

BOARD OF SELECTMEN
AGENDA
Friday, August 26, 2016

Regular Meeting – 7:30 a.m.

Selectmen's Meeting Room, Town Hall

*****NOTE*****

This meeting is being recorded and transmitted via cable television.

7:30 a.m.

Request for permission to work on Town property,
Edgemere Road, to comply with Conservation Commission
order

Determination of useful life of equipment to be financed
with the proceeds of borrowing authorized by annual town
meeting

Grant application from Peabody Municipal Light
Department for LED street lights

Appointment of elections officers

Town of Lynnfield, Massachusetts

CONSERVATION COMMISSION



55 SUMMER STREET
LYNNFIELD, MA 01940
781-334-9495
FAX 781-334-9509

August 22, 2016

Town of Lynnfield, c/o Board of Selectmen
Att: Chairman Phil Crawford
55 Summer Street
Lynnfield, MA 01940

RE: Need for Access to Remedy Wetlands Violations

Dear Chairman Crawford:

During the summer of 2015 it came to the attention of the Lynnfield Conservation Commission (the "Commission") that violations in the wetland buffer zone had occurred on Town property. Your neighbor, Steven Giugliano of 205 Edgemere Road, cleared and cut trees, removed stumps and other vegetation, stockpiled cut trees/lumber and branches, and added fill and boulders within the buffer zone to a Bordering Vegetated Wetland (the "Violations").

After conducting site visits to the property at 205 Edgemere Road, the Commission has made the following determinations:

- The Violations occurred in the buffer zone of two (2) wetland resource areas.
- These resource areas are protected by the Wetlands Protection Act (M.G.L. c. 131, §40) and the regulations of the Department of Environmental Protection (310 CMR 10.00).
- Mr. Steven Giugliano of 205 Edgemere Road is responsible for the Violations.
- The Violations occurred on both Mr. Giugliano's property and on that of some of his direct abutters, including Town land.

The Commission has issued an Enforcement Order with the following Conditions:


- The Violations must be remedied.
- Mr. Giugliano, through his engineer, must develop a "Restoration Plan" to remedy the environmental harm he has caused. (The Commission has approved a plan proposed by Mr. Giugliano.)
- The Restoration Plan shall be implemented by Mr. Giugliano in the Spring of 2016.
- The Commission will inspect the affected buffer zones to ensure the Restoration Plan was properly implemented.
- Once the Restoration Plan has been implemented properly, the Commission will issue a letter reflecting compliance with the Restoration Plan and the conditions outlined in the Enforcement Order.

Page Two
Enforcement Order Remediation
205 Edgemere Road and Abutting Properties

Mr. Giugliano is willing to comply with the enclosed Restoration Plan. Please find the enclosed permission document for your review. It would permit Mr. Giugliano and/or his contractor to access your property for the limited purpose of completing the necessary remediation, sparing you the expense that you, as the property owner, would otherwise have to bear to remediate the Violations. Please sign and return the waiver to the Commission so the remediation may proceed.

If you have any questions or would like to discuss the proposed Restoration Plan, please do not hesitate to contact me at (781) 334-9495 or via e-mail at badelson@town.lynnfield.ma.us

Sincerely,



Betty Adelson
Lynnfield Conservation Administrator

Enclosures

cc: Bob Milano, Chair Conservation Commission
Attorney Thomas Mullen, Town Counsel, 40 Salem St., Suite 12, Lynnfield, MA 01940

LICENSE TO ENTER PREMISES

_____ of _____

_____ acknowledge that I am over the age of 18, of sound mind, have the authority to, and I hereby do, grant a license for Mr. Steven Giugliano, his agents, corporations, companies, employees, contractors, independent and sub-contractors, to have access to the above described property for the sole purposes of implementing and carrying out the Lynnfield Conservation Commission's approved Restoration Plan. A license is hereby also granted to the Lynnfield Conservation Commission, its Wetland Agent and any wetland consultant, to enter upon the same premises for the limited purpose of determining whether the said Restoration Plan has been fully implemented.

This license will not expire until after the Lynnfield Conservation Commission has issued an unappealable Certificate of Compliance.

Executed as a sealed instrument on _____, 2016

Print Name

Witness

Sign Name

file
final
revised

**PROPOSED RESTORATION
#205 EDGEMERE ROAD
LYNNFIELD, MASSACHUSETTS**

September 2, 2015
Revised September 21, 2015
Revised February 10, 2016

Introduction

A number of areas on the property at #205 Edgemere Road ("the Site") and on adjacent properties have been disturbed by clearing and filling activities conducted without a permit as outlined in the Enforcement Order ("EO") issued by the Lynnfield Conservation Commission. This document, submitted in response to the Conservation Commission's request, outlines the proposed method of restoring and naturalizing the disturbed areas. Two tasks will be accomplished for restoration of this area as follows.

Task 1 – Identification of Buffer Zone Disturbances

In response to the EO, Hayes Engineering, Inc. visited the property on a number of occasions in June of 2015 to delineate existing wetland boundaries and survey extent of fill, locations of cut trees, and other such disturbances. Existing features and disturbances found in the vicinity of the property are shown on the accompanying February 10, 2016 Hayes Engineering, Inc. plan titled "Restoration Plan, #205 Edgemere Road, Lynnfield, Mass.". Identified buffer zone disturbances consist of the following:

Filling

Hayes Engineering, Inc. determined that boulders and fill were placed along the easterly property line of the site, encroaching upon parcels owned by the Town of Lynnfield and Ann Kowner. This fill is vegetated and stable.

Tree Removal

Nineteen (19) oak trees were cut on the Greenbelt property northerly of the property line. Locations and approximate diameters of the cut stumps are shown on the above-referenced plan.

Brush / Piles

Two piles of cut logs and brush resulting from the above tree removal are located downgradient of the cut stumps, near (or possibly on) the wetland boundary between flags #21 and #22.

Task 2 – Restoration Activities

Restoration activities are proposed as follows and shown on the accompanying Hayes Engineering, Inc. plan titled "Restoration Plan", revised through February 10, 2016. Whereas there are gas and other utility easements in the vicinity of the planned work, the property owner or designated landscape contractor must contact Dig Safe (see attached brochure) prior to any restoration activity to have the utility companies mark out utility line locations within the areas of fill - boulder removal and tree planting to ensure worker safety.

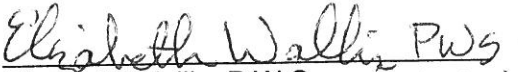
<u>Proposed Activity</u>	<u>Proposed Location / Action</u>
<p>Prior to Restoration Work (At least 10 days prior to work)</p> <p>Conservation Commission & Engineer Start Date Notification and Staking</p>	<p>Notify the Con Com Administrator and Hayes Engineering, Inc. 10 days prior to start of work with the work start date.</p> <p>Have Hayes Engineering, Inc. stake the locations of the proposed erosion control barrier, post & rail fence, and chain link fence.</p>
<p>Prior to Restoration Work</p> <p>Erosion Control Barrier Installation (Silt Fence or other approved type)</p>	<p>Install between wetland boundary and edge of fill.</p>
<p>Prior to Restoration Work (At Least 72 hours prior to work)</p> <p>Dig-Safe / Gas Company Representative to mark out existing locations of utilities, gas pipe, fill removal, and tree planting areas. Relocate irrigation control valve.</p>	<p>Call DIG-SAFE At Least 72 Hours Prior To Start Of Restoration Work. Property owner or Contactor to mark general areas of proposed activities with white paint (see Brochure For Dig-Safe Procedures).</p> <p>Schedule Irrigation Contractor to relocate control valve from current location, which is off of property and within fill area.</p>
<p>During Restoration Work</p> <p>Fill / Boulder Removal Stabilization of Disturbed Soils</p>	<p>Fill and boulders on adjacent properties will be removed to expose the top of the native (buried) soils and vegetation using a backhoe. Disturbed and exposed soils are to be seeded with a conservation seed mix upon completion. Sloped areas to be stabilized with a thick straw mulch or biodegradable erosion control blanket. Fill / boulder materials are to be temporarily stored in an area outside of the buffer zone during removal operations.</p>

<u>Proposed Activity</u>	<u>Proposed Location / Action</u>
<p>During Restoration Work</p> <p>Tree Replacement (Habitat Plantings)</p>	<p>19 nursery trees to be planted in open locations in the vicinity of the cut stumps. Planting holes will be dug with a machine or by hand as necessary. Approximate tree locations are shown on the plan, with actual locations to be determined based on field conditions at the time of planting. See Tree Specifications below and on Restoration Plan.</p> <p>Proposed Trees (Contained in pots if available) 9 Oaks (5 Red Oak, 4 Pin Oak) – 2” Caliper 4 Sugar Maple – 2” Caliper 4 White Pine – At least 5-6’ Height 2 Black Cherry– 2” Caliper</p>
<p>During Restoration Work</p> <p>Brush & Log Pile Removal</p>	<p>Cut brush and logs on the adjacent Greenbelt property will be collected and deposited in an appropriate container, and transported off the property for proper disposal.</p>
<p>During Restoration Work</p> <p>Fence Installation</p>	<p>Meet the Con Com Administrator on site prior to the fence installation.</p> <p>Fences will be installed along the easterly and northerly property lines as shown on the plan. Post holes will be dug by hand.</p>

It is anticipated that this work will commence in March or April of 2016, as weather permits and Conservation Commission approval allows, and be completed no later than June 2016. Excavated materials will be either stored and used on site in locations outside of the buffer zone or removed from the site. Unusable debris resulting from the restoration work, if any, will be removed from the site.

Please feel free to contact the undersigned with any questions you may have. We look forward to discussing the planned activities with the Commission members at their meeting.

Respectfully submitted by:


 Elizabeth Wallis, P.W.S. (3/1/16)
 Professional Wetland Scientist
 ECW/ew

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Lynnfield, Massachusetts, certify that at a meeting of the board held _____, 2016, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the equipment listed below to be financed with the proceeds of the \$849,000 borrowing authorized by the vote of the Town passed April 25, 2016 (Article 8) is hereby determined pursuant to G.L. c.44, §7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Fire Engine	\$489,000	<u>15</u> Years
Large Dump Truck	\$180,000	<u>10</u> Years
Trackless Machine (Sidewalk Machine)	\$140,000	<u>10</u> Years
Midsized Truck w/Plow	\$40,000	<u>5</u> Years

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: _____, 2016

Clerk of the Board of Selectmen



Town of LYNNFIELD

CHRISTOPHER J. BARRETT
PHILIP B. CRAWFORD
RICHARD P. DALTON

JAMES M. BOUDREAU
Town Administrator

BOARD OF SELECTMEN

August 26, 2016

Michael H. Meidinger
Locke Lord
111 Huntington Avenue
Boston MA, 02199

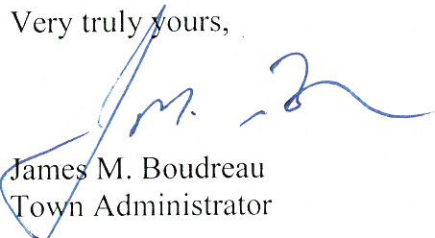
RE: Lynnfield Equipment Bonds

Dear Mr. Meidinger:

I certify that that the below listed items, authorized for purchase in Article 8 of the annual town meeting held on April 25, 2016, will be funded in whole with bond proceeds and no other funds are available or expected to be used for the purchase of these items. No old equipment will be turned in toward the purchase prices for the equipment listed below:

Fire Engine:	\$489,000.00
Large Dump Truck:	\$180,000.00
Trackless Machine: (Sidewalk Machine)	\$140,000.00
Midsized Truck with Plow:	\$ 40,000.00

Very truly yours,



James M. Boudreau
Town Administrator



Memorandum of Understanding

This Memorandum of Understanding (MOU) is made as of August 15th, 2016, by and between Peabody Municipal Light Plant (PMLP), City of Peabody, and Joint Action Agency Massachusetts Municipal Wholesale Electric Company (MMWEC), and regards the conversion of traditional roadway lighting to LED streetlights.

Program Responsibilities

MMWEC:

- 1.) Acting as the Joint Action Agency, MMWEC agrees to apply for funding under the LED Street Lighting Accelerator Program on behalf of PMLP, and manage grant funds for the replacement of streetlights.
- 2.) MMWEC agrees to limit administrative costs to no more than seven percent (7%) of the grant total.
- 3.) MMWEC will assume responsibility for bulk procurement of DLC/Energy Star rated LED fixtures and will provide all invoices to the Department of Energy Resources.
- 4.) MMWEC agrees to conduct savings calculations based on lighting inventory and report amounts paid to towns.
- 5.) MMWEC agrees to coordinate with lighting auditor, report installation activities to DOER, and cover expenses through administrative costs.

PMLP:

- 6.) PMLP and the City of Peabody agree to having a professional lighting audit performed with the assistance of MMWEC.
- 7.) PMLP will review the completed lighting audit with the City of Peabody, and will provide labor along with any needed police detail to cover the installation of the streetlights.
- 8.) PMLP agrees to pass a minimum of twenty five percent (25%) of first year savings to the City of Peabody. Upon the completion of the project and after recovering any capital and deployment costs by PMLP, all project savings will be passed to the City of Peabody in accordance with the provisions of MGL C. 164, S.58.

MMWEC and MLP agree to ensure project completion and installation by June 30th, 2018.

Municipal Light Plant Gen. Manager

Municipality CEO

MMWEC CEO

Signature: *Clem Trueta*

Signature: _____

Signature: _____

Print Name: Clem Trueta

Print Name: _____

Print Name: _____

Title: Manager

Title: _____

Title: _____

Date: 8/24/16

Date: _____

Date: _____

Town Clerk Trudy Reid has requested that the following two candidates be appointed as Elections Officers:

Susan Canty
Donna Conlon