

**ANNUAL TOWN MEETING
MAY 16, 2011
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Ronald Ray called the Annual Town Meeting to order at 7:30 p.m. with the checklist showing 141 registered voters. There were 17 non-voters present: Donald Levesque, Terry Kyrios, Lisa Pearson, Neil Harrington, Andrew Gould, Angeljean Chiaramida, Richard Merrill, Elizabeth Pettis, Thomas McEnaney, John W. Morris, David Lovering, Cheryl Gorniewicz, Ray Mace Jr., Kevin F. Mahoney, Robert Roy, Brian Forget and Pauline Kallis.

Anne Jones, Josephine Kohan, Susan Tatro and Patricia York were checkers at the door with Assistant Town Clerk Melinda Morrison assisting. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

ARTICLE ONE

Election of Officers

ONE SELECTMAN FOR A THREE-YEAR TERM

TRITON REGIONAL SCHOOL COMMITTEE MEMBERS – THREE MEMBERS FOR A THREE YEAR TERM – ONE MEMBER FROM EACH TOWN

TWO (2) NON-BINDING QUESTIONS:

1) Are you in favor of increasing recycling in the Town of Salisbury through a town-wide recycling program?

In favor of increasing recycling _____

Not in favor of increasing recycling _____

2) If town-wide recycling is implemented, would you rather:

Pay for curbside pickup _____

Use free drop-off _____

ARTICLE TWO

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

Reports were given by:

Ronalee Ray-Parrott/Park & Recreation Commission

Donald Jansen/Harbor Commission

Berenice McLaughlin/Master Plan Implementation Committee

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$19,036,052.00 to fund the FY2012 annual operating budget of the Town, which includes

\$8,938,266.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2012, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$2,253,993.00 to fund the FY2012 Sewer Enterprise Fund budget; to appropriate \$2,275,396.00 to fund the FY2012 Water Enterprise Fund budget; and to transfer the sums of \$300,101.00 from the FY2012 Sewer Enterprise Fund budget and \$120,795.00 from the FY2012 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: Donald Beaulieu

I move that Article Three be approved as herein stated

Seconded & carried

ARTICLE FOUR

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2012. 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 FY2012, 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: Fred Knowles

I move that Article Four be approved as herein stated

Seconded & carried

ARTICLE FIVE

To see if the Town will vote to re-authorize a revolving fund for the Conservation Commission as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2012. 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 FY2012, 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 Five be approved as herein stated

Seconded & carried

ARTICLE SIX

To see if the Town will vote to re-authorize a revolving fund for the Harbor Commission, as described in Chapter 44, Section 53E ½ of the Mass. General Laws, for FY2012. 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 FY2012, by the Harbor Commission for: maintenance and development of riverfront recreational activities, 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 TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt

I move that Article Six be approved as herein stated

Seconded & carried

ARTICLE SEVEN

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 FY2012. 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 FY2012, 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: Henry Richenburg

I move that Article Seven be approved as herein stated

Seconded & carried

ARTICLE EIGHT

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 FY2012. 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 FY2012, 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: Donald Beaulieu

I move that Article Eight be approved as herein stated

Seconded & carried

ARTICLE NINE

To see if the Town will vote to re-authorize a revolving fund for the Council on Aging as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws, for FY2012. 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 FY2012, by the Director of the Council on Aging, with the approval of the Board of Directors of the Council on Aging to pay for general improvements to the Hilton Center 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: Fred Knowles
Seconded & carried

I move that Article Nine be approved as herein stated

ARTICLE TEN

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2012. 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 FY2012, 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 voted to recommend approval

Motion: Jerry Klima
Seconded & carried

I move that Article Ten be approved as herein stated

ARTICLE ELEVEN

To see if the Town will vote to re-authorize a revolving fund for the Parks and Recreation Commission as described in Chapter 44, section 53E1/2 of the Massachusetts General Laws, for FY2012. The revolving fund would be to accept receipts from fund raising, grants, donations, and charges for activities. The receipts would be expended, not to exceed \$5,000.00 in FY2012 by the Parks and Recreation Commission for activities sponsored by the Parks and Recreation Commission; 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 Eleven be approved as herein stated

ARTICLE TWELVE

To see if the Town will vote to re-authorize a revolving fund for the Health Department as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2012. This revolving fund would be to accept receipts from fees charged to property owners and/or other applicants for inspections by the Town's Department of Health. The receipts would be expended, not to exceed \$100,000 in FY2012, by the Director of Public Health, with the approval of the Town Manager, to pay for the services of qualified individuals to conduct health inspections, including but not limited to inspections of restaurant and food establishments, housing, septic systems and Title 5, as required by law, bylaw or Board of Health regulation, at the direction of the Director of Public Health; 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
Seconded & carried

I move that Article Twelve be approved as herein stated

ARTICLE THIRTEEN

To see if the Town will vote to accept the provisions of M.G.L. Chapter 32B, Section 20, which would allow the Town to establish an "Other Post Employment Benefits Liability Trust Fund"; 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 Thirteen be approved as herein stated

Seconded & carried

ARTICLE FOURTEEN

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 Light Industrial (I) District in the area of Rabbit Road by including Lot Number 30 on Assessor's Map 10 in the Residential 2 (R2) District as shown on a map entitled "Proposed Zoning" dated April 13, 2011, 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 LORNA APOSTOLIDES ET AL

**Warrant Advisory Committee unanimously voted to defer to the Planning Board
Recommended by the Planning Board**

Motion: Lorna Apostolides I move that Article Fourteen be approved as herein stated

Seconded

**Motion: Jerry Klima I move to amend Article 14 by changing the words
"Residential2 (R2) District" in the fourth line of the Article
to "Light Industrial (I) District".**

Amendment seconded & carried

**Main motion as amended seconded and carried by a hand-counted unanimous vote of 120
YES, -0- NO**

ARTICLE FIFTEEN

To see if the Town will vote to authorize the Board of Selectmen to acquire, for public way purposes by gift, purchase, or eminent domain, the fee to all or portions of the parcels of land known as Central Avenue, Driftway, and Oceanfront South (Way) between Broadway and Ocean Street, as described below:

Central Avenue

Beginning at the Northerly line of Broadway and continuing Northerly from said Broadway to the junction thereof with the State Highway, also known as North End Boulevard, primarily with a width of fifty feet, all as shown on Land Court Plan 3200-46 Sheets 9 & 10 and on Assessor's Map 33 as Central Avenue.

Driftway

Two sections of Driftway, with the first beginning at the Easterly line of the State Highway, also known as North End Boulevard, and continuing Easterly to the Westerly line of Central Avenue with a width increasing from forty five feet more or less to seventy five feet, and the second beginning at the Easterly line of Central Avenue and continuing Easterly at a width of seventy five feet to the Westerly line of land owned by the Commonwealth of Massachusetts, all as shown on Assessor's Map 33 as Driftway.

Oceanfront South ("Way")

- Northerly by Southerly line of Broadway 18.84 feet
- Easterly by lots 644A, 644B, 648 and 676 measuring 400 feet as shown on Land Court Plan 3200-41
- Northerly by lot 676 measuring 15 feet as shown on LC Plan 3200-41
- Easterly by lot 684 measuring 240 feet as shown on LC Plan 3200-41
- Easterly by land of the Commonwealth of Massachusetts measuring 50.47 feet as shown on Land Court Plan 3200-46 Sheet 11
- Southerly by land of the Commonwealth of Massachusetts measuring 38.04 feet and by land now or formerly of Elizabeth Kelly as shown on LC Plan 3200-46 Sheet 11
- Westerly by the Easterly line of Ocean Street, by lots 500, 501, 502, 503, 504B, 504A, 505, 506, 507B, 507A, 508 and 509 as shown on LC Plan 3200-46 Sheet 11
- Northerly by lot 455A measuring 24 feet as shown on Land Court Plan 3200-206
- Westerly by lot 455A measuring 100.43 feet as shown on LC Plan 3200-206
- Northerly by the Southerly line of Broadway as shown on LC Plan 3200-206 and
- Westerly by the Easterly line of Broadway 64.95 feet as shown on LC Plan 3200-46 Sheet 11

All of said land is shown on Land Court Plan 3200-46 Sheet 11 as the "Way" and a portion of Ocean St. Extension excepting 2,443.54 feet that was previously conveyed to Eugene J. Dean, Jr., Trustee of Nobege Realty Trust in Certificate of Title #76116 and shown as Lot 455A on Land Court Plan 3200-206; 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 petition the General Court for special legislation, as set forth below, which will amend the definition of "low or moderate income housing" set forth in MGL Ch. 40B, §20 as it applies to the Town of Salisbury to include certain mobile or manufactured homes; 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 within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT RELATIVE TO AFFORDABLE HOUSING IN 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. (a) Notwithstanding sections 20 through 23, inclusive, of chapter 40B of the General Laws and any regulations promulgated thereunder, any manufactured home as defined in section 32Q of chapter 140 of the General Laws, or any other dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters, having been situated continuously on the same parcel in the Town of Salisbury for twenty years or more as of January 1, 2012, and having been assessed as a mobile or manufactured home by the Salisbury Board of Assessors, shall be considered "low or moderate income housing," as defined in section 20 of chapter 40B of the General Laws.

SECTION 2. This act shall take effect upon its passage.

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 accept as a public way a portion of a way known as Friedenfels Road, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan in Salisbury, MA Essex County Showing Friedenfels Road," prepared for the Town of Salisbury, 5 Beach Road, Salisbury, MA 01952, dated March 8, 2011, and prepared by Earth Services Corporation, 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, the fee or an easement in said public way and temporary or permanent construction, drainage, utility, and related easements necessary or convenient to construct and use said roadway and a shared use path within the layout of said roadway 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 unanimously voted to defer to the Planning Board
Recommended by the Planning Board**

Motion: Edwin Hunt

I move that Article Seventeen be approved as herein stated

Seconded & carried by a hand counted vote of 124 YES, 1 NO (2/3 required)

ARTICLE EIGHTEEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$1,200,000.00 in accordance with General Laws Chapter 44, Section 7, for the purpose of funding the upfront costs of rebuilding the existing culvert and constructing a new culvert at Town Creek, 75% of

the cost of which is to be reimbursed by a Pre-Hazard Mitigation grant from the Federal Emergency Management Agency and 25% of which is to be reimbursed by the Commonwealth of Massachusetts, provided that expenditure of such funds shall be contingent on the Town being awarded such grant; 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 Eighteen be approved as herein stated

Seconded & carried by unanimous vote

ARTICLE NINETEEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$200,000.00 in accordance with General Laws Chapter 44, Section 7, for the purpose of funding the upfront costs of providing environmental remediation to a parcel of land owned by the Town at 29 Elm Street, as shown on Assessors Map #2, Lot #45, and an adjoining parcel shown on Assessors Map #2, Lot #71, which is to be reimbursed by a grant that has been awarded to the Town for this purpose by the U.S. Environmental Protection Agency; 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 Nineteen be approved as herein stated

Seconded & carried by a hand counted vote of 116 YES, 2 NO

ARTICLE TWENTY

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

Motion: Donald Beaulieu I move to adjourn this meeting

Seconded & carried

Moderator Ray declared the meeting adjourned at 8:22 p.m.

Respectfully submitted,

Wilma M. McDonald, MMC/CMMC

May 17, 2011