

# Board of Selectmen Minutes 03/21/2016

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Board of Selectmen	March 21, 2016
Regular Meeting	Selectmen's hearing room, Town Hall

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

Chairman Crawford called the meeting to order at 7:08 p.m. He announced that the meeting is being videotaped for cable television and led those assembled in the Pledge of Allegiance.

## **Request by employee for exemption under Massachusetts General Laws Chapter 268A, Section 20 (B)**

The Recreation Commission has requested that the Board approve an exemption under Massachusetts General Laws Chapter 268A, Section 20 (B) for Finance Committee and Fields Committee member Robert Priestley, who has been contracted to provide music and photography services for the Recreation Commission's father/daughter dance. Mr. Priestley's company, The Priestleys, has provided this for many years. Members of the Board said they had no concerns and that Mr. Priestley had done a good job with this event in past years.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to grant Robert Priestley an exemption under Massachusetts General Laws Chapter 268A, Section 20 (B) for his contract to provide music and photography services for the Recreation Commission's father/daughter dance.

## **Update by Capital Facilities Advisory Committee – Center Farm**

Capital Facilities Advisory Committee (CFAC) Chairman Ted Caswell appeared before the Board to report on CFAC's recent activities. He said that a potential prospective buyer for the Center Farm property on Main Street has come forward and wished to address the Board.

Timothy Doyle said that should town meeting vote to allow the Board to sell the property, the prospective buyer would purchase it for use as a single-family home. The prospective buyer has done due diligence on the property and has hired an architect who specialized in historic structures. The prospective buyer's intent would be to preserve the key architectural, historical and cultural significance of the property.

Matthew Cummings of Cummings Architects of Ipswich is the architect hired by the prospective buyer. He said the property is in great shape structurally and the barn and house are both well preserved. He said there is no intention to change the barn or the right portion of the house now. He said the client would plan to remove the modern windows that have been installed by the previous owner and replace them with historically correct windows, and install French doors in the back. He said the exterior would not show any other differences except fresh paint and proper maintenance.

Mr. Doyle said the offer to purchase the property would be contingency-free. He said a sale would accomplish the goal of the Town, as it has sought a prospective buyer with the wherewithal to restore and maintain the historic property. He said the prospective buyer is a Lynnfield resident who is aware of the historic restrictions that would be replaced on the property. He said the conditions that have been drafted are burdensome and said they reflected the level of preservation usually sought in connection with preservation of Abraham Lincoln's home that a locally historical property. He said the current draft of restrictions would probably not be acceptable to this buyer and suggested that the restrictions should seek to maintain the exterior of the property, not interior features, as this would limit the ability to make the house a residence. He said he is hopeful that these restrictions could be revised. He said the prospective buyer has assembled a team of preservationists, architect and builder who specialize in restoring historic properties.

Chairman Crawford said that some of the changes Mr. Doyle mentioned, such as installing more historically accurate windows, would be improvements. He said he was glad to see that historic preservation specialists will be involved if this resident is the eventual buyer.

Selectman Barrett asked if the architect has done work on any Lynnfield homes. Mr. Cummings said he had worked on another Main Street property to ensure preservation of historic features. He said he works on about 30 projects a year, of which 20 are historic preservation projects. He said he documents every doorknob and hinge. He said the streetscape is very important to the client. Selectman Barrett said that one solution to the preservation of the property was to get it into private hands. He said it would cost the Town \$2 million to keep the property.

Selectman Terranova asked which historical preservation restrictions the potential prospective buyer would seek to have deleted. Mr. Doyle said one example is the use of the Department of the Interior guidelines on interior features, which would require the new owner to come to the Town for permission to paint interior walls or replace a window. He said this seems burdensome for a property used as a private residence. Selectman

Terranova asked if the sales price would be affected by changes to these restrictions. Mr. Doyle said if there are no changes to the current draft, his client would likely not submit a bid. Selectman Terranova said that he viewed the town meeting vote to approve the purchase of the property as an indication the residents want to preserve the property. He said he is interested in the Historical Commission's input on any proposed changes to the restrictions. He praised the potential prospective buyer's selection of an architect of Mr. Cumming's qualifications.

Mr. Cummings said he has worked on properties with historical preservation agreements before. He said that one level is for museum properties and another is for private ownership. The potential prospective buyer is seeking an agreement that slows for general maintenance without changing the character of the property. He said the restrictions should be more related to the Town's desires than the current state-oriented restrictions.

Selectman Terranova asked about whether deed restrictions are in effect in perpetuity. Town Counsel Thomas Mullen said that these restrictions do not expire.

#### **Update by Capital Facilities Advisory Committee – Municipal Buildings**

Mr. Caswell said the CFAC was charged by the Board with analyzing the state of the Town's current capital facilities and creating a plan for where the Town is headed. He said that at this point there are no answers but they know things are broken. He said the CFAC would like to be part of prioritizing the many needs that have been identified.

The goal is to make the Town's buildings ready for the next 20 to 30 years, which he believes is the most important piece of the Town's strategic plan. The Town has 13 buildings totaling about 500,000 square feet. The school building projects took place 14 years ago. The newest building other than the Middle School is the Town Hall-Police-Fire complex, which is 52 years old.

Mr. Caswell said that people come to Lynnfield for its proximity to Boston, schools, culture, small-town charm and the quality of Town services and amenities. Over the past 50 years, the population has increased by 40 percent. An 18 percent increase is projected over the next ten years. The population has grown with the addition of the Arborpoint and Lynnfield Commons apartments and elderly housing and townhouse developments. In that time, there has been no addition to the footprint of Town buildings, which were not designed for how they are being used. There are deplorable conditions at the police and fire stations and lack of adequate space at Town Hall and the library. The Senior Center also needs more space.

Mr. Caswell narrated a selection of photos depicting current conditions in Town buildings.

Fire Headquarters: There is a lack of space for trucks and gear, and only one bed in the corner of the station, which requires firefighters to use hoses and vehicles for seating. There is one shower stall and no women's locker room. The trucks have two inches of clearance for the bay; it will not fit when snow accumulates.

Police Station: The current station was built for fewer employees and does not meet accreditation standards. The firing range cannot be used, the dispatch area needs updating and there is no juvenile holding area. The kitchen is used as the training area. There are security issues with access through other buildings. The reception area holds two people. There are no public restrooms in Town buildings except for the restrooms in the Town Hall, which closes on weekends and overnight. The women's restroom is combined with the cells and locker room. The booking room fits only two people, and there are only three cells. The locker room accommodates only 15 officers and there is one shower. The drug evidence room is inadequate. Firearms storage is also limited.

Library: The Library Building Committee is looking at building a new library at a different location. The library is one of the oldest buildings in Town and additions to it have been made in a makeshift manner. It has insufficient parking, and staff has to cross Summer Street for parking. There is a lack of rooms, and collections and publications have been placed in storage. The staff needs additional work and storage areas. Lighting and acoustics are poor. The children's area fits only ten people, as does the toddler area. There are water issues in the basement. The CFAC believes the library should be the crown jewel of the Town.

Town Hall: The meeting room is small and dated. There is insufficient space for municipal meetings. Electrical, mechanical and information technology systems are outdated and handicapped access is limited. There is insufficient storage space for Town records.

Schools: While the Middle School as built 14 years ago and the high school and elementary schools were renovated as part of the school building program, there has been some deferred maintenance. Heating, air conditioning and air-conditioning systems will start to break down due to age and some major replacements can be expected in the next five to six years.

Other issues include space at the Senior Center, and the desire for a community or recreational center for recreational, after-school and adult programming. The long-range maintenance plan establish in 2004 must be addressed. A funding program that would pay for the necessary work over the next 20 to 30 years will have to be addressed. The Town made major investments in its schools 14 years ago and in its playing fields. Now it must address the Town's infrastructure.

He said if a new police and fire building is created, the current stations could be repurposed for use by other Town departments. He said there is little Town land available, but the South Fire are and Reedy Meadow have available land. The Reedy Meadow site has 20 acres reserved for recreational use.

CFAC will finalize it needs assessment to the Board of Selectmen, engage a consultant, hold public forums and provide a report to the Board of Selectmen. Funds for consultant services will be sought at the October town meeting, and the full plan will be presented at the annual town meeting next April. Execution of the plan will take place over a 15-year period.

Chairman Crawford thanked Mr. Caswell and the committee for their work, as did his fellow Board members. Mr. Caswell said that \$20,000 was allotted to CFAC at the fall town meeting. Chairman Crawford said the Town will be retiring significant debt in 2025 and some borrowing will be available to the Town without increasing taxes beyond current levels.

Selectman Terranova said his chief concern is the need for a preventative maintenance plan. Mr. Caswell said CFAC is using the 2004 maintenance report, which did not include the schools. Development of a new maintenance plan will be part of the CFAC work for the consultant. Selectman Terranova said the schools should be addressed before the fall into disrepair and said an interim maintenance plan should be created by CFAC now to serve until the full plan is available in two years. Mr. Caswell said the full plan will be ready in one year. He said the Department of Public Works (DPW) is doing a good job with the funds made available for maintenance, but he said the 2004 plan contemplated \$3 million per year in maintenance costs in 2004 dollars. Selectman Terranova said he would be disappointed if the Town is not executing the maintenance plan for the newly renovated schools. Mr. Caswell said he will get an update from DPW Director Andre Lafferty on the state of maintenance contracts and the execution of the maintenance plans.

Selectman Barrett said it is difficult working with 50-year-old buildings. He said if the library moves to another site, the existing library building can be repurposed. He said if the school administration moves there, the space it now occupies could be used by the Senior Center. Mr. Caswell agreed, and said if state funding comes through for the library project, the Town should be ready to vote on it. The library building has approximately \$14,000 square feet in space.

#### **Closing of annual town meeting warrant**

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the annual town meeting warrant as presented (see below).

### **LYNNFIELD TOWN WARRANT**

#### **THE COMMONWEALTH OF MASSACHUSETTS**

#### **ANNUAL TOWN ELECTION - APRIL 11, 2016**

#### **ANNUAL TOWN MEETING - APRIL 25, 2016**

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 11, 2016 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; one Planning Board member for one year to fill an unexpired term; and one Housing Authority member for two years to fill an unexpired term.

The Polls in each precinct will open at 7:00 a.m., and will be closed at 8:00 p.m., on said April 11, 2016. 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 25, 2016 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 2016 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 2016 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, or 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, or 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 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 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 Council on Aging, limited to a certain amount, without further appropriation during Fiscal Year 2017, 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 2017 from persons taking part in said activities and field trips; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**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 Health, limited to a certain amount, without further appropriation during Fiscal Year 2017, 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 2017 from or in connection with persons taking part in said activities; or what action it will take thereon.

**Submitted by BOARD OF HEALTH**

**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 Board of Library Trustees, limited to a certain amount, without further appropriation during Fiscal Year 2017, 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 2017 from persons paying such fines; or what action it will take thereon.

**Submitted by BOARD OF LIBRARY TRUSTEES**

**ARTICLE 15.** 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 2017, 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 2017 from persons taking part in said activities and field trips; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 16.** To see if the Town will vote to reauthorize 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

2017, to pay expenses related to maintenance and upkeep of athletics fields for the fiscal year commencing July 1, 2016; said fund to be credited with all field maintenance fees and charges received during FY 2017 for field use, or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 17.** 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 2017, to pay expenses related to the scheduling, maintenance and upkeep of the Al Merritt Cultural Center for the fiscal year commencing July 1, 2016; said fund to be credited with all fees and charges received during FY 2017 for the use of the said facility, or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 18.** 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 2017 from persons using said service; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 19.** 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 2017 from persons using the golf courses; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 20.** To see if the Town will vote to authorize the Board of Library Trustees to apply for, accept and expend without further appropriation any state funds which may be available to defray all or part of the cost of the design, construction and equipping of a new library building, and to approve the schematic design for such a project that are shown on a set of plans entitled "Preliminary site plan and schematic layout for new Lynnfield Public Library," dated March 25, 2016, which are on file with the Town Clerk, or to take any other action in relation thereto.

**Submitted by the BOARD OF LIBRARY TRUSTEES**

**ARTICLE 21.** 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 or lease 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, more or less; and pursuant to G.L. c. 40, § 3; c. 30B, § 16, and any other applicable authority, to authorize the Selectmen to sell, lease, 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 or lease 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 22.** 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 August 12, 2010 line of duty injury suffered by Firefighter Keith Gauvreau, or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 23.** To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds or by borrowing, or from any or all such sources, a sum of money for the design, construction, furnishing and equipping of a clubhouse at the King Rail Reserve Golf Course, or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 24.** To see if the Town will vote to appropriate a sum of money for the construction of municipal outdoor recreational facilities, including the development of land and the construction and reconstruction of facilities at Glen Meadow Park and to determine whether to raise this appropriation by borrowing or otherwise, or to take any action related thereto.

**Submitted by PETITION**

**ARTICLE 25.** To see if the Town will vote to amend the Zoning Bylaws by adding, at the end of § 4.2.1 "Uses Authorized by Board of Appeals" within the Limited Business District, the following:

"4. Business or professional office, or bank, wherein more than five (5) persons are regularly employed."

or to take any other action in relation thereto.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 26.** To see if the Town will vote to amend Section 7.4.a entitled "Additional Requirements for PWSF" of the Zoning Bylaws by:

- a. deleting therefrom the following:  
     “, in addition to the requirements of 7.4 ‘Site Plan Approval’”; and

- renumbering the said section from “7.4.a.” to “7.4.1”; entitled “Additional Requirements for PWSF”

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 27.** To see if the Town will vote to amend the Zoning Bylaws by revising Section 8.7, entitled “Siting of Radio Telecommunications Facilities,” such that whenever any section, subsection or sub-subsection number includes “8.7” the same is changed to “8.8”,

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 28.** To see if the Town will vote to amend the Zoning Bylaws by deleting embedded section numbers and replacing them with section titles in various places, as follows:

- a. in Section 4.8, by deleting “8. Any uses allowed in Section 9.4 Wireless Communication District” and replacing it with “8. Any uses allowed in the section entitled ‘Siting of Radio Telecommunications Facilities’”;
- b. in Section 8.4.8, by deleting “15”;
- c. in Section 8.5.3.4, by deleting “Section 6, Sign Regulations,” and replacing it with “Sign Regulations”;
- d. in Section 9.5.6, by deleting Section 9.5.6.15 and Section 9.5.6.16 and replacing them with the following:

    “15. Adult uses as enumerated under the “Adult Uses”  
     Section of the Zoning Bylaws.

    “16. Medical Marijuana uses as enumerated under  
     the “Medical Marijuana” Section of the Zoning Bylaws.”;

and

- e. in Section 13.6, by deleting “Section II Chapter 6 of the Bylaws of the Town of Lynnfield (as amended)” and replacing it with “these Zoning Bylaws”;

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 29.** To see if the Town will vote to amend the Zoning Bylaws definitions, as follows:

- a. in Section 2, deleting the line reading “2.16, Standards Applicable to All Definitions”; renumbering subsections 2.16.1, 2.16.2, 2.16.3 and 2.16.4 as 2.1, 2.2, 2.3 and 2.4, respectively;  
     deleting all subsection numbers associated with particular definitions; adding a new subsection 2.5 entitled “Individual Meanings” which shall list all those particular definitions in alphabetical order.
- b. deleting subsection 7.7.2 and moving the text thereof to subsection 2.5, placing it in alphabetical order with all other definitions located therein;
- c. moving the text of all definitions in subsection 8.5.2 to subsection 2.5, placing them in alphabetical order with all other definitions located therein, excepting only the definition of “Substantial or Significant Portion,” which shall remain in subsection 8.5.2;
- d. moving the text of all definitions in subsection 8.6.2 to subsection 2.5, placing them in alphabetical order with all other definitions located therein, excepting only the definition of “Assisted Living” and “An Assisted Living Residence” which shall remain in subsection 8.6.2;
- e. moving the text of all definitions in subsection 8.7.3 to subsection 2.5, placing them in alphabetical order with all other definitions located therein and eliminating the sub-subsection numbers thereof, excepting only the definition of “Special Permit,” which shall

remain in subsection 8.7.3 but without any sub-subsection number; and

- f. moving the text of all definitions in subsection 9.3.3 to subsection 2.5, placing them in alphabetical order with all other definitions located therein and eliminating the sub-subsection numbers thereof, excepting only the definition of "Acre," which shall remain in subsection 9.3.3 but without any sub-subsection number;

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 30.** To see if the Town will vote to amend the Zoning Bylaws by deleting Section 7.7 entitled "Temporary Moratorium Medical Treatment Centers",

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 31.** To see if the Town will vote to amend the Zoning Bylaws by adding the following definitions to subsection 2.5, placing them in alphabetical order with all other definitions located therein:

- a. "Movement or Moving – As applied to signs, any visual elements that either change or alter in appearance whatsoever.";
- b. "A.T.M. or ATM – Annual Town Meeting as called for in the Town Charter, in the spring."; and
- c. "S.T.M. or STM – Special Town Meeting as called for or permitted in the Town Charter, including but not limited to the regular town meeting scheduled for the fall.";

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 32.** To see if the Town will vote, pursuant to Article IV, Section 217-39.B of the General Bylaws of the Town, to designate the following ways as "Scenic~Roads":

Chestnut Street  
Essex Street  
Lowell Street  
Main Street~  
Summer Street;

or what action it will take thereon.

**Submitted by CONSERVATION COMMISSION**

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 21st day of March in the year of our Lord two thousand and sixteen.

Mr. Mullen said that Article 25 would allow the Board of Appeals to issue a special permit to businesses in the Limited Business district so that they could employ more than five people. He said the existing definition is from 1966, and is unclear whether it applies to individual businesses in a building or the entire building, and whether it included part-time employees as well as full-time employees. Building Inspector Jack Roberto said that this affects five areas in Town and at least four current businesses. The plans for a new business at the former Bridgewell site on Route 1 and Salem Street is likely planned to employ more than five employees, as it would be 32,000 square feet. He said the Board of Appeals would maintain jurisdiction through the special permit. Mr. Boudreau said that the process would allow the neighbors to weigh in at the hearing on the special permit.

On Article 31, regarding the definitions on movement in signs, Planning Board co-chairman said his Board will hold a hearing on this proposal. Selectman Terranova said this article was brought before the Board in February.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to refer Articles 25 and 31 to the Planning Board for recommendation.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend Article 25.

Mr. Dresios said that Articles 26 and 27 made minor housekeeping changes to language and numbering. Article 28 revised the zoning bylaws to refer to chapters rather than numbered sections, for ease of reference and revision. Article 29 takes the definitions out of individual sections and places definitions in its own section for ease of future revision. Article 30 deletes the temporary moratorium on medical marijuana facilities, as it is no longer needed due to adoption of provisions on those facilities. He said the changes regarding the Planned Village Development District (PVDD) were sent to the state Department of Housing and Community Development for approval in March.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend Article 26.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to recommend Article 27.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 28.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 29.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 30.

On Article 31, Mr. Dresios said that only two of the current signs on Route 1, for the Kelly auto dealership and the Fat Cactus, would be grandfathered. Mr. Boudreau said these changes would affect every zone in Town except the PVDD, which already addresses moving signs in its section; a separate bylaw would be required. Chairman Crawford said he is concerned this restriction may be too restrictive for businesses on Route 1. Mr. Dresios said the Planning Board is monitoring a federal court case which could require the Town to revise its sign bylaw completely. Selectman Barrett expressed concern that if moving signs are not addressed, another billboard like the one in Peabody on Route 1 near the Lynnfield line could go up. Mr. Dresios said the Planning Board believes that this measure would stop such a sign, but is not sure, as there are special state laws addressing billboards on highways. Selectman Terranova said the Town passed a measure at the fall town meeting intended to protect against this type of sign.

The Board agreed to defer its recommendation on Article 31 to its April 11 meeting.

Mr. Boudreau reviewed briefly the articles that appear on every annual town meeting warrant.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Articles 1, 2 and 3.

The Board deferred action until its April 11 meeting on Article 4, until the list of necessary transfers within the current budget is completed, on Article 5, to ensure no transfer of funds is needed for the current fiscal year Emergency Medical Services budget, and on Article 6, to ensure there are no late-arriving bills of a prior fiscal year that are unpaid.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Articles 12, 13, 14, 15 and 16, which reauthorizes existing revolving funds. Selectman Terranova said that the revolving fund for Town fields does not mention the Recreation Commission. Mr. Boudreau said that the funds would be expended by the DPW, but collected by the Recreation Commission. He said not funds would be expended until work on the maintenance plan is completed. If this article is not approved, any funds collected for that purpose would go back into the general fund and could not be carried over from prior years.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 17, creating a new revolving fund for funds collected for the use of the Merritt Center. Mr. Boudreau said this does not include the cable television operation, which uses the other section of that space.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 18, for the EMS budget as presented.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 19, for the Golf Enterprise budget, as presented. Mr. Boudreau said that King Rail Golf Course will open before April 1, weather permitting, although the installation of a phone line is being worked upon. The estimate is operating costs will be \$750,000 and revenue is estimated at \$900,000.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 20. This would allow the Board of Library Trustees to apply for, accept and expend state grant funds to move the next phase of the new library project and would approve the library design. Library Building Committee Chairman Russell Boekenkroeger said no Town funds will be expended. The plans will be presented to the public. Mr. Boudreau said that if this funding round is missed, it could require a wait of five or six years. Selectman Terranova said he was told it is now a shorter timeline, subject to appropriation. Mr. Boekenkroeger said missing this deadline would also require the Town to re-do



some of the work that has been completed. Chairman Crawford and Mr. Boudreau said this vote would no commit the Town to spending the funds for construction of a new facility, as that would have to be approved by a future town meeting.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 21, which would authorize the Board to enter into an agreement to sell or lease Center Farm on Main Street. Chairman Crawford said a formal request for proposals would be drafted and the public bidding process would be followed. He said at least one strong bidder has been identified. He said he believes that this will fulfill the intent of the Town when it was purchased to protect the property for development and maintain the Town center's historic nature. Mr. Boudreau said the Town would incur substantial maintenance costs if it were to hold onto the property, which was appraised at \$840,000 last year. An updated appraisal is underway. While the article would allow for leasing of the property, Mr. Boudreau recommends a sale, as the Town would incur the maintenance costs if it is a landlord. A public entity must meet more costly de-leading requirements than a private owner. Selectman Barrett said that an additional investment of \$2 million would be required to allow for the building's public use, including hundreds of thousands of dollars in electrical, plumbing and de-leading costs, which would be added to the \$1.4 million purchase price. Selectman Terranova said the current draft historical restrictions are not acceptable to the potential prospective buyer who has come forward publicly. Mr. Boudreau said the historical restriction must be approved by the Board, the Historical Commission and the state. The property cannot be sold until the historical restrictions are in place. He said the restrictions would bar the subdivision of the property and not allow the appearance of the buildings and grounds to be altered substantially. He said one used discussed by the Historic Society, as use as a function hall, would have required major site changes including the addition of a parking lot.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 22, which would allow the Town to pay \$14,000 in medical bills incurred by a call firefighter who had a heart incident during a working fire. The Town's past Injured on Duty policy carrier is refusing to pay for bills it says related to a preexisting condition, but the firefighter's personal health insurance is also refusing to pay as it argues the costs should be borne by the employer. The total cost is about \$14,000. Chairman Crawford said paying these bills is the right thing to do.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 23, which would appropriate funds for the construction of a clubhouse at King Rail Golf Course. Mr. Boudreau said the Town is expecting to have a cost estimate and drawing soon, and the architect estimates the cost to be about \$1 million. He said that filling and site work for the proposed plan would be expensive, and the Town is looking at alternatives. Funding would come from the ale of Real Estate fund, which is just over \$2 million, and the Town stipulated that the proceeds from these land transactions would be used for recreational purposes.

On the motion of Selectman Terranova, duly seconded by Selectman Terranova, the Board voted unanimously to recommend Article 24, which would provide funding for new equipment at Glen meadow Playground. An appropriation of \$200,000 is suggested for the equipment and site work. Selectman Terranova asked about the difference in cost if the work were done by a private organization. Mr. Boudreau said it is always less costly for a private entity to undertake such projects due to public bidding and prevailing wage laws. However, since this project is on Town property, the private entity would still have to comply with those laws.

The Board deferred action of Article 32, which would designate five Town streets as scenic roads, until the Planning Board holds its public hearing and makes its recommendation on it.

#### **Adoption of operating budget recommendation**

Mr. Boudreau said this subject was discussed at length at the Board's previous meeting. Selectman Terranova asked if the new growth estimate is too low. Mr. Boudreau said that there is nothing on the horizon in terms of building permit applications. He said Market Street is looking at whether the additional space to be leased in the last phase will be office or retail space. Selectman Terranova asked how much the Town receives in meals, property and personal property taxes annually from Market Street. He said providing \$200,000 for Other Post-Employment Benefits (OPEB) costs in this budget is a good start, but a far cry from what will be needed to meet these obligations. Mr. Boudreau said Wakefield is one of the few municipalities that fully funding its projected OPEB obligations, and used savings realized when it changed health insurance plans to fund it. Selectman Terranova asked if the Town could get to \$400,000 to \$500,000 for OPEB annually. Mr. Boudreau said it would have to build to that amount over time, looking at available funds. He said the Town does not expect any large windfall which could be put against its OPEB obligations. Chairman Crawford said the Town should look at this issue again in October to see if additional funds are available.

Selectman Terranova said he was happy to see the budgeted amount for motor fuel decreased. He asked about an increase to the school maintenance and buses line. Mr. Boudreau said this line has been underfunded in the past and that an additional contracted school bus required by the School Department next year will add \$150,000 to the budget. Mr. Lafferty said this line has run between \$150,000 and \$175,000 short in recent years.

Chairman Crawford said he has had concerns about the cost of implementing the proposed fire staffing plan, and has spent a lot of time reviewing this plan and looking at models from other communities, holding discussions with fire chiefs and town administrators. He said he also looked into the possibility of retaining a private ambulance service. It is clear that the Town has saved millions of dollars over the years through its hybrid full-time and on-call department, and that this hybrid system should be preserved. He said eight recruits have been added to the call department in the past year. He said that adding a private ambulance would decimate the call system and the Town would incur the costs of sending a fire apparatus and crew to medial aid calls. He said the crucial issue is the resolution of a collective bargaining agreement with the firefighters' union, negotiations on which are ongoing. He said the new staffing plan will not be implemented until this agreement is in place. He is confident Town officials and the union want to work together in a mutually beneficial way for the necessary changes and improvements. After six months of study, he is convinced

there is a definite need and that this new plan is a great step in addressing the burdens placed on regular and call firefighters. He recommends moving forward on this.

On the motion of Chairman Crawford, duly seconded by Selectman Barrett, the Board voted to approve the Fiscal Year 2017 operating budget as presented.

Firefighter Andrew Lyons thanked the Board and said that the union has a good working relationship with the town administrator and the firefighters look forward to better serving the Town through these changes.

Resident Patricia Campbell asked if the Board should have waited until after the public hearing to adopt a budget. She also asked why another school bus is needed as she has observed low ridership on buses. Mr. Lafferty said the School Department creates the routes and makes the determination of how many buses are needed.

#### **Adoption of capital budget recommendation**

Mr. Boudreau reviewed briefly the proposed capital budget for Fiscal Year 2017, which has been reviewed at length at previous meetings. He said the most costly items are a fire truck and three trucks for the Department of Public Works. The total budget of \$2,388,908 would be funded by \$1,539,908 in cash and \$849,000 in borrowing. An item of \$20,000 to study tying in the library septic system to the Town Hall system and interim repairs was added due to the issues with the library system. He said the design of a new system for the library building would depend on the use planned for it. Mr. Lafferty said the system is functional but requires constant pumping, and the site is very restrictive due to setbacks, a stream and the parking lot. Mr. Boudreau said additional funds may be needed in the fall.

Selectman Terranova asked about drainage issues to be addressed. Mr. Boudreau said his recommended budget addresses drainage issues on Fletcher Road and Midland Road, the systems of which are failing, and \$80,000 for engineering study of the issues on Ledge Road and Canterbury Road. He said this is a complicated project as some pipes run under porches and septic system, and requires extensive engineering and legal work. He said he does not have an estimate on what the entire project will cost.

Mr. Boudreau said his budget does not include a \$140,000 request to address drainage issues on Longbow Road. He said he spoke to James Pizzi, an affected homeowner, on Friday. Mr. Pizzi told the Board that he has lived in that home for 30 years and would like to see the Town address the drainage issues which causes storm water to flow from the street down his driveway and into property, including his garage and basement. He said this has occurred three times since July of 2014 and that he has raised the issue with the DPW several times. He said that he would like to see the Town make the improvements recommended in an engineering study of the problem the Town has commissioned, with new deep basins and new pipes between the basins, to capture water before it flows down his driveway. He said he personally cleans the catch basins to help prevent clogs.

Chairman Crawford asked if other property owners are affected. Mr. Pizzi said others are affected, but not as severely as he is. Mr. Lafferty said that the study revealed a host of issues, and that the cost of implementing the solution would be costly, as it would require the replacement of several undersized pipes, with a cost of well over \$1 million. He said the amount he requested for this budget would add storage but no additional flow capacity in the pipes. He said he is not aware of any flooding issues on other properties in the area due to this problem, but is aware several properties have sump pumps in their basements. He said the DPW tries to keep catch basins clear, but said they can clog quickly, sometimes overnight. He said Mr. Pizzi has been proactive, and the Town has placed sandbags in front of his driveway to stop flooding. Mr. Pizzi has two sump pumps and a French drain system on his property. He said the issue he wants addressed is not the groundwater but the water from the street. Mr. Boudreau said creating a berm for the runoff would not help as the existing berm is already too high. Mr. Pizzi acknowledged the DPW is now doing more to assist with the flooding problem than in past years.

Members of the Board asked several questions about other ways to provide relief. Mr. Lafferty said there are 12 or 13 other areas in Town with similar isolated problems, some of which affect multiple properties. Mr. Pizzi said a contractor suggested creating a channel, drain and four-inch pipe to alleviate some of the issue. Mr. Boudreau said the \$140,000 project would reduce the frequency of Mr. Pizzi's flooding problem but not eliminate it. Chairman Crawford said the town administrator has to evaluate the many capital needs and prioritize them. He said that funding of \$140,000 to alleviate problems at one property may not be available this year. Mr. Pizzi said he thinks this project would help other nearby properties as well. He asked about a project further down the street; Mr. Lafferty said this addressed a collapsed catch basin.

Selectman Terranova recommended including this \$140,000 expenditure in the capital budget, saying no one should suffer such a problem for many years as Mr. Pizzi has. He suggested Mr. Pizzi bring other affected residents forward to petition the Board. He favors taking additional funds from free cash to fund the extra expense. Chairman Crawford and Selectman Barrett said that they are aware of other drainage issues in Town that are not addressed in this budget.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to adopt the capital budget as presented.

Selectman Terranova asked if the vote could be postponed to further consider the Longbow drainage project. Board members discussed the possibility of amending the budget before town meeting or adding funds for this purpose at the fall Town meeting. Mr. Pizzi said he was open to a less costly remedy. Mr. Lafferty said alternatives were considered by the engineer. He said a trench in front of the driveway would not be effective as the pipe is already at capacity during storm events. He said all the alternatives have been discussed, but he and Mr. Boudreau agreed to review it again.

**Approval of seasonal liquor license renewals**

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to renew the seasonal wine and malt restaurant licenses of Reedy meadow Golf Course and Sagamore Spring Golf Course as presented.

**Public works mutual aid agreement**

Mr. Lafferty said the law allowing this agreement went into effect in 2011 but Lynnfield did not join at that time. He said the Town has several informal agreements with surrounding communities. This would allow the Town to offer and receive mutual aid in emergency situations and share expertise and equipment. Most local communities have adopted this agreement.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the Town entering into the Massachusetts Emergency Management Authority public works mutual aid agreement.

**Resignation of Town Accountant and Assistant Director of Finance**

Chairman Crawford said Town Accountant and Assistant Director of Finance Colleen Tam has submitted a letter of resignation. He read the letter, in which she cited unforeseen personal circumstances regarding family issues for her decision. Former Town Accountant and Assistant Director of Finance Julianne McCarthy and the firm of Clifton Larson Allen have been engaged to assist the Town with these duties until a replacement can be found. He said the Board wished Ms. Tam the best and said Ms. McCarthy is helping to prepare the budget and financial issues for town meeting. He said three other communities have undertaken town accountant searches in recent weeks and that it would be preferable to wait for the Town to launch its search. He said he plans to advertise the position in mid-April. He said Ms. Tam met the high expectations he and the Board had when she was hired and that despite attempts to accommodate these issues by the Town she has decided to resign to address personal family circumstances beyond her control.

**Public comment period**

Resident Patricia Campbell said he believed that the intent of town meeting when it approved the purchase of Center Farm was that a specific proposal for its use would be brought before a subsequent town meeting. She said that the prospective buyer is unknown as is whether the prospective buyer is qualified to buy it. She said she does not think voters will be inclined to turn the matter over the Board to handle. She hopes voters will attend town meeting and let their voices be heard.

**Use of Town facilities**

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the use of the South Fire lot for a car wash by the Lynnfield High School girls softball team on April 24.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the use of the South Fire lot for a car wash by the Lynnfield High School lacrosse team on May 15 with a rain date of May 22.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the use of blue lights on the common during the month of April, which is Autism Awareness Month.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to allow the use of the Common by the Recreation Commission on July 23 for the Countryfest event.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to allow the use of the common on July 6, 7, 13, 14, 20, 21, 27 and 28 for the Lynnfield Rotary concert series.

**One-day liquor license**

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve a one-day liquor license for the Taste of Lynnfield event sponsored by the Lynnfield Rotary Club at Market Street on May 15.

**Administrative matters**

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the minutes of the meeting of January 25, 2016 as presented.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the minutes of the meeting of February 22, 2016 as presented.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve letters to Eagle Scout Award recipients Andrew Walton, Andrew Robbins and Nicholas Miller and read the letters. Board members congratulated the scouts on this achievement.

**Request for executive session**

Chairman Crawford announced that the Board would be entering executive session under the provisions of Mass. General Laws Chapter 30A, Section 21 (A) (3) to discuss collective bargaining strategy regarding negotiations with employee bargaining units for which an open discussion

may adversely affect the Town's negotiating position.

Chairman Crawford said the Board will adjourn without re-entering open session.

Selectman Terranova made a motion to enter executive session as explained above. His motion was duly seconded by Selectman Barrett. A roll call vote was held: Selectman Terranova – aye; Selectman Barrett – aye; Chairman Crawford – aye.

The Board adjourned at 11:16 p.m.