$ 15,000.00
Sub-Total Admin	\$ 38,300.00
Building Capital	
<i>Town Hall Complex</i>	
Doors/ways/passpoint	\$ 15,000.00
Sub-Total Town Hall	\$ 15,000.00
<i>Library</i>	
Septic Engineering Study	\$ 15,000.00
Repair Boiler Coil	\$ 15,000.00
Sub-Total Library	\$ 30,000.00

<i>South Hall/South Fire</i>	
Roof	\$ 70,000.00
Replace Concrete Pad	\$ 7,500.00
Sub-Total South Hall/South Fire	\$ 77,500.00
<i>South School/COA</i>	
Council on Aging	\$ 50,000.00
Kitchen Hood	\$ 10,000.00
Sub-Total South School/COA	\$ 60,000.00
<i>DPW Complex</i>	
Chain Lift	\$ 13,000.00
Vehicle Lift	\$ 45,000.00
Sub-Total DPW Complex	\$ 58,000.00
Energy Management/Contract	\$ 25,000.00
<i>School Buildings</i>	
HS Cafeteria AC	\$ 35,000.00
Sub-Total School Buildings	\$ 35,000.00
<i>Buses</i>	
Bus Equipment	\$ 2,800.00
Sub-Total Buses	\$ 2,800.00
<i>Other Capital</i>	
Pillings Pond	\$ 15,000.00
Sub-total Other	\$ 15,000.00
Total Public Works	\$ 591,600.00
Total Capital Budget	\$1,276,060.00

Public Works Director Andrew Lafferty said the air conditioning in the High School cafeteria is new, not a replacement. Selectman Terranova asked if one police cruiser would be adequate; Mr. Boudreau said he had believed it would be before Friday, when a cruiser was involved in a serious accident. Chairman Nelson said that the department had originally requested two cruisers. Mr. Boudreau said it may be necessary to move some money around to fund a second cruiser purchase. Police Chief David Breen said that the vehicle in the accident has mileage of about 100,000, and is a four-wheel drive vehicle, so damage is likely to be significant. Mr. Boudreau said the funds would either be identified for this town meeting or for the fall town meeting. Chief Breen said the timeline is two to three months for delivery of the equipped cruiser.

Selectman Terranova said the Board might be able to find funds within the proposed budget. He noted the town counsel line item is increasing by \$31,000. Mr. Boudreau said that the Town had already spent the town counsel budget for this fiscal year and that the budget needs to be increased. Chairman Nelson agreed that line should not be reduced. Selectman Terranova said that there is a \$9,000 line item in the Department of Public Works (DPW0 budget for track maintenance. Selectmen Crawford said that is for annual maintenance, and that the track will not be replaced for two years. Selectman Terranova asked about additional funds budgeted for information technology; Mr. Boudreau said he was informed that software costs and licensing fees are increasing. Selectman Terranova asked about pay raises for Conservation Commission staff. Mr. Boudreau said the money for the requested increases was included in the budget, but there has not been any agreement reached on the raises. If the raises granted are less than the amount budgeted, the difference will not be spent. Mr. Boudreau said additional comparison communities have been added to the study of salaries and will be shared with the Board.

Selectman Terranova asked why the Town is buying loam after selling off loam that was removed during the high school fields project. Mr. Lafferty and Selectman Crawford said there were contamination issues with the soil at the high school, and that soil had to be placed in other locations with similar nickel content. Mr. Lafferty said the loam being purchased will be used at parks and on the side or roads. Mr. Crawford said there was no request for loam at the time of the fields project, other than that used on the site. Mr. Boudreau said that moving the loam to another site and storing it creates costs.

Selectman Terranova asked about the school security system. Mr. Boudreau said that it would monitor both interior and exterior locations at the schools, including the fields, and that school administrators and the police would have access to it.

Selectman Terranova asked if the funds set aside for drainage were sufficient to deal with various areas in Town prone to flooding around Reedy Meadow, on Maddison Lane, and on Canterbury Road. Mr. Lafferty said that there are several problem areas and these funds would not be sufficient

to provide complete solutions. Some issues involve drainage and infrastructure on land not owned by the Town. Selectman Terranova said it most important to have a course of action and urged working with state officials on these matters.

Mr. Lafferty said that the intent is to bring in engineering consultants to examine the problems and identify potential solutions. Selectman Crawford asked for a timeline on the Canterbury Road and Ledge Road issue. Mr. Lafferty said they are checking for obstructions and need to get an engineer to look at the area. Selectman Terranova asked if Town Engineer Charles Richter has the expertise to do this work. Mr. Lafferty said he does have expertise in this area, but said there is more work than can be handled in-house, as Mr. Richter will also be very busy with road projects.

On the motion of Selectman Terranova, duly seconded by Selectman Crawford, the Board voted unanimously to approve the Fiscal Year 2016 capital budget as presented, with the understanding that the town administrator will look for funding to purchase a second police cruiser.

On the operating budget, Chairman Nelson asked if the budget includes funding for software that will allow the Board of Assessors and Inspectional Services Department to share data. Mr. Boudreau said it does. Mr. Boudreau said the only change in the budget from the one presented to the Board at its March 9 meeting was an increase in the line for the North Shore Vocational School District assessment, from an estimated \$350,000 to an actual figure of \$364,937. This figure is based on enrollment levels. Selectman Terranova asked if the debt funding is adequate for current needs. Mr. Boudreau said it is, and said the Town will issue debt at the end of the year, for which an appropriation at the fall town meeting will be needed.

Selectman Terranova asked if a line item should be established for putting funds toward Other Post-Employment Benefits (OPEB). Mr. Boudreau said he intends to introduce a line item for that purpose in his Fiscal Year 2017 proposed budget. Selectman Crawford asked if such a line item is required. Mr. Boudreau said there is no requirement, but it will assist the Town is seeking the AAA bond rating.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board unanimously voted to approve the Fiscal Year 2016 operating budget as presented. Selectman Terranova explained he would second the motion since the taxes had been modified and the Board can work with the fire chief to address Fire Department issues he had raised, with further resident input and Board discussions.

Town meeting warrant articles

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously the close the annual town meeting warrant with the articles presented for inclusion (see below). Mr. Boudreau reviewed the warrant articles by providing a brief summary of each. He said he would have the current fiscal year transfers ready for the Board's consideration at its April 13 meeting. Golf and Emergency Medical Services enterprise budgets will also be prepared. Mr. Boudreau said he may reduce proposed appropriations to the Stabilization Fund or the Capital Facilities Maintenance Fund to free up funds for the purchase of a second police cruiser.

Selectman Terranova asked about the article appropriating funds for architecture and design of a golf clubhouse. Mr. Boudreau said the previously appropriated \$90,000 was for site work, grading and parking at the golf course.

On Articles 21 through 24, submitted by the Planning Board, Mr. Boudreau said they had been reviewed by town counsel earlier today, and his technical changes were agreed to by Planning Board Chairman John Faria.

LYNNFIELD TOWN WARRANT

THE COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN ELECTION - APRIL 13, 2015

ANNUAL TOWN MEETING - APRIL 27, 2015

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 their respective polling places in said Lynnfield, on Monday, April 13, 2015 at 7:00 a.m., then and there to bring in their votes on one ballot for the choice of all necessary Town Officers for the ensuing year, chosen in this manner, viz.: one Board of Selectmen member for three years; one Town Moderator for one year; one~Board of Assessors member~for~three years; two Board of Library Trustee member~for~three years; two School Committee members~for~three years; one Planning Board member~for five years; and one Housing Authority~ member for five years.~

The Polls in each precinct will open at 7:00 a.m., and will be closed at 8:00 p.m., on said April 13, 2015. The polling places for voters in Precincts 1, 2, 3 and 4 will be at Lynnfield High School, Essex Street, all in said Lynnfield.

And you are further directed to notify and warn the inhabitants of the Town of Lynnfield qualified to vote in elections and Town affairs, to meet in the Middle School Auditorium, Cafeteria, and the Gymnasium, if necessary, on Monday, April 27, 2015 at 7:30 p.m., then and there to act on the following articles:

ARTICLE 1. *To act on reports of town officers and special committees as published.*

Submitted by BOARD OF SELECTMEN

ARTICLE 2. *To choose all Town officers not required to be chosen by ballot: viz.; three field drivers, one pound keeper and three wood measurers.*

Submitted by BOARD OF SELECTMEN

ARTICLE 3. *To see if the Town will vote to FIX THE COMPENSATION of each of the Elective Officers of the Town as required by General Laws, Chapter 41, Section 108, as amended.*

Submitted by BOARD OF SELECTMEN

ARTICLE 4. *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 2015 Fiscal Year where balances are below projected expenditures for various reasons; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 5. *To see if the Town will vote to transfer a sum of money from Emergency Medical Services Retained Earnings to pay expenses and contractual services required to operate the emergency medical service in the Town of Lynnfield in the current 2015 Fiscal Year; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 6. *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 7. *To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or otherwise, a sum of money for the necessary Town charges and expenses; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 8. *To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds or by borrowing, or from any or all such sources, sums of money for the purchase of various equipment and items in the nature of capital expenditure and to give authority to credit the value of the various old equipment to be turned in toward the purchase price of said items, said sums of money to be expended under the direction of various Town boards, committees, or officers; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 9. *To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money for the town's Stabilization Fund, or what action the Town will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 10. *To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money for the town's Capital Facilities Fund, or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 11. *To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Council on Aging, limited to a certain amount, without further appropriation during Fiscal Year 2016, to pay expenses and contractual services required to operate Senior Center Activities and field trips; said fund to be credited with all fees and charges received during Fiscal Year 2016 from persons taking part in said activities and field trips; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 12. *To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Health, limited to a certain amount, without further appropriation during Fiscal Year 2016, to pay expenses and contractual services required to operate the Flu Clinic; said fund to be credited with all fees and charges received, and with recovery through third party billing received, during Fiscal Year 2016 from or in connection with persons taking part in said activities; or what action it will take thereon.*

Submitted by BOARD OF HEALTH

ARTICLE 13. *To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Library Trustees, limited to a certain amount, without further appropriation during Fiscal Year 2016, to pay expenses related to book replacement and new book acquisitions, said fund to be credited with all fines collected for the loss of library books received during Fiscal Year 2016 from persons paying such fines; or what action it will take thereon.*

Submitted by BOARD OF LIBRARY TRUSTEES

ARTICLE 14. *To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Recreation Commission, limited to a certain amount, without further appropriation during Fiscal Year 2016, to pay part*

time salaries, expenses and contractual services required to operate Recreation Activities, field administration and field trips; said fund to be credited with all fees and charges received during Fiscal Year 2016 from persons taking part in said activities and field trips; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 15. *To see if the Town will vote to appropriate a sum of money from Emergency Medical Service Enterprise receipts to pay expenses and contractual services required to operate the emergency medical service in the Town of Lynnfield, said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2016 from persons using said service; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 16. *To see if the Town will vote to appropriate a sum of money from Golf Enterprise receipts and or Golf Enterprise Retained Earnings to pay expenses and contractual services required to operate the Reedy Meadow Golf Course and King Rail Golf Course, said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2016 from persons using the golf course; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 17. *To see if the Town will vote, pursuant to G.L. c. 40, § 15A and any other applicable authority, to transfer to the Board of Selectmen for the purpose of sale the real property known and numbered as 567 Main Street, Lynnfield, Massachusetts, including the structures and fixtures thereon erected, being the same property conveyed to the Town by deed dated October 2, 2014 and recorded with the Essex South District Registry of Deeds at Book 33587, Page 278 from Denault M. Donovan, Charles S. Donovan and Alice Kiernan, Trustees of the Centre Farm Nominee Realty Trust II, under declaration of trust dated December 28, 2007 and recorded with said Deeds at Book 27459, Page 234, consisting of seven (7) acres; and pursuant to G.L. c. 40, § 3; c. 30B, § 16, and any other applicable authority, to authorize the Selectmen to sell, transfer and convey the said real property subject to an Historic Preservation Restriction under G.L. c. 184, §§ 31-33, pertaining to the said property and the exterior of the structures and fixtures thereon, such sale otherwise to be on such terms and subject to such conditions as the Selectmen may deem prudent; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 18. *To see if the Town will vote to accept so much of G.L. c. 140, § 139(c) as provides that no fee shall be charged for a license for a dog owned by a person aged 70 years or over; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 19. *To see if the Town will amend its by-laws to add the following Scenic Road By-law:*

SCENIC ROADS BYLAW

1. PURPOSE - *The purpose of this Bylaw is to allow at Town Meeting the recognition of specific roads in Lynnfield as "Scenic Roads." By so doing, the public right-of-way along these roads shall not be altered, improved, or reconstructed without approval. For a road designated a Scenic Road any repair, maintenance, reconstruction, paving or construction of an additional driveway; cutting or removal of trees; the tearing down, burial, relocation, or destruction of stonewalls by any person public or private shall require written consent of the Planning Board. No privately owned properties shall be subject to this Bylaw.*

2. AUTHORITY - *The enactment of this Bylaw is authorized by Massachusetts General Law Chapter 40, Section 15C.*

3. DEFINITIONS

Applicant: *any person or entity that undertakes an action requiring prior written consent pursuant to this Bylaw who is therefore required to file an application with the Planning Board.*

Repair, Maintenance, Reconstruction or Paving Work: *any such work done within the public right-of-way by any person or entity, public or private, including the roadway and/or construction of an additional driveway.*

Scenic Road: *The entire area within the boundaries of the public right-of-way other than a state highway or a numbered route.*

Stone Wall: *A structure of natural stone constructed to enclose, divide, or define an area, and located at least partially within the boundaries of the public right-of-way.*

Tree: *A tree located within the public right-of-way that is larger than 6" DBH (diameter at breast height).*

4. DESIGNATION OF SCENIC ROADS

4.1. Considerations for Scenic Road Designation - *The determination of which roads or portions of roads to be recommended as Scenic Roads shall consider these criteria:*

- a) Overall scenic beauty of the public way.*
- b) The contribution of any vegetation, stonewalls, fences, shoulders, or tree canopy.*
- c) The potential for lessening of scenic beauty, aesthetic value or historical significance.*

4.2. *Procedures to Designate Scenic Roads - Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission, any road shall, upon vote of a majority of the voters present and voting at any annual or special Town Meeting, become a Scenic Road subject to the provisions in this Bylaw. A public hearing regarding the proposed roads shall be conducted prior to Town Meeting.*

5. PROCEDURE FOR ACTIONS ON A SCENIC ROAD

5.1. *Determination of Applicability - The applicant shall submit a written request to the Town Engineer who shall determine the boundaries of the public right-of-way relative to the location of any specific tree(s) and any specific stonewall(s) to determine the applicability of the Bylaw. A copy of the written request shall also be filed with the Planning Board and the Director of Public Works and/or Tree Warden.*

5.2. *Scope of Work - The applicant shall deliver to the Planning Board an application with a clear and legible site plan, together with a written description detailing the scope of the proposed work which will cause the Planning Board to schedule a public hearing within a reasonable amount of time.*

5.3. *Public Hearing Notice - A Notice of Public Hearing shall be advertised in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than seven days before the day of the hearing, the cost of which shall be born by the applicant.*

5.4. *Director of Public Works and/or Tree Warden - Whenever feasible, Planning Board hearings shall be held in conjunction with those to be held by the Director of Public Works and/or Tree Warden acting pursuant to this Bylaw. Consent to an action by the Planning Board shall not be construed as implying consent by the Director of Public Works and/or Tree Warden, or vice versa.*

5.5. *Decision of Board - Within forty-five (45) days after submission, the Planning Board shall conduct a hearing and take final action thereon by approving, modifying, or disapproving the application. Failure of the Board to take final action within the time allotted shall be construed as constructive approval. Extension of time may be agreed upon at the written request of the applicant.*

5.6. *Appeals Process - The applicant can appeal the decision of the Planning Board to the Board of Selectmen within twenty-one (21) days. The appeal shall be submitted in writing in which the reasons for the appeal are itemized.*

5.7. *Enforcement - Without waiving any other enforcement authority, violations of the Scenic Road Bylaw shall be punishable by a fine of \$300.00. In addition, the property owner and whoever is responsible for the violation shall be required within sixty (60) days to:*

- a. restore any altered stone walls to the condition they were in prior to the alterations, and*
- b. plant tree(s) of similar and native in species to those which may have been cut or removed, or*
- c. implement other mitigating measures as may be directed by the Planning Board.*

The failure of the property owner to restore or mitigate as directed by the Planning Board shall be deemed a subsequent and separate violation. The Planning Board may assess further penalties of up to \$300 for each fourteen (14) day period during which any violation has not been corrected as directed by the Planning Board.

6. ACTIONS THAT DO NOT REQUIRE APPROVAL

6.1. *Emergency Repair - Nothing in this Bylaw shall prevent any work being performed as the result of emergency conditions that threaten the lives, health, and/or safety of the public.*

6.2. *Normal Repair - The provisions of this Bylaw will not restrict either the Department of Public Works or any utility companies from conducting normal maintenance or repairs.*

6.3. *Stonewall Repair - A property owner's repair of a stonewall using natural stones and of similar appearance to the original wall shall not be restricted.*

7. **SEVERABILITY** - *If any section or subsection of this Bylaw is found to be unconstitutional or contrary to the laws of the Commonwealth of Massachusetts or the United States of America then that section or subsection shall be stricken from this Bylaw, and the remainder of this Bylaw shall remain in full force and effect.*

or what action it will take thereon.

Submitted by TREE COMMITTEE

ARTICLE 20. *To see if the Town will vote to transfer from the Sale of Real Estate Fund the sum of \$150,000 for architectural and design services for a new clubhouse at King Rail Golf Course; or what action it will take thereon.*

Submitted by BOARD OF SELECTMEN

ARTICLE 21. *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

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

414891744ARTICLE 22. *414891744Thomas A. Mullen 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, 414891743marquee sign 414891743Thomas A. Mullen, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, corrected, 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 of the foregoing which may be visible in any manner for the outdoors.

Or what action it will take thereon.

Submitted by PLANNING BOARD

ARTICLE 23. *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

4148910412.16.1 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. 414891041Thomas A. Mullen

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 24. *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

And you are further directed to serve this warrant, by posting up attested copies thereof, in at least six public places in said Town of Lynnfield, seven days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, or before hand as aforesaid.

Given under our hands this 23rd day of March in the year of our Lord two thousand and fifteen.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to recommend passage of Articles 1 through 8.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to recommend passage of Articles 9 through 14.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to recommend passage of Articles 15 through 18.

On the motion of Selectman Terranova, duly seconded by Selectman Crawford, the Board voted unanimously to recommend passage of Article 19.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to recommend passage of Article 20.

Selectman Terranova asked whether the entire \$150,000 would be needed for the design of the golf clubhouse. Mr. Boudreau said it depends on the size, and that design costs are generally 10 percent of construction costs. He said the cost will likely be a little over \$100,000; the appropriation could be reduced to \$125,000, but if the low bid comes in higher than that amount, the project will be delayed until a further town meeting appropriation can be voted.

Selectman Terranova made a motion to recommend passage of Article 21. Selectman Crawford noted that under this article, existing signs would be grandfathered and he said he believes the language may be too restrictive for future development in commercial areas. Selectman Terranova said the aim was to ban future flashing signs and walls that exist in certain locations, but do not seem appropriate for this community. Selectman Crawford said that forbidding any elements of movement seemed too restrictive. Chairman Nelson agreed that some movement may be appropriate. On the motion of Selectman Crawford, duly seconded by Chairman Nelson, the Board voted 2-1 (Selectman Terranova opposed) to not recommend passage of Article 21.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to vote to recommend passage of Articles 22 through 24.

Seasonal liquor licenses

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted to approve the renewal of seasonal beer and wine licenses for Sagamore Springs Golf Club and Reedy Meadow Golf Course, effective April 1 through November 1, 2015. Board members signed the license renewal documents.

Update on Perley Burrill matter

Mr. Boudreau said there is no update on the Perley Burrill matter, and therefore no need for Mr. Terranova to recuse himself from this portion of the meeting, as he has in the past.

Announcements

Chairman Nelson said that tomorrow is the deadline to register to vote in time for the town election and town meeting.

Mr. Boudreau said that Governor Baker has released \$30 million to assist communities with pothole and paving repairs. Lynnfield's share is \$61,545.

Selectman Crawford and Selectman Terranova thanked the Boy Scouts for the recent Court of Honor they attended and congratulated the six new Eagle Scouts on their achievements.

Selectman Terranova thanked Mr. Boudreau for arranging to have additional financial data posted on the website and inquired about sharing the detailed general ledger. Mr. Boudreau said this is a huge file consisting of hundreds of pages. Selectman Terranova asked about having the Town's auditors in for a presentation; Mr. Boudreau said this will be scheduled for after the annual town meeting. Selectman Terranova asked about identifying funding sources for the snow and ice overrun; Mr. Boudreau said he will work on this with the town accountant. Selectman Terranova asked about any further information about CVS seeking to build a pharmacy at the Bridgewell site; Mr. Boudreau said there is no new information on that subject. Selectman Terranova said residents can report potholes to the DPW hotline at 781-334-9506. He said that Lynnfield Youth Football and Cheering are planning a fundraiser to assist the Town with the upkeep of Ace, the police dog.

Use of Town facilities

On the motion of Selectman Terranova, duly seconded by Selectman Crawford, the Board voted unanimously to approve the use of Newhall Park by Centre Congregational Church for an Easter sunrise service on April 5, 2015 from 6:00-11:00 a.m.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to approve the lighting of a tree on the common with blue lights for Autism Awareness Month from April 2-30. Board members said this is a great cause.

On the motion of Selectman Terranova, duly seconded by Selectman Crawford, the Board voted unanimously to approve the use of the South Post Office Lot on May 17 and May 24 (rain date) from 9:00 a.m. to 2:00 p.m. for a car wash fundraiser for the Lynnfield High School softball team.

One-day liquor license

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to approve a one-day liquor license for April 11, 2015 from 7:00-11:00 p.m. from the Knights of Columbus for a birthday party. No police detail was required.

Administrative matters

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to approve the minutes of the meeting of February 23, 2015 as presented.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to adjourn at 8:04 p.m.