

**ANNUAL FALL TOWN MEETING  
OCTOBER 27, 2008  
SALISBURY ELEMENTARY SCHOOL**

Moderator Ronald Ray called the Town Meeting to order at 7:37 p.m. with the checklist showing 158 registered voters. The number of voters peaked at 191. There were 19 non-voters present: Donald Levesque, Terry Kyrios, Lisa Pearson, Neil Harrington, Andrew Gould, Angeljean Chiamida, David L'Esperance, Elizabeth Pettis, Todd McGrath, Thomas McEnaney, Cheryl Gillespie, Charles F. Hutchinson, Gloria Hutchinson, Carol DePetrillo, Howie DePetrillo, (illegible), Chris Reilly, Keith Forget, Patrick Szymkowski.

Andrea Carroll, Josephine Kohan, Susan Tatro and Patricia York were checkers at the door with Assistant Town Clerk Christine Marshall assisting. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

**ARTICLE ONE**

To see if the Town will vote to endorse the Master Plan-Salisbury, MA, for the Town; or to take any other action relative thereto. This petition is submitted on behalf of the Planning Board, by a unanimous vote at a regularly scheduled meeting of the Planning Board on September 24, 2008.

ON PETITION OF THE PLANNING BOARD

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Jerry Klima                      I move that Article One be approved as herein stated**

**Seconded & carried**

**ARTICLE TWO**

To see if the Town will vote to establish a Master Plan Implementation Committee (MPIC). The mission of the committee is to guide the implementation of the Master Plan. The role of the MPIC is to schedule, monitor, evaluate and adjust strategies and actions based on the Town's capacity to carry them out. The Committee shall consist of seven (7) members, with one (1) member from each of the Board of Selectmen, the Planning Board, the Conservation Commission and the Zoning Board of Appeals, with each board choosing by majority vote their representative, and the remaining three (3) members as citizens at large, appointed by the Town Manager. The Committee shall report to the Board of Selectmen and the Planning Board on its progress of overseeing the implementation of the Master Plan. This petition is submitted on behalf of the Board on September 24, 2008.

ON PETITION OF THE PLANNING BOARD

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Donald Beaulieu            I move that Article Two be approved as herein stated**

**Seconded**

**Motion: Kevin Henderson    I want to amend Article Two by deleting from the Master Plan Implementation Committee, One member of the Board of Selectmen and one member of the Conservation Commission and replace with one member of the Harbor Commission and the remaining four members as citizens at large. Also delete appointed by Town Manager and replace with appointed by majority vote of the Board of Selectmen.**

**Seconded & defeated**

**Main motion carried by majority vote**

**ARTICLE THREE**

To see if the Town will vote to accept as a public way a portion of a way known as CCC Road, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan A Portion of CCC Road, Salisbury, MA, prepared for Crooks Nominee Trust P.O. Box 5418, Salisbury, MA 01952", dated July 22, 2008 and prepared by Cammett Engineering, Inc., a copy of which is on file with the Town Clerk; and further to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift or eminent domain, any public way and other easements necessary to use said road for all purposes for which public ways are used in the Town of Salisbury; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee voted to recommend**

**Recommended by Planning Board**

**Motion: Fred Knowles              I move that Article Three be approved as herein stated**

**Seconded & carried**

#### **ARTICLE FOUR**

To see if the Town will vote to accept as a public way a way known as Michelle Drive, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan in Salisbury, MA, Showing Elizabeth Lane and Michelle Drive, Prepared for John J. Paonessa Co., Inc., 219 Meadowcroft Street, Lowell, MA 01852," dated September 1, 2006, and prepared by Millenium Engineering, Inc., a copy of which is on file with the Town Clerk; and further to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift or eminent domain, any public way and other easements necessary to use said road for all purposes for which public ways are used in the Town of Salisbury; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee voted to recommend**

**No recommendation from Planning Board**

**Recommended by DPW Director**

**Motion: Edwin Hunt**

**I move that Article Four be approved as herein stated**

**Seconded & carried**

#### **ARTICLE FIVE**

To see if the Town will vote to accept as a public way a way known as Elizabeth Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan in Salisbury, MA, Showing Elizabeth Lane and Michelle Drive, Prepared for John J. Paonessa Co., Inc., 219 Meadowcroft Street, Lowell, MA 01852," dated September 1, 2006, and prepared by Millenium Engineering, Inc., a copy of which is on file with the Town Clerk; and further to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift or eminent domain, any public way and other easements necessary to use said road for all purposes for which public ways are used in the Town of Salisbury; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee voted to recommend**

**No recommendation from Planning Board**

**Motion: Henry Richenburg I move that Article Five be approved as herein stated**

**Seconded & carried**

#### **ARTICLE SIX**

To see if the Town will vote to authorize the Board of Selectmen to accept, by gift, an Easement to be granted to the Town by Fraser Realty Trust of Salisbury, LLC ("Grantor"), that would permit the Town to use a right of way across a portion of land owned by the Grantor at 114 Bridge Road and described in the deeds to the Grantor recorded at Book 18623, Page 323, and Book 19696, Page 404, in the Essex South District Registry of Deeds, and which easement area is shown on a sketch plan attached as Exhibit A to said Easement, a copy of which is available for review in the office of the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Jerry Klima**

**I move that Article Six be approved as herein stated**

**Seconded & carried**

#### **ARTICLE SEVEN**

To see if the Town will vote to amend the general bylaws of the Official Code of the Town of Salisbury by deleting Chapter 39 in its entirety, which chapter currently provides as follows:

Chapter 39: BODY PIERCING

Section 39-1. Practitioners. Body piercing shall be performed only by a licensed Massachusetts physician; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Donald Beaulieu**

**I move that Article Seven be approved as herein stated**

**Seconded & carried**

#### **ARTICLE EIGHT**

To see if the Town will vote to amend the general bylaws of the Official Code of the Town of Salisbury by inserting the following section to Chapter 170, Peace and Good Order:

**§170-24 Parks, Playgrounds and Rail Trails**

- A. Public Parks, Playgrounds and Rail Trails in the Town of Salisbury, including associated parking areas, shall be open to the use of the public between the hours of 5:00 A.M. and 9:00 P.M. and during Town-sanctioned athletic events. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. (except those attending Town-sanctioned athletic events) shall be considered a trespasser and subject to a fine of \$25 for the first offense and \$50 for the second and each subsequent offense. Rail Trails in the Town of Salisbury shall include, but not be limited to, the Old Eastern Marsh Trail between the Merrimack River and the Massachusetts/New Hampshire State Line and the Salisbury Point Ghost Trail between Lion's Park and the Salisbury/Amesbury Town Line.
- B. No person shall operate any motorized vehicle in any public Park or Playground or on a Rail Trail in the Town of Salisbury, except in a designated parking area or as provided herein. Provided, however, that authorized persons may operate motorized vehicles in parks and playgrounds and on the trails for construction, maintenance, inspection, management, police, fire and emergency purposes. For purposes of this bylaw, the term "motorized vehicles" shall include, but not be limited to, any automobile, truck, all-terrain vehicle, off-road vehicle, snowmobile, moped, motorbike, mini-bike, pocket bike or motorcycle. The term "motorized vehicles" shall not include motorized wheelchairs needed for access to the parks, playgrounds or trails by persons with disabilities. Violators shall be subject to a fine of \$100 for the first offense and \$200 for the second and each subsequent offense. Further, any unauthorized motor vehicle found in a Salisbury Park or Playground or on a Salisbury Rail Trail shall be subject to towing and storage upon the order of a law enforcement officer.
- C. No person shall discharge any firearm or release any arrow in any public Park or Playground or upon or across any Rail Trail within the Town of Salisbury, or within 150 feet of any such Park, Playground or Rail Trail. Violators shall be subject to a fine of \$100 for the first offense and \$200 for the second and each subsequent offense.
- D. No person shall remove, destroy, damage, deface or vandalize any fence, sign, bench, building or other structure or amenity installed or used as part of any public Park, Playground or Rail Trail in the Town of Salisbury and no person shall intentionally damage the surface of any park, playground, playfield or trail. Violators shall be subject to a fine of \$100 for the first offense and \$200 for the second and each subsequent offense.
- E. Any police officer of the Town shall be considered an enforcing person for purposes of noncriminal enforcement of this bylaw under MGL c. 40, §21D, and §1-6 of the general bylaws of the Town;

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Fred Knowles I move that Article Eight be approved as herein stated**

**Seconded**

**Motion: Mitch Makarewicz To amend Article 8, Section A – Exceptions by adding, "Public parks or playgrounds or parking lots shall be kept open at all times with permits which shall be issued by the Board of Selectmen on demand for the purpose of political protests and demonstrations."**

**Seconded & defeated**

**Main motion carried by majority vote**

#### **ARTICLE NINE**

To see if the Town will vote to amend its vote to adopt the FY09 general fund budget of the Town, taken at the Annual Town Meeting on May 19, 2008, by reducing the total amount to be raised and appropriated from \$17,667,989.00 to \$17,497,299.00 to fund the FY2009 annual operating budget of the Town, which includes \$8,579,366.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2009, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; or to take any other action relative thereto

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee voted to recommend as amended**

**Motion: Edwin Hunt  
Seconded**

**I move that Article Nine be approved as herein stated**

**Motion: James Dondero I move that Article Nine be amended by deleting the sum of \$17,497,299.00 in Line 3 and inserting in place thereof the following amount: \$17,424,089.00 (total reduction 243,900)**

**Main motion as amended seconded & carried by majority vote**

#### **ARTICLE TEN**

To see if the Town will vote to amend the general bylaws of the Official Code of Salisbury by adding the following section to Chapter 59, Business Registration:

Section 59-6 Failure to Pay Fee

- A. Failure to comply with this bylaw by April 1 of any calendar year shall be subject to a fine in the amount of \$25.00, and thereafter to a fine of \$25.00 for each succeeding calendar month in which such license fee is not paid.
- B. Any police officer of the Town shall be considered an enforcing person for purposes of noncriminal enforcement of this bylaw under MGL c. 40, §21D, and §1-6 of the general bylaws of the Town; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Henry Richenburg I move that Article Ten be approved as herein stated  
Seconded & carried**

#### **ARTICLE ELEVEN**

To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 60, Section 23B, providing for an increase in the amount of the fee to be charged by the Treasurer/Collector for municipal lien certificates; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Jerry Klima I move that Article Eleven be approved as herein stated  
Seconded & carried**

#### **ARTICLE TWELVE**

To see if the Town will vote, pursuant to Mass. General Laws Ch. 60, Section 15, as recently amended by Section 15 of Ch. 182 of the Acts of 2008, to establish the following charge for each written demand for unpaid real estate and personal property taxes, motor vehicle excise taxes and boat excise taxes, which fee will be added to and collected as part of the tax: \$20.00; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Donald Beaulieu I move that Article Twelve be approved as herein stated  
Seconded & carried**

#### **ARTICLE THIRTEEN**

To see if the Town will vote to transfer the sum of \$15,000.00 from Free Cash to FY09 budget line item number 0100.0413.5850 (DPW – Capital Outlay/Vehicles) for the purpose of paying the first year's cost of a three-year lease/purchase agreement for a new vehicle for the Director of the Department of Public Works; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Fred Knowles I move that Article Thirteen be approved as herein stated  
Seconded & carried**

#### **ARTICLE FOURTEEN**

To see if the Town will vote to transfer the sum of \$10,000.00 from Free Cash to FY09 budget line item number 0100.0241.5399 (Building Inspector – Purchase of Services) for the purpose of paying for the cost of demolition and removal of dilapidated or abandoned trailers, improvements and/or structures and any debris from the property at 61 Cable Avenue (Assessors Map #32, Lot #294); or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Edwin Hunt**  
**Seconded & carried**

**I move that Article Fourteen be approved as herein stated**

#### **ARTICLE FIFTEEN**

To see if the Town will vote to transfer the sum of \$7,500.00 from Free Cash to FY09 budget line item number 0100.0210.5798 (Police Department – Other Charges and Expenses) for the purpose of funding the first year's cost of a so-called Reverse 911 notification system for the Town; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Henry Richenburg I move that Article Fifteen be approved as herein stated**  
**Seconded & carried**

#### **ARTICLE SIXTEEN**

To see if the Town will vote to transfer the sum of \$156,000.00 from the Town's Overlay Surplus Account to FY09 budget line item number 0100.0910.5199 (Personnel Salary Reserve) for the purpose of funding a portion of the retroactive and FY09 costs of a recently-approved collective bargaining agreement between the Town and the Salisbury Firefighters Independent Union (SFIU), now known as Local 4694, IAFF/PFFM, and to authorize the Town Manager and the Finance Director to make appropriate transfers from this line item into the FY09 Fire Department Budget; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Jerry Klima I move that Article Sixteen be approved as herein stated**  
**Seconded & carried**

#### **ARTICLE SEVENTEEN**

To see if the Town will vote to transfer the sum of \$30,000.00 from Free Cash to FY09 budget line item number 0100.0910.5199 (Personnel Salary Reserve) for the purpose of funding a portion of the retroactive and FY09 costs of a recently-approved collective bargaining agreement between the Town and the Salisbury Firefighters Independent Union (SFIU), now known as Local 4694, IAFF/PFFM, and to authorize the Town Manager and the Finance Director to make appropriate transfers from this line item into the FY09 Fire Department Budget; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Donald Beaulieu I move that Article Seventeen be approved as herein stated**  
**Seconded & carried**

#### **ARTICLE EIGHTEEN**

To see if the Town will vote to transfer the sum of \$10,000.00 from Free Cash to FY09 budget line item number 0100.0123.5798 (Town Manager - Other Charges and Expenses) for the purpose of funding a fuel assistance program for Salisbury residents; and further to authorize the Town Manager to enter into a grant agreement with a non-profit entity and/or establish an advisory committee to administer the program; and further that any assistance granted be done solely on the basis of financial hardship; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee voted to recommend**

**Motion: Fred Knowles I move that Article Eighteen be approved as herein stated**  
**Seconded & carried**

#### **ARTICLE NINETEEN**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to the use of a certain parcel of land located at the corner of Cable Avenue and Beach Road, conveyed to the Town of Salisbury by the Commonwealth of Massachusetts pursuant to Chapter 510 of the Acts of 1959 and by deed recorded with the Essex South District Registry of Deeds in Book 4725, Page 566, and also authorizing and directing the Commissioner of the Division of Capital Asset Management to convey from the Commonwealth to the Town of Salisbury a certain portion of land located at 218 Beach Road and identified on Assessors Map #30 as Lot #1; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; and further to authorize the Board of Selectmen to accept said land on behalf of the Town for general municipal purposes; or to take any other action relative thereto.

**AN ACT RELATIVE TO AMENDING CHAPTER 510 OF THE ACTS OF 1959 AND  
AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO RELEASE A RIGHT OF  
REVERTER AND CONVEY PROPERTY TO THE TOWN OF SALISBURY**

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

Section 1. Chapter 510 of the Acts of 1959 is hereby amended by deleting therefrom the following words: “; provided, that said deed shall provide that all right, title and interest in and to said land shall revert to and revest in the commonwealth whenever it shall cease to be used by said town for parking lot purposes; and provided, further, that the commonwealth may, if said land is needed for state purposes, take the same and it shall not be liable in damages to said town by virtue of said taking.”

Section 2. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management shall, for nominal consideration, waive and release the reversionary interest reserved by the Commonwealth pursuant to Chapter 510 of the Acts of 1959 on a certain parcel of land situated at the corner of Cable Avenue and Beach Road in that part of said town known as Salisbury Beach, which parcel was conveyed to the town of Salisbury by deed recorded with the Essex South District Registry of Deeds in Book 4725, Page 566. The property may be used for such purposes or disposed of as the town deems appropriate.

Section 3. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management shall convey to the town of Salisbury, for nominal consideration, a certain portion of state-owned land located at 218 Beach Road in said town. This parcel may be used for such purposes or disposed of as the town deems appropriate.

Section 4. The Town of Salisbury shall pay for all costs of the survey and the deed or other instrument to effect said waiver, release and conveyance, as deemed necessary by the commissioner of capital asset management.

Section 5. This act shall take effect upon passage.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Edwin Hunt                      I move that Article Nineteen be approved as herein stated**

**Seconded & carried**

**ARTICLE TWENTY**

To see if the Town will vote to transfer the care, custody, control and management of the former school property located at 92 Main Street and shown on Town Assessors Map #12, Lot #48, from the Town Manager for the purposes for which it is currently held to the Board of Selectmen, for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land, upon such terms and for such consideration as the Selectmen shall deem proper; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

**Warrant Advisory Committee voted to recommend**

**Motion: Henry Richenburg    I move that Article Twenty be approved as herein stated**

**Seconded & carried by a hand count vote of 171 YES, 2 NO**

**ARTICLE TWENTY-ONE**

To see if the Town will vote to establish a Town By-Law with regards to construction/private duty road details in the Town of Salisbury to read as follows:

“Whenever the normal flow of traffic is impeded by the construction work on any road within the boundaries of the town of Salisbury, including all state owned roads, the town of Salisbury agrees that it will require the entity performing such construction work to hire Salisbury Police Officers for details. Such details shall be assigned, and officers shall be compensated for such details, in accordance with the provisions of the collective bargaining agreement between the town of Salisbury and the N.E.P.B.A. local 15, concerning such details. Provided there are Salisbury Police Officers available and willing to accept

such details, no such construction work shall be allowed to occur without such details.”; or to take any other action relative thereto.

ON PETITION OF DANIEL B. McNEIL ET AL

**Warrant Advisory Committee voted not to recommend**

**Moderator Ronald Ray ruled that a secret ballot would be in order for this Article and asked the Town Clerk to prepare for this.**

**Motion: Jerry Klima                      I move that Article Twenty-One be approved as herein stated  
Seconded**

**Motion: Kristina Ostman            I move to amend Article Twenty-One as follows: After “the entity performing such construction work to hire Salisbury Police Officers for details, insert: on roads deemed to need details, by the DPW Director, or his designee and said entity shall be required to deposit with the Town, the amount of monies as estimated as to the cost of such detail prior to the commencement of said work. The town of Salisbury and its associated departments are exempt from this requirement.” And delete “Provided there are Salisbury Police Officers available and willing to accept such details, no such construction work shall be allowed to occur without such details.”**

**Seconded & defeated**

**Motion: Marilyn Ford                      I move we indefinitely postpone Article Twenty-One**

**Motion to indefinitely postpone carried by a hand count vote of 90 YES, 67 NO**

#### **ARTICLE TWENTY-TWO**

To take any other action that may be lawfully taken at this meeting.

**Motion: Donald Beaulieu            To adjourn the meeting**

**Seconded & carried**

**Moderator Ray declared the meeting adjourned at 9:20 p.m.**

Respectfully submitted,

Wilma M. McDonald  
Town Clerk  
October 28, 2008