

BOARD OF SELECTMEN
AGENDA
Friday, October 2, 2015

Regular Meeting – 8:00 a.m. Selectmen’s Hearing Room, Town Hall

****NOTE****

As a result of changes in the Open Meeting Law, the chair must announce at the outset of every meeting that the meeting is being recorded and transmitted via cable television.

8:00 a.m. Pledge of Allegiance

Closing of town meeting warrant

Use of Town facilities: None
One-day liquor license: None
Minutes: None
Proclamations: None
Administrative matters: Signing of warrants

LYNNFIELD TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
TOWN MEETING – OCTOBER 19, 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 the Middle School Auditorium, and in the Cafeteria and Gymnasium, if necessary, on Monday, October 19, 2015 at 7:30 p.m. then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, sums of money to pay overdue bills of a prior fiscal year; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds, sums of money to supplement certain accounts in the current 2016 Fiscal Year for various purposes; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

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

An Act amending the Charter of the Town of Lynnfield

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

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

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

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

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

Submitted by PETITION

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

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

ARTICLE 9. To see if the town will revise the dog licensing fees as currently listed in Section 17A of Chapter 4 of the town's general bylaws as follows:

Neutered males and spayed females: \$10.00

Intact dogs - \$15.00

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

Or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

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

1. To cite statutory references to the Massachusetts General Laws in a consistent manner, to read in the form MGL c. __, § __.
2. To consistently spell and capitalize the words "Bylaw," "Section," "Chapter," and "Article."
3. To cite all numbers one through nine in text format; and all numbers 10 and above, fractions and decimals in numeric format.

or what it will take thereon.

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen and Conservation Commission to convey approximately 9,104 square feet of land located at 353-385 Broadway Rear (behind Kelly Jeep-Chrysler, Inc.), as described on a plan entitled "Plan of Land #353 Broadway (NEWBURYPORT TRNPK) RTE 1, Lynnfield, Mass. dated January 4, 2014 prepared by Hayes Engineering, Inc." (the "Parcel"), being a

portion of a larger 2.29 acre parcel conveyed to the Town of Lynnfield, acting by and through its Conservation Commission, on July 3, 1996 and as further described in Essex South District Registry of Deeds, Book 13666, Page 224. This Article would authorize the Board of Selectmen and Conservation Commission to sell the Parcel per the provisions of Massachusetts General Law Chapter 30B, as applicable, or other authority as may be applicable, upon such terms and conditions as the Board of Selectmen and Conservation Commission deem in the best interests of the Town, for not less than \$170,000 in replacement property and cash (i.e., the fair market value of the land and cash to be included shall together equal at least \$170,000) and for additional consideration of a permanent access easement, to the remaining portion of the 2.29 acre parcel owned by the Town and being known as the Bow Ridge Conservation Area, from Route One for recreational purposes in the Bow Ridge Conservation Area and Lynn Woods and to provide an easement for five parking spaces for recreational users of the Bow Ridge Conservation Area and further to authorize the Board of Selectmen to petition the General Court and seek legislative authorization for the aforesaid transfer and conveyance under Article 97 of the Articles of Amendment to the Massachusetts Constitution, if such approval is deemed by the Board of Selectmen to be necessary, or take any other action necessary, appropriate and relative thereto to permit the sale of the Parcel; or what action it will take thereon.

Submitted by BOARD OF SELECTMEN

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

Submitted by BOARD OF SELECTMEN

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

6.8 STANDARDS APPLICABLE IN ALL DISTRICTS

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

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

Or what action it will take thereon.

Submitted by PLANNING BOARD

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

2.15 SIGN:

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

Or what action it will take thereon.

Submitted by PLANNING BOARD

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

2.16 STANDARDS APPLICABLE TO ALL DEFINITIONS

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

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

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

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

Or what action it will take thereon.

Submitted by PLANNING BOARD

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

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

Or what action it will take thereon.

Submitted by PLANNING BOARD

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, fourteen 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 2nd day of October, 2015.

Philip B. Crawford, Chairman

Thomas Terranova, Jr., Selectman

Christopher J. Barrett, Selectman