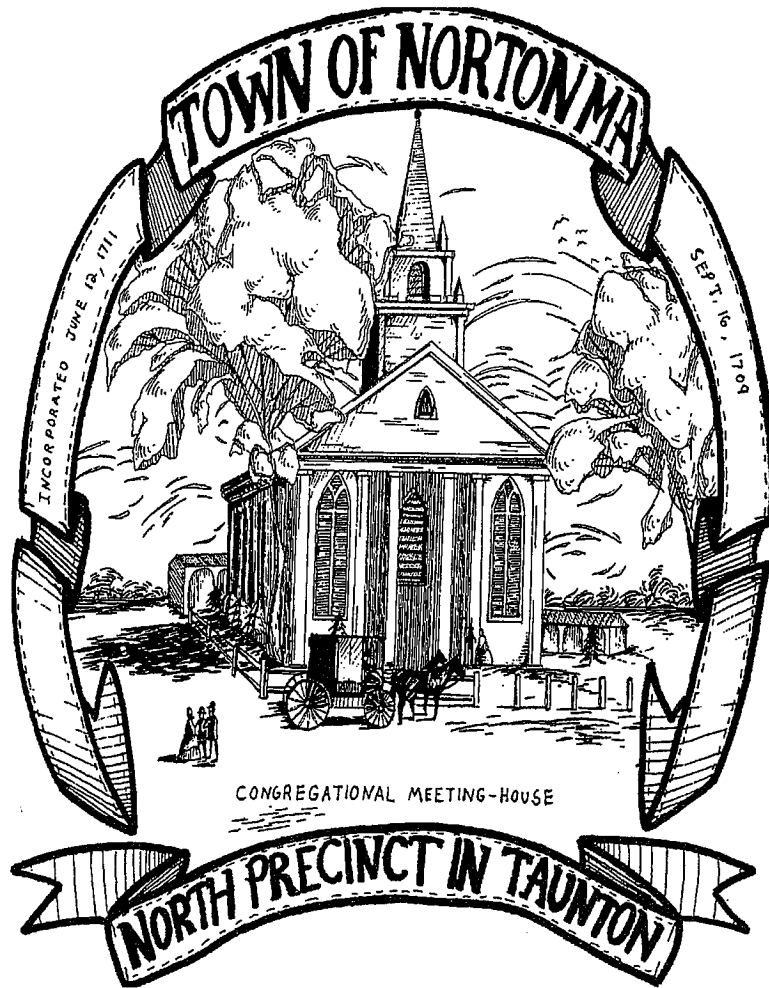
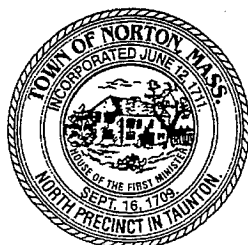


# TOWN OF NORTON



WARRANTS FOR THE ANNUAL AND SPECIAL TOWN MEETINGS  
WITH FINANCE COMMITTEE RECOMMENDATIONS

MONDAY, JUNE 7, 2010



Report of the Norton Finance Committee  
for the June 7, 2010, Annual Town Meeting

Dear Fellow Citizens of Norton:

This year's Finance Committee budget recommendation for FY 2011 is \$44,912,697, down \$555,319 from FY 2010. As stated in last years Finance Committee Report, "Without a major change in revenue sources, things will continue to get worse." **Unfortunately, they have gotten worse.**

Our State local aid number has been decreased from \$15,437,336 to \$14,612,900, which represents a shortfall of \$824,436. As a result of this decrease, and even using \$482,990 in Free Cash, the Town and School operating budgets for FY 2011 have had to be reduced by 2% from FY 2010.

The effects are the following:

- Further reductions in personnel
- Possibility of closing the Chartley Fire Station
- Possibility of closing the L. G. Nourse School
- Further reduction of Library hours
- Delaying the acquisition of much needed capital improvements

It has long been the position of the Finance Committee not to use Non-Recurring Funds (Free Cash) for recurring expenses. However, over the past several years, the Committee has been forced to do so. In FY 2010, \$685,782 was used. This year, there is only \$482,990 available to use at this time for FY 2011. With the deep cuts in the operating budgets, next year there may not be any available Free Cash to move forward for use in FY 2012.

This year, as in the past several years, there will not be any money available to be placed in either of the town's major reserve funds. Many departments, including school and public safety, will remain understaffed. This year's budget is unacceptable to the Finance Committee, but by law the Committee is required to stay within Proposition 2½.

In summary, the citizens of Norton have to make a determination. **"What kind of services are we willing to pay for?"** If we continue without increased revenues (Debt Exclusion or Override), we will be digging a financial hole so deep we may never be able to recover.

The Finance Committee wishes to thank School Department Superintendent Dr. Patricia Ansay, Assistant to the Town Manager Michelle Brown, and the many Town Boards and Department Heads for their cooperative assistance during the year. It especially wishes to commend Town Manager James Purcell for his role in developing this very difficult budget.

Respectfully submitted:

Wayne Graf, Chair  
Thomas DeLuca, Vice Chair  
Jacqueline Desrochers  
Paul Helmreich  
Lee Tarantino  
Michael Thomas  
Philip Zawasky  
Cheryl McFaun  
Robert Bouchard  
Pat Barletta  
Michael Flaherty

**TOWN OF NORTON  
WARRANT FOR THE ANNUAL TOWN MEETING  
MONDAY, JUNE 7, 2010  
BRISTOL, SS.**

To Dale Clark, or either of the Constables of the Town of Norton:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Norton, qualified to vote in Norton affairs, to meet in the Henri A. Yelle Elementary School Gymnasium, West Main Street, in said Norton, on Monday, the 7<sup>th</sup> day of June, 2010, A.D., at seven o'clock in the evening, then and there to act on the following articles, viz.:

**ARTICLE 2**

To see if the Town will authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allotted, or to be allotted, by the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads, and to see if the Town will raise and appropriate, and/or appropriate and/or transfer from available funds a sum of money for the purpose of road and other municipal improvements within the Town of Norton which are eligible for reimbursement, subject to conditions detailed by the Massachusetts Department of Transportation, pursuant to Chapter 90, Section 34(2a), of the Massachusetts General Laws, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended. This will authorize the Selectmen to accept funds for road maintenance and repairs provided by the State.**

### ARTICLE 3

To see if the Town will accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Rubin Drive, as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan and Profile of Rubin Drive within Rocknoll Farm, A Subdivision in Norton, MA" dated September 14, 2009, revised September 23, 2009, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and further, to see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Norton and associated easements, and to appropriate therefore the sum of One Dollar, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended.**

### ARTICLE 4

To see if the Town will accept the provisions of Chapter 71, Section 71F, to authorize the School Committee to deposit all monies received by it as tuition payments for nonresident students and as state reimbursements for students who are foster care children with the Town Treasurer in separate accounts to be expended by the School Committee without further appropriation for expenses incurred in providing education for such nonresident students or for students who are foster care children, notwithstanding the provisions of Chapter 44, Section 53, and to raise and appropriate, and/or appropriate and/or transfer from available funds a sum of money for expenses incurred in providing education for such nonresident students or for such students who are foster care children, which funds shall be expended by the School Committee in addition to funds provided from other sources, or take any other action relative thereto.

(SCHOOL COMMITTEE)

**FINANCE COMMITTEE: Recommended. Acceptance of G.L. Chapter 71, Section 71F, will establish a special revolving fund for the purposes expressed in this article.**

### ARTICLE 5

To see if the Town will continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Board of Selectmen to receive fees and other funds associated with use of the property commonly known as the Wendell Jackson property and located at 237 Mansfield Avenue, Norton,

Massachusetts, including but not limited to revenue resulting from leasing or licensing of the property, or public parking on the property for access to the Norton Reservoir, to be expended by the Board of Selectmen to a maximum of \$15,000.00 in Fiscal Year 2011 for expenses directly related to the use, rental, development, and maintenance of the property, including creating and providing access to the Norton Reservoir, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 6

To see if the Town will continue a forestry revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Norton Conservation Commission and Norton Tree Warden to receive fees and other funds in connection with the sale and harvest of timber, and other forestry products, from conservation and Town-owned land, to be expended by the Conservation Commission and the Tree Warden to a maximum of \$30,000.00 for Fiscal Year 2011, for the creation and implementation of Forest Stewardship Plans and other forestry projects within the Town of Norton, or take any other action relative thereto.

(CONSERVATION COMMISSION AND TREE WARDEN)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 7

To see if the Town will continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Norton Historical Commission to receive fees and other funds in connection with the sale of literature, products, or information designed to promote public education regarding the historical significance of the Town of Norton, to be expended by the Historical Commission to a maximum of \$4,000.00 for Fiscal Year 2011, for the creation, production, reproduction, and/or dissemination of literature, products, and information designed to promote public education regarding the historical significance of the town of Norton, including but not limited to the creation of coloring books and other materials intended to educate the public, or take any other action relative thereto.

(NORTON HISTORICAL COMMISSION)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 8

To see if the Town will continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Board of Health to receive revenue from home composting bin sales or donations to the Home Composting Bin Distribution Program and allow the Board of Health to expend such funds to a maximum of \$2,000.00 in Fiscal Year 2011 for the purchase of additional Compost Bins, advertising, administrative expenses, or other such expenses as are directly related to furthering the Town's Home Composting Bin Distribution Program, and, should funds remain in this account after demand for compost bins has been satisfied, such funds may be used for public education on home composting, or another solid waste program approved by MassDEP, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 9

To see if the Town will continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Highway Department to receive fees for processing recycled materials, including but not limited to white goods, newspapers, tires, etc., and allow the Highway Superintendent to expend such funds to a maximum of \$10,000.00 in the fiscal year in support of recycling activities such as the operation of the Recycling Center; public education efforts; seminars, workshops, information for the Highway Department; studies, and reports on recycling issues, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 10

To see if the Town will continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to fund salaries and expenses related to the Norton Fire Department's Certified Hazardous Materials Technician(s), to receive funds from the Southeastern Massachusetts Fire Chief's Hazardous Materials Committee and other available sources for hazardous materials incidents attended by the Department's Hazardous Materials Technician(s), and to authorize the Department to expend up to \$10,000.00 per year from such fund during any fiscal year, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 11

To see if the Town will raise and appropriate, and/or appropriate and/or transfer from available funds, a sum of money for the purpose of having Household Hazardous Waste Collection day(s), or take any other action relative thereto.

(BOARD OF HEALTH)

**FINANCE COMMITTEE: Recommended in the amount of \$10,000.00 to be transferred from Free Cash.**

#### ARTICLE 12

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds the sum of \$86,000.00 for the purpose of the Fiscal Year 2012 Triennial Revaluation and its associated costs as mandated by the Department of Revenue, or take any other action relative thereto.

(BOARD OF ASSESSORS)

**FINANCE COMMITTEE: Recommended in the amount of \$86,000.00 to be transferred from Free Cash.**

#### ARTICLE 13

To see if the Town will accept the provisions of M.G.L. Chapter 59, Section 5, Clause Fifth B, which provides for the amount to be exempted from taxation of Real and Personal Property for incorporated organizations of veterans of any war not to exceed a total assessed value of \$700,000.00, or take any other action relative thereto.

(BOARD OF ASSESSORS)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 14

To see if the Town will vote pursuant to the provisions of MGL Chapter 59, Section 5, Clause 41C to adjust the income and eligibility limits for exemptions granted under MGL Chapter 59, Section 5, Clause 41C by: increasing the gross receipts income limit for single seniors from \$13,000 to \$20,000, and by increasing the amount of exemption granted to seniors from \$750.00 to \$1,000.00, to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010, or take any other action relative thereto.

(BOARD OF ASSESSORS)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 15

To see if the Town will vote to accept M.G.L. Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the gross receipts income and whole estate limits for exemptions granted to senior citizens under M.G.L. Chapter 59, Section 5, Clause 41C, by the cost of living adjustment (COLA) of the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010, or take any other action relative thereto.

**FINANCE COMMITTEE: Recommended.**

(BOARD OF ASSESSORS)

## ARTICLE 16

To see if the Town will vote to accept the provision of M.G.L. Chapter 59, added by Chapter 181 of the Acts of 1995, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under M.G.L. Chapter 59, Section 5, Clause 17D, by 100% of the cost of living adjustment (COLA) for the previous year as determined by the Commissioner of Revenue and to fix that annual increase at 100% of the cost of living adjustment (COLA) to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010, or take any other action relative thereto.

(BOARD OF ASSESSORS)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 17

To see if the Town will vote to accept M.G.L. Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the whole estate asset limitation for exemptions granted to senior citizens, surviving spouses, and surviving minors under M.G.L. Chapter 59, Section 5, Clause 17D, by the cost of living adjustment (COLA) of the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for Fiscal Year 2011, beginning July 1, 2010, or take any other action relative thereto.

(BOARD OF ASSESSORS)

**FINANCE COMMITTEE: Recommended.**



## ARTICLE 18

To see if the voters will approve a tax payable to the Town of Norton (hereinafter – The Town) by all post secondary institutions of higher learning located all or partially within the boundaries of the Town.

The tax shall be equal to 1% of the yearly total cost of tuition, room & board, and mandatory fees (hereinafter – tuition) charged each year for each student in attendance, or in the case of campuses only partially in Norton the charge shall be based on full time student equivalents.

The payments shall be remitted semi-annually, or October 15<sup>th</sup> and March 15<sup>th</sup> in order to reflect those charges made on a semester basis. In the cast of trimester or other types of schedules the Board of Assessors may provide alternate payment dates, which shall stand for the duration of such schedule unless overridden by the Board of Selectmen by a 4/5 vote.

The law will remain silent on whether this tax is in addition to the tuition, or is deducted and submitted to the Town from the tuition paid.

These funds shall be used only for property tax relief and shall remain in a special account for a minimum of two (2) years from the receipt of the first payment. At this time, the Board of Selectmen shall confer publicly with the Board of Assessors to determine taxation conditions, and the Board of Selectmen shall vote as to whether some or all of these funds are transferred to general use in order to lower the amount of property taxes billed. In the event of the failure to transfer any or all funds the principal remaining shall not be spent; however, the interest by the Board of Selectmen's vote, from time to time, maybe transferred to general spending.

Furthermore, the Board of Selectmen, and other officials that may become involved in the implementation of this tax, shall use their best efforts including, but not limited to, court action through the highest appeal, legislative initiative as and if required, and all other legal means to comply with the will of the voters on this matter.

(PETITION OF JOHN FREEMAN ET ALS)

**FINANCE COMMITTEE: Not recommended.**

## ARTICLE 19

To see if the Town will vote to remove from the operation of certain personnel bylaws the position of the Water and Sewer Superintendent, or take any action thereon.

(WATER AND SEWER COMMISSIONERS)

**FINANCE COMMITTEE: Not recommended.**

## ARTICLE 20

To see if the Town will, pursuant to G.L. c.40, §5B, to establish a special purpose stabilization fund for the use and benefit of the Town's sewer system to be known as the "Sewer Stabilization Account", and to raise and appropriate, and/or appropriate, and/or transfer from available funds, a sum of money for such purposes, or take any other action relative thereto.

(WATER AND SEWER COMMISSIONERS)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 21

To see if the Town will authorize and empower the Board of Water and Sewer Commissioners to acquire by purchase, gift or eminent domain taking certain parcels of land located on Pine Street, Assessors Map 24, Lot 4, otherwise known as the Reilly property, and at 125 Crane Street, Assessors Map 29, Lot 36, otherwise known as the Kok property, for purposes of wastewater disposal and further, in the case of a purchase or taking, to raise and appropriate by taxation, transfer from available funds, borrow, or appropriate from any combination thereof a sum of money to satisfy the costs of such purchase or taking, or take any other action relative thereto.

(WATER AND SEWER COMMISSIONERS)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 22

To see if the Town will adopt the following resolution: "Be it resolved that the Water Department continue to be operated under the provisions of the Mass. General Laws, Chapter 41, Section 69B, for the Fiscal Year 2011" or take any other action relative thereto:

WATER DIVISION:

	<u>2008</u> <u>Expend</u>	<u>2009</u> <u>Expend</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Requested</u>
Salaries	568,662	596,298	636,251	651,126
Expenses	582,162	814,540	995,100	995,100
Town Reim Serv	168,000	200,000	218,000	218,000
Outstanding Debt	488,063	783,931	1,315,519	1,287,157
Total	1,806,887	2,394,769	3,164,870	3,151,383

(WATER AND SEWER COMMISSIONERS)

**FINANCE COMMITTEE:** Recommended in the amount of \$3,151,383.00 as follows:

Salaries	\$ 651,126
Expenses	\$ 995,100
Town Reim Serv	\$ 218,000
Outstanding Debt	<u>\$ 1,287,157</u>
Total	\$ 3,151,383

ARTICLE 23

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds a sum of money for the Capital Improvements Fund established by the By-Law entitled "Capital Improvements Fund," from which appropriations may be made by a two-thirds vote at any Town Meeting, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** No action.

## ARTICLE 24

To see if the Town will raise and appropriate and/or appropriate and/or transfer from available funds a sum of money to purchase, or lease with an option to purchase, new and/or replacement capital items for various Town Departments, or take any other action relative thereto.

### (BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** Recommended in the amount of \$733,200.00. The amount of \$120,200.00 to be transferred from the Capital Improvements Account, \$30,000.00 to be transferred from Water Surplus, \$83,000.00 to be transferred from the Ambulance Reserve Account, and \$500,000.00 to be borrowed to purchase, or lease with an option to purchase, the following items:

<b>Cruiser Replacement (Two)</b>	<b>Police Department</b>	<b>\$ 64,000</b>
<b>Ambulance #1 Replacement (Year 1 of 3)</b>	<b>Fire Department</b>	<b>\$ 83,000</b>
<b>Breathing Apparatus</b>	<b>Fire Department</b>	<b>\$ 250,000</b>
<b>Communication Infrastructure Improvements</b>	<b>Communications</b>	<b>\$ 250,000</b>
<b>Multi-Purpose Vehicle (Year 3 of 5)</b>	<b>Highway</b>	<b>\$ 31,200</b>
<b>Electrical Conduit Replacement</b>	<b>Sewer</b>	<b>\$ 15,000</b>
<b>Grinder Pump Replacement</b>	<b>Sewer</b>	<b>\$ 10,000</b>
<b>Vehicle Replacement</b>	<b>Water</b>	<b>\$ 30,000</b>

## ARTICLE 24

## PROPOSED FY11 CAPITAL BUDGET

FISCAL YEAR 2011 CAPITAL PROJECTS LIST	DEPARTMENT REQUEST	TOWN MANAGER'S RECOMMENDATION	CAPITAL IMPROVEMENTS		FINANCE COMMITTEE RECOMMENDATION
			COMMITTEE	RECOMMENDATION	
<b>CONSERVATION (171)</b>					
Norton Reservoir Embankment Repairs	\$ - 325,000.00	\$ -	\$ -	\$ -	-
<b>POLICE DEPARTMENT (210)</b>					
Cruiser Replacement (Three)	\$ 90,000.00	\$ 64,000.00	\$ 64,000.00	\$ 64,000.00	64,000.00
<b>POLICE DEPARTMENT (210) AND EMERGENCY MANAGEMENT AGENCY (240)</b>					
Utility Truck - Shared Use	\$ 39,600.00	\$ -	\$ -	\$ -	-
<b>FIRE DEPARTMENT (220)</b>					
Ambulance #1 Replacement (Year 1 of 3)	\$ 83,000.00	\$ 83,000.00	\$ 83,000.00	\$ 83,000.00	83,000.00
Squad #1 Replacement	\$ 118,000.00	\$ -			
Squad #3 Chassis	\$ 45,000.00	\$ -			
Pumper Replacement (Year 1 of 5)	\$ 95,000.00	\$ -			
Breathing Apparatus	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	250,000.00
Sedan Replacement	\$ 25,000.00	\$ -			
Car 3 (4x4)	\$ 43,500.00	\$ -			
<b>COMMUNICATIONS (290)</b>					
Communications Center Equipment (Two-Position Dispatch Console)	\$ 120,135.57	\$ 120,135.57	\$ 120,135.57	\$ 120,135.57	120,135.57
Taunton Avenue Equipment for Receiver (Police and Fire Channel 1)	\$ 15,088.00	\$ 15,088.00	\$ 15,088.00	\$ 15,088.00	15,088.00
Back-Up Generator for Radio Equipped Sites (Installation at Cottage St. and Taunton Ave.)	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	10,000.00
Newland Street Equipment for Receiver (Police and Fire Channel 2)	\$ 15,088.00	\$ 15,088.00	\$ 15,088.00	\$ 15,088.00	15,088.00
15 XTS Portables for Police (includes programming and engraving)	\$ 20,474.70	\$ 20,474.70	\$ 20,474.70	\$ 20,474.70	20,474.70
4.9 GHS Microwave Downlink from 3 Sites (eliminate phone line recurring costs)	\$ 43,639.35	\$ 43,639.35	\$ 43,639.35	\$ 43,639.35	43,639.35
Project Professional and Misc. Services/Expenses	\$ 25,574.38	\$ 25,574.38	\$ 25,574.38	\$ 25,574.38	25,574.38

## ARTICLE 24

## PROPOSED FY11 CAPITAL BUDGET

FISCAL YEAR 2011 CAPITAL PROJECTS LIST	DEPARTMENT REQUEST	TOWN MANAGER'S RECOMMENDATION	CAPITAL		FINANCE COMMITTEE
			IMPROVEMENTS COMMITTEE	RECOMMENDATION	
<b>SCHOOLS (300)</b>					
<b>NORTON HIGH SCHOOL</b>					
Wastewater Treatment Center Tie In	\$ 700,000	\$ -	\$ -	\$ -	\$ -
HS Bldg. Project Feasibility Costs		\$ -	\$ -	\$ -	\$ -
<b>DISTRICT</b>					
New Pick-Up Truck	\$ 24,500	\$ 24,500.00	\$ -	\$ -	\$ -
<b>HIGHWAY (420)</b>					
2.5 Front End Loader	\$ 140,000.00	\$ -			
Multi-Purpose Vehicle (Year 3 of 5)	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00	\$ 31,200.00
<b>SEWER (440)</b>					
Electrical Conduit Replacement	\$ 30,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Flyght Grinder Pump Replacement	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Automatic Pit Evacuator (KPS)	\$ 12,000.00	\$ -	\$ -	\$ -	\$ -
Utility Truck w/Crane	\$ 40,000.00	\$ -	\$ -	\$ -	\$ -
Additional Capacity/Mansf. T.P.(1)	\$ 1,400,000.00	\$ -	\$ -	\$ -	\$ -
<b>WATER (450)</b>					
Replace 2001 Ford F250 Pick-up	\$ 30,000.00	\$ -	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
TOTAL (W/O AMBULANCE RESERVE & BORROWING)	\$ 3,168,800.00	\$ 144,700.00	\$ 120,200.00	\$ 120,200.00	\$ 120,200.00
TOTAL AMBULANCE RESERVE FUND	\$ 83,000.00	\$ 83,000.00	\$ 83,000.00	\$ 83,000.00	\$ 83,000.00
TOTAL WATER SURPLUS	\$ 30,000.00	\$ -	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
TOTAL BORROWING	\$ 500,000.00	\$ 500,000.00	\$ 500,000.00	\$ 500,000.00	\$ 500,000.00
TOTAL (INC. AMBULANCE RESERVE & BORROWING)	\$ 3,781,800.00	\$ 727,700.00	\$ 733,200.00	\$ 733,200.00	\$ 733,200.00

## ARTICLE 25

To see what sums the Town will raise and appropriate, and/or appropriate and/or transfer from available funds, to pay Town debts and charges for the ensuing Fiscal Year, and fix the salary compensation of all elected officials of the Town, as provided by the General Laws, Chapter 41, Section 108, as amended, and to appropriate monies for same, or take any other action relative thereto.

### (BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** Recommended in the amount of \$44,912,697.00 for FY 2011 based on the FY 2011 House Final Budget Proposal for Local Aid Estimates of \$14,630,855 less the Offset Receipts for Public Libraries, \$17,955.00, for a total of \$14,612,900. It should be understood that the Local Aid Amount used is an estimate only at this time and the actual amount has not yet been finalized by the State. The budget also includes an appropriation of \$482,990.00 from existing Free Cash, which is never the best policy, since Free Cash can vary widely in any given year. After accounting for fixed costs, the General Government and School budget proposals are below FY 2010. Because we are below level funding, and much less level services, there will be reductions in most, if not all, departments for FY 2011.

As has been stated previously, this FY 2011 budget is only a prelude to future budgets as the Finance Committee does not see any major change in revenues in the foreseeable future.

## ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY2011
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.
FY 2011 Operating Budget								
Board of Selectmen (122)								
Personal Service	510	\$	44,027.55	\$ 44,861.57	\$ 47,301.00	\$ 48,175.00	\$ 46,721.00	\$ 46,721.00
Charges & Expenditures	570	\$	3,623.91	\$ 3,193.65	\$ 3,850.00	\$ 3,850.00	\$ 1,500.00	\$ 1,500.00
Totals		\$	47,651.46	\$ 48,055.22	\$ 51,151.00	\$ 52,025.00	\$ 48,221.00	\$ 48,221.00
Town Manager (123)								
Personal Service	510	\$	164,605.80	\$ 168,258.00	\$ 174,280.00	\$ 180,373.00	\$ 173,373.00	\$ 173,373.00
Charges & Expenditures	570	\$	7,526.28	\$ 4,255.35	\$ 4,700.00	\$ 4,700.00	\$ 2,600.00	\$ 2,600.00
Totals		\$	172,132.08	\$ 172,513.35	\$ 178,980.00	\$ 185,073.00	\$ 175,973.00	\$ 175,973.00
Finance Committee (131)								
Charges & Expenditures	570	\$	1,906.45	\$ 2,151.68	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00
Totals		\$	1,906.45	\$ 2,151.68	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00
Reserve Fund (132)								
Appropriation					\$ 150,000.00	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Transfers	502	\$	219,068.17	\$ 104,827.46	\$ (13,338.88)			
Totals		\$	219,068.17	\$ 104,827.46	\$ 136,661.12	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Town Accountant (135)								
Personal Service	510	\$	117,794.00	\$ 127,220.50	\$ 135,964.00	\$ 143,117.46	\$ 143,118.00	\$ 143,118.00
Purchase Of Services	520	\$	21,000.00	\$ 21,500.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00
Charges & Expenditures	570	\$	2,327.60	\$ 1,984.80	\$ 3,098.00	\$ 3,098.00	\$ 3,098.00	\$ 3,098.00
Totals		\$	141,121.60	\$ 150,705.30	\$ 161,062.00	\$ 168,215.46	\$ 168,216.00	\$ 168,216.00
Assessors (141)								
Personal Service	510	\$	123,732.48	\$ 119,258.93	\$ 120,799.00	\$ 124,630.14	\$ 124,631.00	\$ 124,631.00
Charges & Expenditures	570	\$	10,816.36	\$ 9,624.47	\$ 20,995.00	\$ 19,425.00	\$ 19,425.00	\$ 19,425.00
Totals		\$	134,548.84	\$ 128,883.40	\$ 141,794.00	\$ 144,055.14	\$ 144,056.00	\$ 144,056.00



## ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY2011
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.
FY 2011 Operating Budget								
<u>Treasurer/Collector (147)</u>								
Personal Service	510	\$	192,476.74	\$ 181,305.88	\$ 201,600.00	\$ 210,324.05	\$ 198,392.00	\$ 198,392.00
Charges & Expenditures	570	\$	41,854.97	\$ 44,259.77	\$ 51,665.00	\$ 51,665.00	\$ 51,665.00	\$ 51,665.00
Totals		\$	234,331.71	\$ 225,565.65	\$ 253,265.00	\$ 261,989.05	\$ 250,057.00	\$ 250,057.00
<u>Legal Services (151)</u>								
Charges & Expenditures	520	\$	87,281.00	\$ 110,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 90,000.00
Totals		\$	87,281.00	\$ 110,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 90,000.00
<u>Data Processing (155)</u>								
Personal Service	510	\$	-	\$ -	\$ 24,250.00	\$ -	\$ -	\$ -
Charges & Expenditures	570	\$	69,602.72	\$ 93,121.25	\$ 86,750.00	\$ 109,500.00	\$ 109,500.00	\$ 109,500.00
Totals		\$	69,602.72	\$ 93,121.25	\$ 111,000.00	\$ 109,500.00	\$ 109,500.00	\$ 109,500.00
<u>Web Committee (156)</u>								
Charges & Expenditures	570	\$	-	\$ -	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Totals		\$	-	\$ -	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
<u>Tax Title Foreclosure (158)</u>								
Charges & Expenditures	570	\$	73,755.91	\$ 38,323.34	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
Totals	570	\$	73,755.91	\$ 38,323.34	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
<u>Town Clerk (161)</u>								
Personal Service	510	\$	87,367.87	\$ 83,029.34	\$ 84,689.00	\$ 85,293.00	\$ 85,293.00	\$ 85,293.00
Charges & Expenditures	570	\$	2,168.93	\$ 2,056.36	\$ 2,650.00	\$ 3,525.00	\$ 3,525.00	\$ 3,525.00
Totals		\$	89,536.80	\$ 85,085.70	\$ 87,339.00	\$ 88,818.00	\$ 88,818.00	\$ 88,818.00

## ARTICLE 25

			FY 2008 Expended	FY 2009 Expended	FY 2010 Appropriated/ Transferred	FY 2011 Dept. Request LEVEL SERVICE	FY 2011 Town Manager Recommend.	FY 2011 Finance Comm Recommend.
<b>FY 2011 Operating Budget</b>								
<b>Elections (162)</b>								
Personal Service	510	\$	550.00	\$	550.00	\$	550.00	\$
Charges & Expenditures	570	\$	28,374.62	\$	35,446.08	\$	30,849.00	\$
Totals		\$	28,924.62	\$	35,996.08	\$	31,399.00	\$
<b>Conservation Comm (171)</b>								
Personal Services	510	\$	90,101.52	\$	93,023.59	\$	96,957.30	\$
Charges & Expenditures	570	\$	5,664.63	\$	6,270.18	\$	10,825.00	\$
Totals		\$	95,766.15	\$	99,293.77	\$	107,782.30	\$
<b>Planning Board (175)</b>								
Personal Services	510	\$	85,132.15	\$	86,607.59	\$	81,885.48	\$
Charges & Expenditures	570	\$	2,900.76	\$	3,170.25	\$	3,550.00	\$
Totals		\$	88,032.91	\$	89,777.84	\$	85,435.48	\$
<b>SE REG Plan &amp; Econ Dev (176)</b>								
Assessment	560	\$	2,913.36	\$	2,913.36	\$	2,914.00	\$
Totals		\$	2,913.36	\$	2,913.36	\$	2,914.00	\$
<b>Zoning Bd Of Appeals (177)</b>								
Charges & Expenditures	570	\$	284.01	\$	266.82	\$	300.00	\$
Totals		\$	284.01	\$	266.82	\$	300.00	\$
<b>Industrial Development Commission (182)</b>								
Charges & Expenditures	570	\$	-	\$	-	\$	200.00	\$
Totals		\$	-	\$	-	\$	200.00	\$

## ARTICLE 25

			FY 2008 Expended	FY 2009 Expended	FY 2010 Appropriated/ Transferred	FY 2011 Dept. Request LEVEL SERVICE	FY 2011 Town Manager Recommend.	FY 2011 Finance Comm Recommend.
<b>FY 2011 Operating Budget</b>								
<b><u>Municipal Bldg Maint (192)</u></b>								
Charges & Expenditures	570	\$	195,566.73	\$	213,589.42	\$	250,900.00	\$ 250,900.00
Totals		\$	195,566.73	\$	213,589.42	\$	250,900.00	\$ 250,900.00
<b><u>Town Report (195)</u></b>								
Printing	520	\$	2,325.00	\$	2,444.54	\$	3,000.00	\$ 3,000.00
Totals		\$	2,325.00	\$	2,444.54	\$	3,000.00	\$ 3,000.00
<b><u>Postage - All Depts (199)</u></b>								
Charges & Expenditures	570	\$	38,882.48	\$	25,709.28	\$	38,711.00	\$ 35,567.00
Totals		\$	38,882.48	\$	25,709.28	\$	38,711.00	\$ 35,567.00
<b><u>Police Department (210)</u></b>								
Personal Service	510	\$	2,062,019.73	\$	2,100,501.84	\$	2,155,310.00	\$ 2,086,494.00
Charges & Expenditures	570	\$	157,800.51	\$	173,275.41	\$	177,036.00	\$ 174,536.00
Totals		\$	2,219,820.24	\$	2,273,777.25	\$	2,332,346.00	\$ 2,261,030.00
<b><u>Fire Department (220)</u></b>								
Personal Service	510	\$	2,401,810.42	\$	2,401,361.60	\$	2,600,645.04	\$ 2,525,413.00
Charges & Expenditures	570	\$	156,188.19	\$	142,955.51	\$	160,450.00	\$ 150,300.00
Total		\$	2,557,998.61	\$	2,544,317.11	\$	2,761,095.04	\$ 2,675,713.00
<b><u>Emergency Medl Serv (230)</u></b>								
Charges & Expenditures	570	\$	67,899.03	\$	67,991.78	\$	79,200.00	\$ 79,200.00
Totals		\$	67,899.03	\$	67,991.78	\$	79,200.00	\$ 79,200.00

## ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY 2011
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.
<b>FY 2011 Operating Budget</b>								
<b><u>Emergency Planning (240)</u></b>								
	Charges & Expenditures	570	\$ 7,256.77	\$ 4,705.80	\$ 6,250.00	\$ 6,250.00	\$ 6,250.00	\$ 6,250.00
	Totals		\$ 7,256.77	\$ 4,705.80	\$ 6,250.00	\$ 6,250.00	\$ 6,250.00	\$ 6,250.00
<b><u>Inspection Dept (241)</u></b>								
	Personal Service	510	\$ 132,457.73	\$ 131,559.94	\$ 142,939.00	\$ 147,129.64	\$ 142,310.00	\$ 142,310.00
	Charges & Expenditures	570	\$ 10,372.43	\$ 8,361.31	\$ 11,200.00	\$ 11,200.00	\$ 9,750.00	\$ 9,750.00
	Totals		\$ 142,830.16	\$ 139,921.25	\$ 154,139.00	\$ 158,329.64	\$ 152,060.00	\$ 152,060.00
<b><u>Sealer Weights (244)</u></b>								
	Charges & Expenditures	570	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
	Totals		\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
<b><u>Communication Center (290)</u></b>								
	Personal Service	510	\$ 321,589.92	\$ 302,837.44	\$ 347,725.00	\$ 407,190.22	\$ 359,330.00	\$ 359,330.00
	Charges & Expenditures	570	\$ 125,261.86	\$ 109,733.69	\$ 131,849.00	\$ 138,888.80	\$ 120,244.00	\$ 120,244.00
	Totals		\$ 446,851.78	\$ 412,571.13	\$ 479,574.00	\$ 546,079.02	\$ 479,574.00	\$ 479,574.00
<b><u>Animal Control (292)</u></b>								
	Personal Service	510	\$ 47,005.04	\$ 40,899.88	\$ 47,822.00	\$ 55,157.60	\$ 43,103.00	\$ 43,103.00
	Charges & Expenditures	570	\$ 8,299.17	\$ 6,451.54	\$ 8,000.00	\$ 8,300.00	\$ 8,300.00	\$ 8,300.00
	Totals		\$ 55,304.21	\$ 47,351.42	\$ 55,822.00	\$ 63,457.60	\$ 51,403.00	\$ 51,403.00
<b><u>Tree Warden (294)</u></b>								
	Personal Service	510	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
	Totals		\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00

ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY2011
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.
<b>FY 2011 Operating Budget</b>								
<b><u>School Department (300)</u></b>								
Personal Services	510		\$ 17,114,725.61	\$ 17,169,096.10	\$ 17,683,283.96	\$ 17,315,402.00	\$ 17,337,575.75	\$ 17,337,575.75
Charges & Expenditures	570		\$ 4,558,706.16	\$ 4,730,952.78	\$ 4,884,036.04	\$ 5,473,892.00	\$ 4,846,642.25	\$ 4,846,642.25
Totals			\$ 21,673,431.77	\$ 21,900,048.88	\$ 22,567,320.00	\$ 22,789,294.00	\$ 22,184,218.00	\$ 22,184,218.00
<b><u>Southeastern Reg Voc (306)</u></b>								
Assessments	560		\$ 869,279.00	\$ 934,439.00	\$ 1,078,291.00	\$ 1,155,005.00	\$ 1,155,005.00	\$ 1,155,005.00
Totals			\$ 869,279.00	\$ 934,439.00	\$ 1,078,291.00	\$ 1,155,005.00	\$ 1,155,005.00	\$ 1,155,005.00
<b><u>Reg Agricultural Sch (308)</u></b>								
Assessments	560		\$ 12,179.28	\$ 20,106.00	\$ 29,106.00	\$ 27,489.00	\$ 27,489.00	\$ 27,489.00
Totals			\$ 12,179.28	\$ 20,106.00	\$ 29,106.00	\$ 27,489.00	\$ 27,489.00	\$ 27,489.00
<b><u>Highway (420)</u></b>								
Personal Service	510		\$ 497,200.14	\$ 496,174.83	\$ 507,870.00	\$ 522,347.86	\$ 522,349.00	\$ 522,349.00
Charges & Expenditures	570		\$ 117,595.69	\$ 118,487.73	\$ 127,750.00	\$ 133,250.00	\$ 69,750.00	\$ 69,750.00
Surface Treatment	580		\$ 11,545.27	\$ 5,598.97	\$ 11,547.00	\$ 11,547.00	\$ 6,047.00	\$ 6,047.00
Repairs to Private Ways	581		\$ -	\$ -	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Totals			\$ 626,341.10	\$ 620,261.53	\$ 647,267.00	\$ 667,244.86	\$ 598,246.00	\$ 598,246.00
<b><u>Snow Removal (423)</u></b>								
Charges & Expenditures	570		\$ 157,426.01	\$ 261,187.86	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00
Totals			\$ 157,426.01	\$ 261,187.86	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00
<b><u>Street Lighting (425)</u></b>								
Charges & Expenditures	570		\$ 94,282.00	\$ 101,705.28	\$ 102,000.00	\$ 105,000.00	\$ 105,000.00	\$ 105,000.00
Totals			\$ 94,282.00	\$ 101,705.28	\$ 102,000.00	\$ 105,000.00	\$ 105,000.00	\$ 105,000.00

## ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY 2011
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.
<b>FY 2011 Operating Budget</b>								
<b><u>Sanitary Landfill (438)</u></b>								
	570	\$	-	\$	\$ 13,756.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
					\$			
		\$	-	\$	\$ 13,756.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<b><u>Sewer Division (440)</u></b>								
	510	\$	111,903.54	\$ 125,160.51	\$ 128,042.00	\$ 132,778.16	\$ 132,779.00	\$ 132,779.00
	570	\$	415,090.32	\$ 528,558.65	\$ 685,181.00	\$ 687,381.00	\$ 605,800.00	\$ 605,800.00
					\$			
		\$	526,993.86	\$ 653,719.16	\$ 813,223.00	\$ 820,159.16	\$ 738,579.00	\$ 738,579.00
<b><u>Board of Health (510)</u></b>								
	510	\$	114,986.56	\$ 117,675.51	\$ 119,122.00	\$ 122,846.32	\$ 121,846.00	\$ 121,846.00
	570	\$	7,183.11	\$ 6,500.29	\$ 9,500.00	\$ 10,050.00	\$ 6,800.00	\$ 6,800.00
		\$	122,169.67	\$ 124,175.80	\$ 128,622.00	\$ 132,896.32	\$ 128,646.00	\$ 128,646.00
<b><u>Public Health Nurse (522)</u></b>								
	510	\$	24,307.50	\$ 26,812.49	\$ 27,269.00	\$ 27,817.92	\$ 27,818.00	\$ 27,818.00
	570	\$	9,493.31	\$ 3,866.85	\$ 9,650.00	\$ 10,900.00	\$ 9,100.00	\$ 9,100.00
		\$	33,800.81	\$ 30,679.34	\$ 36,919.00	\$ 38,717.92	\$ 36,918.00	\$ 36,918.00
<b><u>Council on Aging (541)</u></b>								
	510	\$	48,095.95	\$ 1,179.07	\$ 1,500.00	\$ 1,160.00	\$ 1,160.00	\$ 1,160.00
	570	\$	10,325.40	\$ 5,430.62	\$ 6,790.00	\$ 6,800.00	\$ 6,800.00	\$ 6,800.00
					\$			
		\$	58,421.35	\$ 6,609.69	\$ 8,290.00	\$ 7,960.00	\$ 7,960.00	\$ 7,960.00

ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY2011	
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.	
FY 2011 Operating Budget									
Veterans Agent (543)									
Personal Service	510	\$	35,908.44	\$	49,150.00	\$	50,000.00	\$	50,000.00
Charges & Expenditures	570	\$	728.78	\$	323.96	\$	1,000.00	\$	1,000.00
Veterans Benefits	579	\$	205,453.59	\$	188,872.39	\$	220,000.00	\$	220,000.00
Reserve Fund Supplement					\$	6,000.00			
Totals		\$	242,090.81	\$	238,346.35	\$	271,000.00	\$	271,000.00
Library (610)									
Other Charges & Expenditures	570	\$	452,008.00	\$	295,314.00	\$	360,310.00	\$	307,245.00
Totals		\$	452,008.00	\$	295,314.00	\$	360,310.00	\$	307,245.00
Recreation (630)									
Charges & Expenditures	570	\$	59,940.66	\$	9,529.64	\$	9,695.00	\$	9,695.00
Totals		\$	59,940.66	\$	9,529.64	\$	9,695.00	\$	9,695.00
Historical Comm (691)									
Charges & Expenditures	570	\$	-	\$	145.45	\$	300.00	\$	300.00
Totals		\$	-	\$	145.45	\$	300.00	\$	300.00
Memorial & Vets Day (692)									
Other Charges & Expenditures	570	\$	1,474.19	\$	1,438.77	\$	1,500.00	\$	1,500.00
Totals		\$	1,474.19	\$	1,438.77	\$	1,500.00	\$	1,500.00
Historical Dist Comm (693)									
Charges & Expenditures	570	\$	300.00	\$	207.92	\$	300.00	\$	300.00
Totals		\$	300.00	\$	207.92	\$	300.00	\$	300.00

ARTICLE 25

			FY 2008	FY 2009	FY 2010	FY 2011	FY 2011	FY 2011
			Expended	Expended	Appropriated/ Transferred	Dept. Request LEVEL SERVICE	Town Manager Recommend.	Finance Comm Recommend.
<b>FY 2011 Operating Budget</b>								
<b>Maturing Debt (711)</b>								
	590		\$ 1,580,394.74	\$ 1,651,844.38	\$ 1,658,511.00	\$ 1,660,205.79	\$ 1,660,206.00	\$ 1,660,206.00
	594		\$ -	\$ -	\$ 221,265.00	\$ 193,055.00	\$ 193,055.00	\$ 193,055.00
			\$ 1,580,394.74	\$ 1,651,844.38	\$ 1,879,776.00	\$ 1,853,260.79	\$ 1,853,261.00	\$ 1,853,261.00
<b>Interest (750)</b>								
	590		\$ 828,502.76	\$ 787,079.20	\$ 724,184.00	\$ 658,861.12	\$ 658,861.12	\$ 658,861.12
	594		\$ 14,408.33	\$ -	\$ 20,799.00	\$ 9,845.81	\$ 9,845.88	\$ 9,845.88
					\$ 7,338.88			
			\$ 842,911.09	\$ 787,079.20	\$ 752,321.88	\$ 668,706.93	\$ 668,707.00	\$ 668,707.00
<b>Employee Benefits (910)</b>								
	510		\$ 1,835,289.00	\$ 1,914,390.00	\$ 1,905,860.00	\$ 1,950,377.00	\$ 1,950,377.00	\$ 1,950,377.00
	511		\$ 5,834,842.83	\$ 5,003,607.75	\$ 6,330,000.00	\$ 6,300,000.00	\$ 6,300,000.00	\$ 6,300,000.00
	570		\$ 299,757.35	\$ 314,257.51	\$ 308,530.00	\$ 316,804.00	\$ 316,804.00	\$ 316,804.00
			\$ 7,969,889.18	\$ 7,232,255.26	\$ 8,544,390.00	\$ 8,567,181.00	\$ 8,567,181.00	\$ 8,567,181.00
<b>Unemployment Comp (911)</b>								
	570		\$ 92,904.32	\$ 30,837.92	\$ 130,000.00	\$ 180,000.00	\$ 180,000.00	\$ 180,000.00
			\$ 92,904.32	\$ 30,837.92	\$ 130,000.00	\$ 180,000.00	\$ 180,000.00	\$ 180,000.00
<b>Miscellaneous (940)</b>								
	540		\$ 177,593.43	\$ 124,615.18	\$ 162,000.00	\$ 162,000.00	\$ 162,000.00	\$ 162,000.00
	570		\$ 380,303.73	\$ 377,457.11	\$ 398,000.00	\$ 374,873.00	\$ 374,873.00	\$ 374,873.00
			\$ 557,897.16	\$ 502,072.29	\$ 560,000.00	\$ 536,873.00	\$ 536,873.00	\$ 536,873.00
<b>GRAND TOTALS</b>								
			\$ 43,199,727.80	\$ 42,525,862.92	\$ 45,468,016.00	\$ 46,031,767.71	\$ 44,902,697.00	\$ 44,912,697.00



## ARTICLE 26

To see if the Town will change the zoning of the parcels identified as Map 33, Parcels 6, 6-01, 61, 6-02, 6-03, 43, 7, and 55, the total land size being 21.265, from Industrial to Residential.

(PETITION OF DEBRA A. WHITE ET ALS)

**FINANCE COMMITTEE: The Finance Committee supports this article.**

## ARTICLE 27

To see if the Town will vote to amend the Norton Zoning By-Law, Article IV Use Regulations, of the bylaw as follows:

- (1) Amend Section 4.4 Commercial Uses, by inserting the following underlined text:

Allowed-by-right principal uses as enumerated in Section 4.4 Commercial Uses with ten thousand (10,000) or more square feet of floor area or twenty-five (25) parking spaces (see Section 4.8 for detailed explanation).

- (2) Amend Section 4.5 Industrial Uses by inserting the following underlined text:

Allowed-by-right principal uses as enumerated in Section 4.5 Industrial Uses with ten thousand (10,000) or more square feet of floor area or twenty-five (25) parking spaces (see Section 4.8 for detailed explanation).

- (3) and insert a new section, Section 4.8 to read as follows:

4.8 A Special Permit shall be required for the construction of any Commercial or Industrial building which equals or exceeds 10,000 square feet in area; for any addition to an existing building which causes the building to equal or exceed 10,000 square feet in area; and, for the construction of any additional freestanding building which causes all combined buildings to equal or exceed 10,000 square feet in area. **In addition, once 10,000 square feet or more of combined square footage has received a special permit, a further special permit shall be required each time that an addition or new building is proposed that would result in new square footage of 5,000 square feet or more.** In any case, where an addition or new building is less than 1,000 square feet in area, a Special Permit will not be required irrespective of the combined total area,

or to take any action relative thereto.

(PLANNING BOARD)

**FINANCE COMMITTEE: Recommended.**

**ARTICLE 28**

To see if the Town will vote to amend the Norton Zoning By-Law, Article XIV-Water Resource Protection District, as follows:

- 1 In Section 14.5.2(b) delete the citation "310 CMR 32.105" and replace it with "310 CMR 32.05"; and,
- 2 Delete the existing Section 14.5.3 and replace it with the following:

**14.5.3 PROHIBITED USES UNLESS CERTAIN CRITERIA ARE MET:**

The following uses are prohibited in the Water Resources Protection District unless certain criteria are met:

- a. storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- b. storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- c. storage of commercial fertilizers, as defined in M.G.L c. 128, section 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate ;
- d. storage of animal manure, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- e. Storage of liquid hazardous materials as defined in M.G.L. c.21E, and/or liquid petroleum products unless such storage is:
  1. above ground level , and
  2. on an impervious surface, and
  3. either
    - (i) in container(s) or above-ground tank(s) within a building, or
    - (ii) outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110%

of the largest container's storage capacity, whichever is greater; however, these storage requirements shall not apply to replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.

f. The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historic high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey) unless the substances removed are re-deposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for :

1. excavations of buildings foundations, or
2. the installation of utility works, or
3. wetland restoration work conducted in accordance with a valid Order of Conditions, Superseding Order of Conditions, or Enforcement Order issued pursuant to M.G.L., c..131, Section 40.

3 Amend Section 14.5.4(e) by adding the following words at the end of the last sentence: "... and shall conform to the requirements of Section 14.5.3(f)."; and,

4 Amend Section 14.6.1(b)(1) to read as follows:

1. Provisions to protect against the discharges of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean up procedures (liquid hazardous materials must comply with the storage requirements of Section 14.5.3(e));

or to take any action relative thereto.

(PLANNING BOARD AND  
BOARD OF WATER AND SEWER COMMISSIONERS)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 29

To see if the Town will amend its By-Laws for the purpose of adopting, ratifying, and incorporating therein the following new By-Law, entitled, "Wetlands Protection By-Law," or take any other action relative thereto:

## **WETLANDS PROTECTION BY-LAW**

- I. Purpose.** The purpose of this By-Law is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Norton by controlling activities deemed by the Conservation Commission (hereinafter referred to as the "Commission") likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, storm damage prevention, prevention and control of pollution, protection of fisheries, protection of wildlife habitat, water quality, pollutant removal capacity, protection of riparian ecosystems, protection of wildlife populations and species diversity, passive recreation and the function and character of resource area landscapes.
- II. Relationship to the Wetlands Protection Act.** This By-Law is enacted pursuant to the Town's Home Rule authority to protect the resource areas under the Wetlands Protection Act (G.L. c.131, §40, hereinafter referred to as the "Act") to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and the implementing regulations thereunder (310 CMR 10.00, as amended), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant By-Laws of the Town of Norton.
- III. Rules and Regulations.** The Commission shall be authorized to promulgate Rules and Regulations ("Regulations") to effectuate the purposes of this By-Law at a meeting for which one week's notice has been provided in a newspaper of general circulation in the Town. Such Regulations shall take effect upon filing with the Town Clerk. Failure by the Commission to promulgate such Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this By-Law. Such Regulations may include, but need not be limited to the following: requirements for permit procedures; definitions of additional terms and presumptions not inconsistent with the By-Law; performance standard requirements; authorization for the use of a consultant fee fund; and imposition of filing and consultant fees.
- IV. Jurisdiction.** Except as permitted by the Commission or specifically exempted in Section IV of this By-Law, no person shall commence to

remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas listed below in Sections IV.A-D. These resources shall be known collectively as the Wetland Resource Areas (and may otherwise be referred to as, the "Areas Subject to Protection under this By-Law"). Said Resource Areas shall be protected whether or not they border surface waters.

- A. Any bordering or isolated freshwater wetland, including vegetated wetlands (marshes, wet meadows, bogs, swamps, seeps and springs); bordering or isolated lands subject to flooding or inundation by groundwater or surface water; banks (naturally occurring and beaches); reservoirs, lakes, and ponds of any size; lands under water bodies; intermittent streams, brooks and creeks; and lands under waterways;
- B. Lands adjoining freshwater wetlands, out to a distance of 100 feet (defined herein as the Wetland Protection Zone);
- C. Perennial rivers, streams, brooks and creeks, and lands adjoining these resource areas out to a distance of 200 feet (defined as the Riverfront Area in the Act and its implementing regulations); and
- D. Vernal Pool Habitat out to a distance of 100 feet, as defined in this By-Law, regardless of whether the pool has been certified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), or whether the pool is located within a state protected resource area.

**V. Exemptions and Exceptions.** The following uses and/or activities are exempt from procedures and/or standards of this By-Law as described below:

- A. Work performed for normal maintenance or improvement of land in agricultural use, as defined in 310 CMR 10.04, "Agriculture"; maintaining, repairing or replacing existing public utilities specifically exempted in the Act, subject to 310 CMR 10.02(2)(a)(2);
- B. Emergency situations in compliance with 310 CMR 10.06;
- C. Existing structures. The applications and permits required by this By-Law shall not be required for existing structures or work in existence prior to the date of adoption of the By-Law provided that:
  - 1. the existing structures and activities have been lawfully located in compliance with the Act;
  - 2. a valid permit has been issued under the Act; or
  - 3. an application for work under the Act has been submitted.

**VI. Applications.** Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this By-Law. No activities shall commence without receiving and complying with a Permit issued pursuant to this By-Law. Written Permit applications may include the Request for

Determination of Applicability (RDA); Abbreviated Notice of Resource Area Delineation (ANRAD); and/or the Notice of Intent (NOI). Permits to be issued include the Determination of Applicability, Order of Resource Area Delineation (ORAD), Order of Conditions (OOC), and Extension Permits. The Commission, in an appropriate case, may at its discretion accept as the application and plans under this By-Law any application and plans filed under the Act and its implementing Regulations.

- VII. Fees.** At the time of an application, the applicant shall pay a filing fee as specified by the Commission. The fee shall be in addition to that required by the Act and its implementing regulations. The Commission may impose reasonable fees for the purpose of employing outside consultants with scientific or legal expertise in order to aid in the review of proposed projects. The Commission may adopt rules to provide for depositing such fees in a special account, as authorized by G.L. c. 44, § 53G.
- VIII. Notice and Hearings.** Any person filing a Permit application, or other request with the Commission shall provide public notice as required by the Commission. The Commission shall conduct a public hearing on any Permit application, with written notice given at the expense of the applicant, at least five (5) business days prior to the hearing, in a newspaper of general circulation in the Town. The Commission shall commence the public hearing within 21 days from receipt of a completed Permit application. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of other boards and officials. The Commission in an appropriate case may combine its hearing under this By-Law with the hearing conducted under the Act and the implementing Regulations, as amended.
- IX. Coordination with Other Boards.** The Commission shall post meetings to consider matters under the By-Law in accordance with the Open Meeting Law. The applicant shall provide a copy of the permit application and plans to any Town multiple-member board or officer if so requested, at the applicant's expense. Any Town multiple-member board or officer may submit written comments to the Commission in advance of the public hearing, and such comments shall be provided to the applicant.
- X. Assessment of Impacts.** In reviewing Permit applications within the jurisdiction of this By-Law, the Commission shall take into account

the extent to which the applicant has avoided, minimized and mitigated any such impact and any additional standards of review provided within the Regulations.

- A. Overall Impacts to Resource Values. The Commission shall take into account any loss, degradation, isolation, fragmentation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities. In reviewing activities for those resource areas listed in Section IV.A of this By-Law, the Commission shall presume that the associated Wetland Protection Zones are important to the protection of these resource areas because the best scientific evidence available demonstrates that activities undertaken in close proximity have a high likelihood of adverse impact, either immediately or cumulatively. These adverse impacts can include, without limitation, erosion, siltation, sedimentation, loss of groundwater recharge, poor water quality, increases in flooding, alteration of stream morphology, significant changes in water temperature, alteration of pollutant removal capacity (including nitrates, nitrites, phosphorus, metals, salt, sediments and carbon); and loss of in-stream or riparian and upland wildlife habitat. The Commission shall presume that all vernal pools, and the associated vernal pool habitat and lands adjoining vernal pools, perform essential habitat functions. This presumption may be overcome only by a preponderance of credible evidence which, in the judgment of the Commission, demonstrates that the vernal pool habitat as defined by this By-Law does not provide essential habitat functions. A formal evaluation shall be performed by an individual who, at a minimum, meets the qualifications of 310 CMR 10.60 and has conducted the evaluation at the appropriate time of year.
- B. Impacts in Areas of Critical Environmental Concern (ACEC). In reviewing activities within an ACEC, the Commission shall presume the ACEC is important to all the resource area values listed in this By-Law and shall work to ensure the protection of these values and the functions they provide, particularly by taking measures toward the protection and enhancement of existing native vegetative cover for the improvement and maintenance of existing water quality and quantity; protection of riparian ecosystems and riverfront areas which support the continued viability of fisheries habitat and movement, including seasonal coldwater fisheries, mammals, freshwater mussels and other invertebrates; protection of wildlife habitat and existing native vegetative and aquatic cover in order to maintain existing populations and species diversity; and preservation and maintenance of the natural vegetation and geologic features such

as stone walls and agricultural relics, which preserve both the function and character of resource area landscapes.

**XI. Permits.** No Permit issued hereunder shall allow for any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this By-Law, has proved by a preponderance of the evidence that: (1) there is no practicable alternative to the proposed project with less adverse effects; and (2) such activities, including proposed mitigation measures will have no significant adverse impact on the areas or values protected by this By-Law. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technologies, costs of the alternatives, and overall project costs. The applicant for a Permit shall have the burden of proving by a preponderance of the evidence that the work proposed in the Permit application will not have unacceptable significant or cumulative adverse effects upon the resource area values protected by this By-Law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions as further described in this Section.

A. Issuance of Permits. The Commission shall issue its Permit, in writing within 21 days of the close of the public hearing thereon. The Commission in an appropriate case may combine the decision issued under this By-Law with the Permit, or Certificate of Compliance (COC) issued under the Act and its implementing Regulations.

B. Conditional Permits. If a Permit is issued, the Commission shall impose conditions deemed necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions.

1. To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. Projects shall not be segmented or phased to evade or defer review requirements under this By-Law or to give the appearance of no or minimal alteration or impact to the resource areas protected by this By-Law. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, due to the inherent complexity of replication.



2. Due to the importance of the Areas Subject to Protection under Section IV, the Commission may require compliance with design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such Areas Subject to Protection, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the By-Law.
  3. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual, or historic presence of rare plant or animal species in the area. The work shall be performed by an individual who, at a minimum, meets the qualifications set out in the wildlife habitat section under 310 CMR 10.60.
- C. Denial of Permit. The Commission may deny a Permit based on the findings or conditions listed below; provided, however, that the Commission may consider any hardship on the applicant created by reason of denial, as demonstrated at the public hearing, such as those matters set forth below in Section XI.D:
1. Where no conditions are adequate to protect said resource area values; or
  2. For failure to submit necessary information and plans requested by the Commission; or
  3. For failure to comply with the procedures, design specifications, performance standards, and other requirements in the Regulations associated with this By-Law; or
  4. For failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this By-Law.
- D. Waivers to Regulations. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its Regulations, provided that:
1. The Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said Regulations; and

2. That avoidance, minimization and mitigation have been employed to the maximum extent feasible; and
  3. That the Waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.
- E. Permit Validity. A Permit shall expire three (3) years from the date of issuance; or five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Permits may be extended for one (1) or more periods up to three (3) years each, provided that a request for an extension is received in writing by the Commission at least thirty (30) days prior to the expiration date. Notwithstanding the above, a Permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land. For good cause the Commission may revoke any Permit or other decision issued under this By-Law after notice to the holder, the public, and town boards, pursuant to §VIII, and after a public hearing.
- F. Permit Amendments. Amendments to Permits shall be handled in the manner set out in the Act and implementing Regulations, and, to the extent that the Commission promulgates Regulations in accordance with Section III of this By-Law, the Commission's Regulations.
- G. Recording of Decision. Permits shall be recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded and all appeal periods have lapsed, prior to commencement of approved work. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee.

**XII. Definitions.** The following definitions shall apply in the interpretation and implementation of this By-Law.

The "Act" means the Wetland Protection Act (G.L. c. 131, § 40), and may also be referred to as "WPA".

The term "agriculture" shall be defined as set forth in 310 CMR 10.04, "Agriculture".

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this By-Law:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- C. Drainage, or other disturbance of water level or water table;
- D. Dumping, discharging, or filling with any material which may degrade water quality;
- E. Placing of fill, or removal of material, which would alter elevation;
- F. Driving of piles, erection, expansion of buildings, or structures of any kind;
- G. Placing of obstructions or objects in water;
- H. Destruction of plant life including cutting or trimming of trees and shrubs or clearing herbaceous plants;
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater; and
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this By-Law.

The term "Area of Critical Environmental Concern" shall mean an area designated by the Secretary of Energy and Environmental Affairs pursuant to M.G.L. c. 21A, § 2 (7) and 301 CMR 12.00.

"Existing structures and activities" shall mean those lawfully approved, performed or for which a permit application has been submitted under the Act, prior to the date of adoption of the By-Law.

"Freshwater wetland" shall mean any wet meadow, marsh, swamp, bog, area where groundwater, flowing or standing surface water, or ice provide a significant part of the supporting substrate for a plant community adapted to characteristics of saturated soil or the presence of a hydric soil. Delineations may be made by a predominance of wetland vegetation and/or presence of hydric soils and/or the largest observed volume of confined water. The Commission recognizes that soils can be slow to respond to hydrologic conditions and may allow a wetland delineation to be made without the presence of hydric soils, such as those conditions found in abandoned gravel pits. Freshwater wetlands include wetlands both bordering and isolated.

"Isolated land subject to flooding" shall mean an isolated depression or closed basin consisting of a minimum of 400 s.f., not occurring in existing lawns, gardens, landscaped areas, storm water management structures or driveways.

Isolated land subject to flooding may be underlain by pervious material, which in turn may be covered by a mat of organic peat or muck. The boundary of isolated land subject to flooding is the perimeter of the largest observed or recorded volume of water confined in said area.

The term "isolated vegetated wetland" shall mean any wet meadow, marsh, swamp, bog, area where groundwater, flowing or standing surface water, or ice provide a significant part of the supporting substrate for a hydrophitic plant community or hydric soil. Isolated vegetated wetlands may contain emergent and/or submergent plant communities and may also be referred to as "isolated wetlands", "federal non-state wetland" or combination of terms thereof.

The term "land adjoining the vernal pool" means the terrestrial area surrounding the vernal pool that may also be referred to as the critical terrestrial habitat in the best scientific evidence available and the appropriate literature.

The term "no disturbance zone" shall mean a continuous strip of undisturbed natural vegetative cover within the Wetland Protection Zone directly adjacent to a resource area. The no disturbance zone (NDZ) means that there shall not be any alteration of natural vegetation including but not limited to, cutting or clearing vegetation, construction, stockpiling materials or dumping whether organic or inorganic.

The term "passive recreation" shall include walking; hiking; swimming; birdwatching; camping; photography; non-motorized biking and boating; and other similar activities.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town By-Laws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

A "potential vernal pool" is a vernal pool that appears on the potential vernal pool data layer of MassGIS or the Massachusetts Aerial Photo Survey of Potential Vernal Pools (NHESP, Spring 2001), as amended.

"Pollutant removal capacity" means that ability of a resource area to remove, but not limited to, the following: nutrients, sediments, organic materials, pathogens, hydrocarbons, metals, pesticides, chlorides, trash and debris, nitrates, nitrites, phosphorus, metals, salt, sediments and carbon.

"Protection of fisheries" means protection of the capacity of an Area Subject to Protection under this By-Law to:

- A. prevent or reduce contamination or damage to fish; and
- B. serve as their habitat and nutrient source. Fish includes all freshwater species.

"Protection of riparian ecosystems" means protection of the capacity of an Area Subject to Protection under this By-Law to:

- A. maintain the baseflows of brooks, streams and rivers, both intermittent and perennial;
- B. maintain the native plant cover necessary for maintaining temperature and relative humidity in and around the stream, for wildlife habitat and for organic input to the stream system; and
- C. support the continued viability of fisheries habitat and movement, including seasonal coldwater fisheries, mammals, freshwater mussels and other invertebrates.

"Protection of wildlife habitat" means areas that due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, cover, shelter, nesting, aestivation, migratory or overwintering areas, or breeding areas for wildlife.

"Protection of wildlife populations and species diversity" means protection of the capacity of an Area Subject to Protection under this By-Law to:

- A. maintain essential life functions of wildlife; and
- B. maintain wildlife corridors essential for wildlife dispersal, recruitment and genetic diversity

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

"Request for Determination of Applicability" means a written request made by any person to a conservation commission or the Department of Environmental Protection for a determination as to whether a site or work thereon is subject to this By-Law. The request shall be submitted on DEP Form 1. Requests for resource area boundary verification shall be done using the Abbreviated Notice of Resource Area Delineation (ANRAD).

A "spring" shall mean a small stream or pool of water flowing naturally from the earth.

The term "segmentation" shall mean dividing, separating or sectioning a project or property(ies) to 1) evade or defer the review requirements of this By-Law; 2) give the appearance of no or minimal impact to the Areas Subject to Protection under this By-Law or 3) to avoid the appearance of exceeding resource area thresholds. Examples of segmentation include, but are not limited to, separating a larger project into smaller individually permitted phases; dividing a larger parcel into smaller lots; and submitting permit applications individually for separate assessor's parcels that are cumulatively part of a larger project.

The term "vernal pool depression" means the area of the confined basin depression. The boundary of the vernal pool shall be the mean annual high-water mark.

"Vernal pool habitat" shall include, in addition to scientific definitions found in the regulations under the Act, a confined basin or depression not occurring in existing lawns, gardens, landscaped areas, storm water management structures or driveways which, at least in most years, holds water for a minimum of two (2) continuous months during the spring and/or summer; is free of adult fish populations; provides essential breeding habitat, and other extremely important wildlife habitat functions during non-breeding season, for a variety of amphibian species including but not limited to, wood frog (*Lithobates sylvaticus*) and Ambystomatid salamanders, and freshwater invertebrates (like fairy shrimp, caddisflies, amphibious snails, dragonflies and damselflies and fingernail clams); and provides important habitat for other wildlife species, regardless of whether it has been certified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), or whether the pool is located within a state protected resource area. Vernal pool habitat extends out to a distance of 100 feet from the vernal pool depression.

The term "visual barrier" shall mean a permanent immovable barricade used to demarcate the no disturbance zone and notify owners of environmentally sensitive areas. Visual barriers shall consist of a post-and-rail fence or a split-rail fence or other approved barrier.

"WPA" means the Wetland Protection Act (G.L.c. 131, § 40), and may also be referred to as "the Act".

"Wetland Protection Zone" (WPZ) means the area of land extending 100 feet horizontally outward from the boundary of any area specified in Section IV.A.

The term "wildlife" means all vertebrates and invertebrates listed to inhabit Massachusetts by the Division of Fisheries and Wildlife.

"Wildlife habitat" shall mean those areas subject to protection which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food and water; cover; shelter; migratory, recruiting and dispersal; aestivation, overwintering, nesting, or breeding areas for wildlife.

Except as otherwise provided in this By-Law or in associated Regulations of the Commission, the definitions of terms and the procedures in this By-Law shall be as set forth in the Act and its implementing Regulations.

**XIII. Security.** As part of a Permit issued under this By-Law, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or all of the methods described in the Regulations promulgated under this By-Law.

**XIV. Enforcement.** No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this By-Law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a Permit or an enforcement order issued pursuant to this By-Law.

A. Entrance to Property. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

B. Means of Enforcement. This By-Law and any Regulations promulgated hereunder may be enforced by any available means in law or equity, including but not limited to enforcement by criminal indictment in accordance with G.L. c.40, §21 and by noncriminal disposition in accordance with G.L. c. 40, §21D and the Town By-Laws, "Non-Criminal Disposition."

C. Penalties/Restoration. Any person who violates any provision of this By-Law, Rule or Regulation of the Commission, or of a permit issued hereunder may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both. Any person who violates any provision of this By-Law or any rules or regulations promulgated hereunder, or permits or administrative orders issued thereunder shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation

continues shall constitute a separate offense, and each violation of a provision of the By-Law or rules or regulations promulgated hereunder, or permits or administrative orders issued thereunder, shall constitute a separate offense.

- D. Non-Criminal Disposition. The Conservation Commission, its agent, and any police officer of the Town may enforce this By-Law and any rules or regulations promulgated hereunder by non-criminal disposition in accordance with G.L. c.40, §21D and the Norton Town By-Laws, "Non-criminal Disposition." The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each violation of a provision of the By-Law or any rules or regulations promulgated hereunder shall constitute a separate offense.

- XV. **Severability.** The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit, approval or determination which previously has been issued.

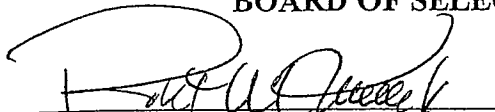
(CONSERVATION COMMISSION)

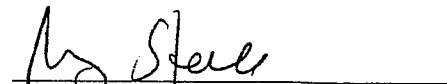
**FINANCE COMMITTEE: Recommended.**





And you are hereby directed to serve this Warrant by posting attested copies of the body of same at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three other public places within the limits of said Town, seven days at least, before the time of holding said meeting. Hereof, and fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this 27<sup>th</sup> day of May in the year Two Thousand Ten.


**BOARD OF SELECTMEN/TOWN OF NORTON**

  
Robert W. Kimball, Jr., Chairman

  
Mary T. Steele, Vice Chair

  
Bradford K. Bramwell, Clerk

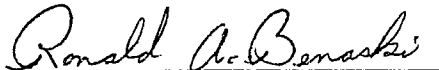
  
Robert S. Salvo, Sr.

  
Timothy R. Giblin

Norton, Massachusetts.

I have served this Warrant by posting attested copies at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three other public places within the limits of said Town, seven days at least, before the time of holding said meeting.

ATTEST:



CONSTABLE NORTON DATE: 5/28, 2010

**TOWN OF NORTON  
WARRANT FOR THE SPECIAL TOWN MEETING  
JUNE 7, 2010  
BRISTOL, SS.**

To Dale Clark, or either of the Constables of the Town of Norton:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Norton, qualified to vote in Norton affairs, to meet in the Henri A. Yelle Elementary School Gymnasium, West Main Street, in said Norton, on Monday, the 7th day of June, 2010, A.D., at eight o'clock in the evening, then and there to act on the following articles, viz:

**ARTICLE 1**

To see if the Town will transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** Recommended in the amount of \$1,855.00 to be transferred from Free Cash to pay the following unpaid bills incurred in a prior fiscal year:

ACCOUNT	DEPARTMENT	VENDOR	PURPOSE	AMOUNT
122	Selectmen	Sun Chronicle	Legal Notice	\$ 63.08
425	Street Lighting	National Grid	Street Lighting	\$ 1,791.92

\$ 1,855.00

## ARTICLE 2

To see if the Town will authorize the Board of Water and Sewer Commissioners to acquire by gift, purchase, eminent domain, or otherwise the water distribution system and sewerage infrastructure in the condominium project known as "Red Mill Village" located at East Main Street, White Street, and Newland Street and shown on a map entitled "Phase 21 of Red Mill Village Condominium in Norton, Massachusetts, Phase 21 Site Plan - Overall," by Yarworth Engineering Company, Inc., dated November 2, 2009, and recorded with the Bristol County Northern District Registry of Deeds in Plan Book 474, Page 16, together with the sewer force main located in Newland Street, a public way, as it extends from the Red Mill Village Condominium site to an existing gravity sewer interceptor line located at the northerly terminus of Kingsley Road, all in the Town of Norton; and further to raise and appropriate, transfer from existing funds, or borrow a sum of money to pay for the purchase or taking of the same, or take any other action relative thereto.

(BOARD OF SELECTMEN AND WATER AND SEWER COMMISSIONERS)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 3

To see if the Town will vote to authorize the Conservation Commission to acquire by purchase, gift, eminent domain, or otherwise and to accept the deed of a fee simple interest or less in a parcel of land currently owned by Edwin C. McGinn, Jr., consisting of approximately 5.33 Acres, and shown on Assessor's Map 26 as Parcel 2-01, upon such terms and conditions as the Commission shall determine to be appropriate, for conservation purposes and purpose of conveyance, said parcel of land being further described as follows:

The land with the buildings and improvements thereon, being Lot 2 on a Plan of Land entitled: "Plan of Land on Union Road in Norton, Massachusetts, Prepared for: Lea Shpack Date: March 16, 1981, Freeman Engineering Company" which plan is recorded at the Bristol Northern District Registry of Deeds together with, and being more particularly described in, a deed recorded with Bristol Northern District Registry of Deeds in Book 2106, Page 253;

and, further:

To see if the Town will vote to a) raise, appropriate, transfer from available funds, accept gifts, or borrow a sum of money for this purpose and any expenses related thereto; b) authorize the Town Treasurer with the approval of the Board of Selectmen in order to meet such appropriation to borrow a sum of money under Chapter 44, Section 7, of the General Laws as amended or any other enabling authority, and to issue bonds or notes therefore; c) authorize the Board of Selectmen to file on behalf of

the Town any and all applications deemed necessary for grants and /or reimbursements from any state and/or federal programs and to receive and accept such grants or reimbursement for this purpose; and d) authorize the Board of Selectmen and Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the interest of the foregoing;

and, further:

To see if the Town will vote to authorize the Conservation Commission to convey such restrictions or easements upon such property as are necessary to effectuate the environmental remediation in accordance with the Record of Decision and Consent Decree as lodged in the matter of United States v. City of Attleboro, Massachusetts, et al., relating to the so-called Shpack Superfund Site;

or take any other action relative thereto.

(BOARD OF SELECTMEN AND CONSERVATION COMMISSION)

**FINANCE COMMITTEE: Recommended in the amount of \$10,500.00 to be transferred from Free Cash.**

ARTICLE 4

To see if the Town will vote to transfer the care, custody, maintenance, and control of the land described below, owned by the Town and currently under the care, custody, maintenance, and control of the Conservation Commission for conservation purposes, to the Conservation Commission for conservation purposes and the purpose of conveyance, and further to authorize the Conservation Commission to convey such restrictions or easements upon such property as are necessary to effectuate the environmental remediation in accordance with the Record of Decision and Consent Decree as lodged in the matter of United States v. City of Attleboro, Massachusetts, et al., relating to the so-called Shpack Superfund Site, said parcel of land being further described as follows:

The land with the buildings and improvements thereon, being Lot 1 and Lot 3 on a Plan of Land entitled: "Plan of Land on Union Road in Norton, Massachusetts, Prepared for: Lea Shpack Date: March 16, 1981, Freeman Engineering Company" which plan is recorded at the Bristol Northern District Registry of Deeds together with, and being more particularly described in, a deed recorded with Bristol Northern District Registry of Deeds in Book 2106, Page 246, and as shown on Assessor's Map 26 as Parcel 2 and Parcel 2-02;

and, further:

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Amendments of the Massachusetts Constitution for approval of such change in use and conveyance of restrictions and easements upon all or a portion of said property;

or take any other action relative thereto.

(BOARD OF SELECTMEN AND CONSERVATION COMMISSION)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 5

To see if the Town will transfer from the Board of Selectmen the parcel of land described as Assessors Map 29, Lot 98, for cemetery, animal shelter, and leasing purposes to the Board of Selectmen for the same purposes and also for the purpose of granting an easement or easements, and authorize the Board of Selectmen to grant, upon such terms and conditions as the Board deems appropriate, including the payment of nominal consideration, permanent utility easements and related rights in, under, across, and upon that certain portion of the westerly and southerly boundaries of the Town's land commonly known as and numbered 84 Hill Street, Norton, and more particularly shown on the "Proposed Utility Easement" plan on file in the Office of the Town Clerk by C & A Architectural Design and Engineering, LLC, as "AM 29 Lot 98 Town of Norton Animal Shelter #84 Hill St. Bk. 6752 Pg. 2 PB. 359 Pg. 69 Lot 2-4-A Area = 4.0 Acres", to Norton Commerce Center Hill Street, LLC, a Massachusetts limited liability company, its successors, and assigns for the benefit of its parcel of land commonly known as and numbered 0 Hill Street, Norton, and more particularly shown on the said "Proposed Utility Easement" plan as "AM 29 Lot 82 Norton Commerce Center Hill Street LLC #0 Hill St. Bk. 16928 Pg. 337 PB. 359 Pg. 69 Lot 2-4-B Area = 14.09 Acres", or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE: Recommended.**

#### ARTICLE 6

To see if the Town will vote to charge the sum of \$15.00 for each written demand issued by the Collector to be added to and collected as part of the tax as authorized by Massachusetts General Laws Chapter 60, Section 15, and said increase in the demand fee to be effective July 1, 2010, or take any other action relative thereto.

(TAX COLLECTOR/TREASURER)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 7

To see if the Town will rescind \$84,630.12 of the borrowing authority approved under Article 33 of the May 14, 2007, Annual Town Meeting, under which vote the Town was authorized to borrow the sum of \$735,060.00 for reconstructing and/or making extraordinary repairs to the Norton Middle School building located at 215-223 West Main Street, including, but not limited to, the building's envelope and roof, and for any additional design service, contract administration, professional, and other incidental fees and expenses relative thereto.

(TAX COLLECTOR/TREASURER AND SCHOOL COMMITTEE)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 8

To see if the Town will vote to appropriate, borrow, or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee for the feasibility study for the Norton High School located at 66 West Main Street, Norton, MA for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative thereto.

(SCHOOL COMMITTEE)

**FINANCE COMMITTEE: Recommended.**

## ARTICLE 9

To see if the Town will raise and appropriate, and/or appropriate and/or transfer from available funds a sum of money to repair, staff, operate, and maintain the Town pool located at the Everett Leonard Complex, or take any other action relative thereto.

(BOARD OF SELECTMEN AND RECREATION COMMISSION)

**FINANCE COMMITTEE: Recommended in the amount of \$8,152.45 for this purpose by transferring the article balance from #001-630-606-5802-00-608 originally appropriated by the Town for the purpose of design and engineering services for the proposed recreational facility at the intersection of Route 123 and Route 495 under Article 19 of the May 19, 1986, Special Town Meeting.**

## ARTICLE 10

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds a sum of money to supplement the Fiscal Year 2010 capital improvements budget appropriated under Article 13 of the June 8, 2009, Annual Town Meeting, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** Recommended in the amount of \$57,450.00 to provide and/or upgrade radio communication systems for the School Department and the Water Department, the amount of \$31,678.00 to be transferred from the Water Surplus Account and the amount of \$25,772.00 to be transferred from the Capital Improvements Fund.

## ARTICLE 11

To see if the Town will raise and appropriate and/or transfer and/or appropriate from available funds a sum of money to fund the cost items of the Collective Bargaining Agreement between the Town and the IAFF from July 1, 2008, to June 30, 2011, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** No action at this time.

## ARTICLE 12

To see if the Town will transfer from available funds a sum of money to supplement the Fiscal Year 2010 operating budget appropriated under Article 14 of the June 8, 2009, Annual Town Meeting, and/or amend the Fiscal Year 2010 Water Budget appropriated under Article 11 of the June 8, 2009, Annual Town Meeting by transferring a sum of money from the Water Surplus Account to the Water Salary Budget, or otherwise amend said votes, or take any other action relative thereto.

(BOARD OF SELECTMEN)

**FINANCE COMMITTEE:** Recommended to amend the vote taken under Article 14 of the June 8, 2009, Annual Town Meeting by increasing appropriations for certain line items and transferring others and to do so, by transferring the additional amount of \$95,994.00 from Free Cash and by transferring \$24,250.00 from Data Processing 001-155-510 to Data Processing 001-155-570. The breakdown is as follows:

Department	Account	Use	Amount
Snow Removal	001-423-570	Miscellaneous Expenses	\$ 73,494.00
Employee Benefits	001-910-570	Medicare Expense	\$ 22,500.00

**TOTAL SUPPLEMENTS:** \$ 95,994.00

Data Processing	001-155-570	Transfer from 001-155-510 (Salary) to Expense	\$ 24,250.00
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**TOTAL TRANSFERS:** \$ 24,250.00

### ARTICLE 13

This petition is to see if the Town will accept as public ways under the provisions of Massachusetts General Laws Chapter 82, as amended, Arrowhead Drive, Kayak Trail and Sconset Circle, as laid out by the Zoning Board of Appeals and as shown on a plan titled "Arrowhead Village Definitive Subdivision", dated May 7, 2004, drawn by Coler and Colantonio, Inc. and on file in the Office of the Town Clerk, and further, to see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Norton and associated easements, and to appropriate therefore the sum of One dollar, or take any other action relative thereto.

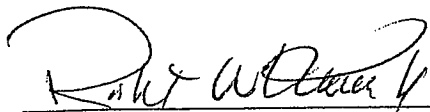
(PETITION OF MARILYN BENASKI, PLANNING BOARD MEMBER)

**FINANCE COMMITTEE:** Not recommended.



And you are hereby directed to serve this Warrant by posting attested copies of the body of same at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three other public places within the limits of said Town, fourteen days at least, before the time of holding said meeting. Hereof, and fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this 13<sup>th</sup> day of may in the year Two Thousand Ten.

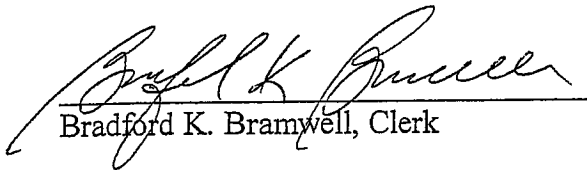
BOARD OF SELECTMEN/TOWN OF NORTON



Robert W. Kimball, Jr., Chairman



Mary T. Steele, Vice Chair



Bradford K. Bramwell, Clerk



Robert S. Salvo, Sr.



Timothy R. Giblin

Norton, Massachusetts

I have served this Warrant by posting attested copies at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three other public places within the limits of said Town, fourteen days at least, before the time of holding said meeting.

ATTEST:

 CONSTABLE Norton DATE May 21, 2010