

**ANNUAL TOWN MEETING
MAY 19, 2008
SALISBURY ELEMENTARY SCHOOL**

Moderator Ronald Ray called the Town Meeting to order at 7:32 p.m. with the checklist showing 211 registered voters. The number of voters peaked at 262. There were 21 non-voters present: Donald Levesque, Terry Kyrios, Lisa Pearson, Neil Harrington, Andrew Gould, Angeljean Chiaramida, David L'Esperance, Elizabeth Pettis, Brian Mullen, Thomas McEnaney, Doug Richardson, Greg (?), Janelle Austin, Matt Kirouac, Sandra Halloran, Cheryl Papande, Michelle Rowden, Dyan (?) Kinsella, Ray Mace, P. Marggraf, Joyce Tomaselli.

Anne Jones, Josephine Kohan, Susan Tatro and Patricia York were checkers at the door with Assistant Town Clerk Christine Marshall assisting. Reggie Santos and Terry Marengi served as counters throughout the meeting.

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented.

Moderator Ray appointed Reginald Santos Deputy Moderator, in accordance with the Town Charter. The attendees confirmed this appointment by unanimous vote.

Selectman Fred Knowles made a presentation to Madilyn Spero and Louise Papoulias for their combined 100 years of service to the community. He presented them with commendations from the House of Representatives. Carolyn Sargent was honored for her 30 years of dedication to the Salisbury Historical Commission.

Planning Board Chairman Robert Straubel gave a short talk on the progress of the Master Plan Committee and asked for public input.

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$17,667,989.00 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; to appropriate \$2,115,434.00 to fund the FY2009 Sewer Enterprise Fund budget; to appropriate \$2,201,677.00 to fund the FY2009 Water Enterprise Fund budget; and to transfer the sums of \$267,605.00 from the FY2009 Sewer Enterprise Fund budget and \$94,116.00 from the FY2009 Water Enterprise Fund budget to the General Fund; or to take any other action relative thereto.

Warrant Advisory Committee unanimously voted to recommend approval

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 amend the Zoning Bylaw of the Town of Salisbury by amending the Official Zoning Map of the Town of Salisbury by modifying the boundary of the Commercial (C) District in the area of Main Street and Rabbit Road by including Lot Number 50 on Assessor's Map 12 in the Commercial (C) District as shown on a map entitled "Proposed Zoning" dated March 18, 2008, which is on file with the Town Clerk and is hereby declared to be part of the Zoning Bylaw; or to take any other action relative thereto.

A copy of the Proposed Zoning map is available for review in the office of the Town Clerk.

ON PETITION OF THE ZONING REVIEW COMMITTEE

Warrant Advisory Committee unanimously voted to recommend

Unanimously recommended by Planning Board

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

Seconded & carried by a hand count vote of 211 YES, -0- NO (unanimous, 2/3 required)

ARTICLE FIVE

To see if the Town will vote to discontinue as a public way the portion of Old Locust Street, which portion originates at Main Street, runs between parcels of land shown on Assessors Map 19 as Lot 217, and on Map 12 as Lots 53 and 54, and terminates at the I-95 off ramp that turns into Toll Road, including within such discontinuance the portion of Old Locust Street shown on Assessors Map 12 as Lot 88, and to transfer the care, custody, control and management of said discontinued portion of Old Locust Street from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen to convey all the Town's right, title and interest in said discontinued portion on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the Town; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend

No recommendation by Planning Board

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

Seconded & carried by a hand count vote of 204 YES, -1- NO (2/3 required)

ARTICLE SIX

To see if the Town will vote to amend Section 209-4, Payment of Costs, of Chapter 209 of the General Bylaws by deleting the phrase "the provisions of MGL c.83, s. 15, as amended" and substituting in place thereof "the following provisions" and by adding subsections A through C as follows:

- A. The Board of Selectmen acting as sewer commissioners shall utilize the assessment methods set forth herein to assess one hundred per cent (100%) of the cost to the Town of sewer projects upon the properties that benefit from each project, unless Town Meeting votes a different percentage with respect to particular projects.
- B. The Selectmen may assess the cost of sewer projects by means of betterment assessments by the so-called uniform unit method under General Laws Chapter 83, Section 15, or by means of privilege fees under General Laws Chapter 83, Sections 17 and 20, also by the uniform unit method, and may determine what portion of the cost to be assessed for each project shall be assessed as a betterment or as a privilege fee.
- C. The Selectmen may assess privilege fees upon properties that were not subject to betterment assessment with respect to a particular project if the properties later receive a benefit from the project by being allowed to connect to the project, and may also assess privilege fees upon properties that were previously assessed a betterment assessment or a privilege fee if, after such assessment, due to construction of a new structure or reconstruction, enlargement, alteration or renovation of a structure existing at the time of the betterment or privilege fee assessment, or change of a then-existing use, the Selectmen determine that the maximum sewage flow from the improvements upon the property or the change of use would increase above the maximum sewage flow previously calculated for that property under the uniform unit method.

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 Six be approved as herein stated

Seconded & carried by majority vote

ARTICLE SEVEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$1,600,000.00 in accordance with Mass. General Laws Chapter 44, Section 7, or any other authority, for the purpose of replacing existing 6" cast iron and 8" asbestos concrete water mains with new 12" ductile iron water mains, with appropriate service upgrades, on Elm Street, Old Elm Street, Rabbit Road and Fanaras Drive, and further to authorize the Board of Selectmen to accept any donations and apply for and accept any grants, loans or subsidies available for the project; 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 Seven be approved as herein stated

Seconded & carried by unanimous vote (2/3 required)

ARTICLE EIGHT

To see if the Town will vote to accept as a public way the roadway known as "Fanaras Drive," as heretofore laid out by the Board of Selectmen, as such roadway is shown on a plan entitled "Detail and Profile Plan, Salisbury Industrial Park," dated March, 1973, on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, or eminent domain, a public way easement in said roadway, together with all related drainage, utility and other easements; 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 Eight be approved as herein stated

Seconded & carried

ARTICLE NINE

To see if the Town will vote to authorize the Town Manager to negotiate and enter into leases for a term in excess of ten years of portions of any or all of the following parcels of Town-owned land for the construction, installation, operation and

maintenance of wireless communication towers and related equipment: 175 Beach Road Water Department site, Assessor's Map 28, Lot 5; 71 North End Boulevard Beach Water Tower site, Assessor's Map 33, Lot 38; 23 Locust Street Batt Hill Water Tank site, Assessor's Map 12, Lot 109; and 31 Old County Road Town Landfill site, Assessor's Map 28, Lot 56; 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 Nine be approved as herein stated

Seconded & carried

ARTICLE TEN

To see if the Town will vote to authorize the Board of Selectmen, in consultation with the Town Manager, to enter into inter-municipal agreements with one or more municipalities for the purpose of acquiring jointly, by lease, purchase or otherwise, equipment or vehicles, or to share operational costs of such equipment or vehicles; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee voted 4-1 to recommend

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

Seconded & carried

ARTICLE ELEVEN

To see if the Town will vote to amend the portion of the vote taken under Article 9 of the October 22, 2007 Town Meeting, which authorized the Board of Selectmen to acquire the parcel of land identified as Assessor's Map #19, Lot #128, for general municipal purposes, including protection of the Town's water supply, to instead authorize the acceptance of said parcel for the sole purpose of water supply protection pursuant to General Laws Chapter 40, Sections 39, 41, and 15B and Article 97 of the Amendments of the Massachusetts Constitution, and to place the care, custody, management and control of said parcel with the Board of Selectmen, acting in its capacity as the Board of Water Commissioners; 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 Eleven be approved as herein stated

Seconded & carried

ARTICLE TWELVE

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, for FY2009. This revolving fund would be to accept receipts from fees charged to applicants specifically to pay outside consultants. The receipts would be expended, not to exceed \$100,000 in FY2009, by the Planning Board for: engineers, lawyers, designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations; 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 Twelve be approved as herein stated

Seconded & carried

ARTICLE THIRTEEN

To see if the Town will vote to re-authorize a revolving fund for the Conservation Commission as described in Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, for FY2009. This revolving fund would be to accept receipts from filing fees paid pursuant to the Wetlands Protection Act. The receipts would be expended, not to exceed \$100,000 in FY2009, by the Conservation Commission for the payment of consultant fees, expenses of, and a portion of the salary and benefits of the Town's Conservation Agent for administration and enforcement of, the Wetlands Protection Act; 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 Thirteen be approved as herein stated

Seconded & carried

ARTICLE FOURTEEN

To see if the Town will vote to re-authorize a revolving fund for the Harbor Commission as described in Chapter 44, Section 53E 1/2 of the Mass. General Laws, for FY2009. This revolving fund would be to accept receipts from: mooring

fees, waterways permit fees, dinghy fees, and sewerage pump-out fees. The receipts would be expended, not to exceed \$75,000 in FY2009, by the Harbor Commission for: the Town pier facility, equipment maintenance or replacement, Harbormaster's operating expense, water safety, education and expenses of complying with the Clean Waters Act; or to take any other action relative thereto.

ON PETITION OF THE HARBOR COMMISSION

Warrant Advisory Committee unanimously voted to recommend approval

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

Seconded

Motion: Reginald Santos I move to amend this Article by inserting, after the words "Clean Waters Act", "and to develop waterfront recreational facilities."

Seconded & carried

Main motion as amended carried by majority vote

ARTICLE FIFTEEN

To see if the Town will vote to re-authorize a revolving fund for the Building Inspector's Department as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2009. This revolving fund would be to accept receipts from fees charged by the Department for electrical, plumbing and gas inspections. The receipts would be expended, not to exceed \$50,000 in FY2009, by the Building Inspector's Department to pay for the services of the Town's electrical, plumbing and gas inspectors; 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 Fifteen be approved as herein stated

Seconded & carried

ARTICLE SIXTEEN

To see if the Town will vote to re-authorize a revolving fund for the Earth Filling Bylaw as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2009. This revolving fund would be to accept payments made by applicants under the Town's Earth Filling Bylaw for borings and test pits, inspections, monitoring, certifications, reports and tests that are required by the permit granting authority while considering an application for an earth filling permit and/or as a condition of issuing a permit and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw. The receipts would be expended, not to exceed \$50,000 in FY2009, by the Board of Selectmen and/or the Town Manager for such services as either of them as a permit granting authority deems to be needed to evaluate an application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw; 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 Sixteen be approved as herein stated

Seconded & carried

ARTICLE SEVENTEEN

To see if the Town will vote to re-authorize a revolving fund for the Board of Directors of the Council on Aging as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws, for FY2009. This revolving fund would be to accept donations to the Council on Aging from individuals, businesses, corporations or non-profit agencies. The receipts would be expended, not to exceed \$50,000 in FY2009, by the Board of Directors of the Council on Aging to pay for improvements to the Hilton Center, such as replacement of furniture and equipment, for craft supplies, postage, newsletter expenses, and other expenses consistent with the mission of the Council on Aging; 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 Seventeen be approved as herein stated

Seconded & carried

ARTICLE EIGHTEEN

To see if the Town will vote to authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, for FY2009. The revolving fund would be to accept receipts from developers, landowners and other applicants seeking subdivision or site plan approval from the Planning Board, except for those receipts specifically to pay outside consultants. The receipts would be expended, not to exceed \$40,000.00 in FY2009, by

the Planning Board, in conjunction with the Town's Department of Public Works for: design, engineering and construction costs of sidewalks required pursuant to the Town's subdivision control bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously recommends

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

Seconded & carried

ARTICLE NINETEEN

To see if the Town will vote to rescind Article 6 of the April 9, 1990 Special Town Meeting as amended by Article 20 of the October 26, 1992 Annual Fall Town Meeting providing that "The sewer user fees shall be determined by water usage commencing in the fiscal year following a twelve-month period of fully metered data history, provided such data is available from the Salisbury Water Company," or take any other action relative thereto.

ON PETITION OF THE BOARD OF SELECTMEN

Warrant Advisory Committee unanimously voted to recommend approval

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

Seconded

Motion: Grace Tomaselli Amend that the word "rescind" be replaced with "changed prospectively."

Seconded & defeated

Main motion carried

ARTICLE TWENTY

To see if the Town will vote to authorize the Board of Selectmen to acquire, on behalf of the Town and by gift, from Salisbury Ventures, LLC, an access easement on a portion of the property located at 1 Beach Road and shown on Assessors Map 5 as Lot 17, which portion is shown as "Proposed Access Easement to Map 5, Lot 18," on a plan of land entitled "Lot Line Adjustment Plan," dated October 3, 2007, with final revision on October 10, 2007, prepared by Jones & Beach Engineering, Inc., which is on file with the Town Clerk, on such terms and conditions as the Selectmen deem appropriate; or 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 Twenty be approved as herein stated

Seconded & carried

ARTICLE TWENTY-ONE

To see if the Town will vote to amend the Zoning Bylaw of the Town of Salisbury by amending the Official Zoning Map of the Town of Salisbury by modifying the boundary of the Commercial (C) District in the area of Old Elm Street and Rabbit Road by including Lot Number 2 on Assessor's Map 10 and the adjacent section of Old Elm Street in the Commercial (C) District as shown on a map entitled "Proposed Zoning Change" dated April 14, 2008, which is on file with the Town Clerk and is hereby declared to be part of the Zoning Bylaw; or to take any other action relative thereto.

A copy of the Proposed Zoning map is available for review in the office of the Town Clerk.

ON PETITION OF THE ZONING REVIEW COMMITTEE

Warrant Advisory Committee unanimously voted to recommend

Recommended by Planning Board 3-2

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

Seconded & carried by a hand count vote of YES 180, NO -0- (unanimous)

ARTICLE TWENTY-TWO

To see if the Town will vote to repeal the by-law approved at the Special Town Meeting held on November 27, 1989, as Article 16 relating to the barrier beach, flood plains, wetlands, and aquifer areas of the town, a copy of said bylaw being on file and available for public inspection at the Town Clerk's office during regular business hours, or to take any other action relative thereto.

ON PETITION OF KEVIN HENDERSON ET AL

Warrant Advisory Committee unanimously voted NOT to approve

Motion: Kevin Henderson I move that Article Twenty-Two be approved as herein stated

Seconded

Motion: Terry Marengi To indefinitely postpone

Seconded & defeated

Main motion carried by majority vote

ARTICLE TWENTY-THREE

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

Motion: Jerry Klima I move that Town Meeting be adjourned
Seconded & carried

Moderator Ray declared the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Wilma M. McDonald
Town Clerk
May 21, 2008