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**WARRANT and  
REPORT OF THE FINANCE COMMITTEE  
TO THE  
ANNUAL TOWN MEETING**

**TUESDAY, MAY 26, 2009  
7:00 P.M.**

Randolph High School Auditorium  
70 Memorial Parkway  
Randolph, MA 02368

**FINANCE COMMITTEE**

ANDREW AZER, CHAIRMAN

JAMES K. BURKE

EUGENE SOLON

LISA BERCH

NAZIMA MOHAMMED

CATHERINE ANDREWS

GERALD GOOD

JACK SMOLOKOFF

VACANCY

**KEVIN M. REILLY, MODERATOR**

**BOARD OF SELECTMEN**

PAUL J. CONNORS, CHAIRMAN

JAMES F. BURGESS, JR., VICE CHAIRMAN & CLERK

WILLIAM ALEXOPOULOS

MAUREEN C. KENNEY

PAUL K. FERNANDES

DAVID C. MURPHY, EXECUTIVE SECRETARY

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Public Notices

**ANNUAL TOWN MEETING  
TUESDAY, MAY 26, 2009**

Commonwealth of Massachusetts

Norfolk, ss.

To any of the Constables of the Town of Randolph in the County:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants qualified to vote on Town Affairs to meet in the Randolph High School Auditorium, 70 Memorial Parkway, in said Randolph, on **Tuesday, the 26<sup>th</sup> day of May, 2009 at 7:00 o'clock in the evening**, and you are directed to serve this Warrant by posting attested copies there at the Town Hall, at the Town Clerk's office, at the Post Office and at eight other public places in the Town, including one public place in each precinct, seven days at least before the day and hour of holding said meeting, and then and there to act on the following articles:

**ARTICLE 1**

To see if the Town will vote to adopt certain procedures to govern the conduct of the 2009 Annual Town Meeting, or to take any other action related thereto.

As petitioned for by the Board of Selectmen for the Town Moderator.

**Motion #1:** *Moved that the following individuals be granted all the rights and privileges of participation in this Annual Town Meeting, except the right to vote, under any article of the Warrant which affects matters within their jurisdiction:*

*Paul R DeRensis, Town Counsel  
Richard Silverman, Superintendent of Schools  
David Zecchini, Superintendent of Public Works  
David C. Murphy, Executive Secretary*

**Motion #2:** *Moved that whenever during discussion under any Article in the Warrant, a Motion is made, the effect of which is to increase the total amount to be appropriated beyond which is recommended by the Finance Committee, the Moderator shall not accept such motion unless said motion also contains a corresponding decrease in another appropriation or a corresponding transfer from any other available funding source, so that the total amount to be appropriated by the Town at this Town Meeting and to be expended thereafter for all appropriation articles contained in the Warrant shall not exceed the total dollar amount recommended by the Finance Committee as set forth in the published report of the Finance Committee Recommendations as may be increased by any such transfer of available funds.*

**Fin Com Vote**

*Motion 1: 6 in favor 1 opposed (3/5/09)*

*Motion 2: 7 in favor 0 opposed (3/5/09)*

**Discussion**

*This is an annual motion that allows certain individuals to speak at Town meeting. This article also instructs Town Meeting members, when amending the budget proposal, to indicate where the funds will come from, so that the balanced budget will remain in balance after the proposed amendment.*

## ARTICLE 2

To hear and act on the reports from the 2008 Annual Town Report, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

### **Fin Com motion:**

*Moved that reports of Town Offices, Boards, Committees, Commissions and Trustees as published in the Town report for the year 2008 be accepted and placed in the permanent record of the Town, it being understood that the acceptance does not constitute ratification of these reports.*

### **Fin Com Vote**

*7 in favor 0 opposed (3/5/09)*

### **Discussion**

*This is an annual article to accept the Town report.*

## ARTICLE 3

To hear and act and choose any committee, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

### **Fin Com motion:**

*Moved to hear reports of various committees of the Town.*

### **Fin Com Vote**

*7 in favor 0 opposed (3/5/09)*

## ARTICLE 4

To see if the Town will authorize the Board of Assessors to appoint one of their members to another office or position under their control in accordance with the provisions of G.L. Chapter 268A Section 21A, or take any other action related thereto.

As petitioned for by the Board of Assessors.

### **Fin Com motion:**

*Moved that the Board of Assessors be hereby authorized to appoint one of their members to another office or position under their control in accordance with the provision of G.L chapter 268A, section 21A.*

### **Fin Com Vote**

*6 in favor 0 opposed (3/5/09)*

### **Discussion**

*This is the annual article that allows an elected assessor to act as principal assessor if needed.*

## ARTICLE 5

To see if the Town will vote to accept, adopt and establish as the bylaws of the Town of Randolph, the re-codification and restatement thereof in the form on file with the Town Clerk, which bylaws are to supersede and replace all prior statements of such bylaws, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Town Clerk.

**ARTICLE 5 – continued**

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*6 in favor 0 opposed (5/7/09)*

**Discussion**

*The Finance Committee was not presented with any change.*

**ARTICLE 6**

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2010, and to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to General Laws Chapter 44B, and by authorizing the Board of Selectmen, with the approval of the Community Preservation Committee, to acquire by purchase, gift, or eminent domain such real property interests in the name of the Town, or enforceable by the Town, including real property interests in the form of permanent affordable housing and historical preservation restrictions that will meet the requirement of General Laws Chapter 184 as may be necessary or proper to carry out the foregoing, or to take any other action related thereto.

As petitioned for by the Board of Selectmen for the Community Preservation Committee.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*6 in favor 0 opposed (5/7/09)*

**Discussion**

*This article has been moved to the Special Town Meeting.*

**ARTICLE 7**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money to fund an equitable salary increase for elected town officials serving as department heads, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Town Clerk.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*6 in favor 1 opposed (4/22/09)*

**Discussion**

*This article was included within the omnibus budget deliberations in which the Finance Committee has not recommended an increase.*

**ARTICLE 8**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money to fund an increase in the stipend for election/poll workers, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Town Clerk.

**ARTICLE 8 - continued**

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor 0 opposed (4/22/09)*

**Discussion**

*This article was included within the omnibus budget deliberations in which the Finance Committee has recommended an increase for poll workers from \$85 to \$100.*

**ARTICLE 9**

To see what sums the Town will raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute to fund the operations of the various boards, offices, departments, commissions and agencies of the Town of Randolph for FY2010, or to take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion #1:**

*Moved that the sum of Seventy million seven hundred fifteen thousand eight hundred thirty eight dollars (\$ 70,715,838) be appropriated to fund the expenditures set forth below and of that amount Sixty eight million five hundred eighty nine thousand seven hundred six dollars(\$68,589,706) be raised and appropriated from the FY'10 tax levy and other revenues of the Town; One million two hundred thousand dollars (\$1,200,000) be appropriated from the Ambulance Reserve Fund for ambulance related expenditures and that Six hundred twelve thousand nine hundred thirty one dollars (\$612,931)) be appropriated and transferred from the Water Enterprise Fund for indirect expense related to the Water Enterprise Fund operations including insurance, retirement, and departmental expense, and Three hundred thirteen thousand two hundred one dollars (\$ 313,201) be appropriated and transferred from the Sewer Enterprise Fund for indirect expense related to the Sewer Enterprise Fund operations including insurance, retirement, and departmental expense.*

**Fin Com vote**

*5 in favor 0 opposed, 1 abstention (5/7/09)*

**Discussion**

*This is the Fin Com's recommendation for a balanced budget for FY 2010.*

**ARTICLE 9 - continued**

	<u>F/Y '08</u>	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b>Selectmen</b>			
Salaries	133,771	194,136	182,510
Expense	24,390	12,050	12,200
Elected officials stipend	5	5	5
	<u>158,166</u>	<u>206,191</u>	<u>194,715</u>
<b>Affirmative Action</b>			
Expense	<u>500</u>	-	-
<b>Fair Housing</b>			
Expense	<u>380</u>	<u>380</u>	<u>380</u>
<b>Accountant</b>			
Salaries	135,732	108,426	87,591
Expenses	3,985	3,985	4,485
	<u>139,717</u>	<u>112,411</u>	<u>92,076</u>
<b>Unclassified</b>			
Prop insurance	543,375	525,000	415,000
Workers comp insurance	250,000	350,000	350,000
Unemployment	192,166	150,000	325,000
Group insurance	27,500	27,500	27,500
Town report	5,750	6,000	6,000
Street lights	310,000	325,000	322,500
Car use	11,000	11,000	8,000
Holiday observance	4,750	4,750	4,750
Pre employment physicals	8,000	15,000	5,000
Town meeting	5,600	5,800	5,800
F I C A	450,000	450,000	500,000
Municipal audit	87,000	60,000	60,000
Medicaid billing	70,000	40,000	40,000
Ambulance billing	65,000	55,000	55,000
Insurance deductible	9,000	9,000	9,000
	<u>2,039,141</u>	<u>2,034,050</u>	<u>2,133,550</u>
<b>Health insurance</b>			
Employees	4,890,000	5,156,760	-
Retired teachers	2,357,698	2,483,829	-
Other retirees	706,000	775,000	-
	<u>7,953,698</u>	<u>8,415,589</u>	<u>8,000,000</u>
<b>Z B A</b>			
Expenses	-	-	-
<b>Conservation Commission</b>			
Expenses	<u>500</u>	<u>500</u>	<u>500</u>

**ARTICLE 9 - continued**

	<u>F/Y '08</u>	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b><i>Historical Commission</i></b>			
Expenses	400	450	450
<b><i>Design Review Board</i></b>			
Expenses	1,600	1,600	1,600
<b><i>Town Counsel</i></b>			
Salary	-	-	50,000
111F payments	-	-	75,000
Legal and other	-	-	87,033
Retainer	33,420	33,420	-
Cost & claims	110,000	134,580	-
Mediation, arbitration	72,000	72,000	-
	<u>215,420</u>	<u>240,000</u>	<u>212,033</u>
<b><i>Town Office</i></b>			
Expenses	260,000	291,500	283,300
<b><i>Emergency Management</i></b>			
Expenses	900	900	900
<b><i>Aux Police</i></b>			
Expenses	5,841	5,841	5,841
<b><i>Dog Officer</i></b>			
Salaries	48,412	48,412	50,267
Expenses (kennel)	14,000	14,000	14,000
Leash law expense	6,000	6,000	7,000
Supplies	3,600	3,600	4,000
	<u>72,012</u>	<u>72,012</u>	<u>75,267</u>
<b><i>Library</i></b>			
Salaries	489,661	502,624	525,280
Expenses	178,706	178,869	118,652
Old Colony Network	-	-	28,530
	<u>668,367</u>	<u>681,493</u>	<u>672,462</u>
<b><i>Building Commissioner</i></b>			
Salaries	180,372	114,709	114,709
Expenses	1,948	1,950	1,950
	<u>182,320</u>	<u>116,659</u>	<u>116,659</u>
<b><i>Plumbing and Gas Inspector</i></b>			
Salaries	17,158	17,158	17,158
Expenses	200	200	200
	<u>17,358</u>	<u>17,358</u>	<u>17,358</u>

**ARTICLE 9 - continued**

	<u>F/Y '08</u>	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b>Wire Inspector</b>			
Salaries	58,847	61,395	61,395
Expenses	351	351	351
	<u>59,198</u>	<u>61,746</u>	<u>61,746</u>
<b>Sealer</b>			
Salaries	12,000	12,000	12,000
Expenses	941	941	1,400
	<u>12,941</u>	<u>12,941</u>	<u>13,400</u>
<b>Animal Inspector</b>			
Salaries	5,000	5,000	7,000
Expenses	7,500	7,500	7,000
	<u>12,500</u>	<u>12,500</u>	<u>14,000</u>
<b>Handicap Commission</b>			
Expenses	<u>400</u>	<u>400</u>	<u>400</u>
<b>Police</b>			
Salaries	4,280,462	4,839,361	4,795,310
Expenses	419,101	438,501	345,696
	<u>4,699,563</u>	<u>5,277,862</u>	<u>5,141,006</u>
<b>Personnel</b>			
Salaries	50,876	58,124	-
Expenses	555	895	5,368
	<u>51,431</u>	<u>59,019</u>	<u>5,368</u>
<b>Business and Industrial</b>			
Expenses	<u>875</u>	<u>875</u>	<u>875</u>
<b>Youth</b>			
Salaries	22,000	-	-
Expenses	-	-	-
	<u>22,000</u>	<u>-</u>	<u>-</u>
<b>Veterans</b>			
Salaries	38,485	52,371	27,086
Expenses	1,500	1,500	1,500
Benefits	60,000	60,000	80,000
Care of graves	1,500	1,500	1,500
	<u>101,485</u>	<u>115,371</u>	<u>110,086</u>

**ARTICLE 9 - continued**

	<u>F/Y '08</u>	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b><i>Elderly</i></b>			
Salaries	85,059	90,153	94,431
Van Driver Salaries	9,500	9,500	9,500
Expenses	14,630	15,350	15,350
	<u>109,189</u>	<u>115,003</u>	<u>119,281</u>
<b><i>Recreation</i></b>			
Salaries	197,349	187,349	152,260
Expenses	145,750	145,750	145,750
	<u>343,099</u>	<u>333,099</u>	<u>298,010</u>
<b><i>Fire</i></b>			
Salaries	3,462,207	3,724,406	3,740,440
Expenses	259,950	303,000	303,100
Emergency medical equipment	46,012	22,000	14,200
Turnout gear	-	21,250	25,000
Exhaust system	23,000	23,235	-
	<u>3,791,169</u>	<u>4,093,891</u>	<u>4,082,740</u>
<b><i>Moderator</i></b>			
Elected official stipend	<u>1</u>	<u>1</u>	<u>1</u>
<b><i>Finance Committee</i></b>			
Reserve Fund	140,000	140,000	40,000
Expenses	2,750	2,750	1,500
	<u>142,750</u>	<u>142,750</u>	<u>41,500</u>
<b><i>Assessors</i></b>			
Salaries	220,760	220,760	199,930
Expenses	20,250	20,250	10,750
Elected official stipend	3	3	3
	<u>241,013</u>	<u>241,013</u>	<u>210,683</u>
Assessor re-val expense	70,000	60,000	55,000
	<u>311,013</u>	<u>301,013</u>	<u>265,683</u>
<b><i>Health</i></b>			
Salaries	118,391	120,141	123,213
Expenses	83,910	83,910	83,910
Elected official stipend	3	3	3
Refuse contract	2,091,860	2,031,000	1,951,000
	<u>2,294,164</u>	<u>2,235,054</u>	<u>2,158,126</u>
<b><i>Milk Inspector</i></b>			
Salaries	-	-	-
Expenses	200	200	200
	<u>200</u>	<u>200</u>	<u>200</u>

ARTICLE 9 - continued

	<u>F/Y '08</u>	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b>Clerk - Registrar</b>			
Salaries	155,383	155,383	162,015
Expenses	47,880	63,380	40,280
Elected official stipend	3,350	3,350	3,350
Elected official	70,000	74,256	74,999
	<u>276,613</u>	<u>296,369</u>	<u>280,644</u>
<b>Stetson Trustees</b>			
Expenses	<u>11,000</u>	<u>20,000</u>	<u>-</u>
<b>Planning Board</b>			
Salaries	3,089	3,089	3,089
Expenses	528	528	528
Elected official stipend	1	1	1
	<u>3,618</u>	<u>3,618</u>	<u>3,618</u>
<b>Collector/Treasurer</b>			
Salaries	228,634	238,634	239,125
Expenses	35,150	35,250	45,250
Cash mgmt system	18,500	18,000	18,000
Payroll processing	39,000	37,500	37,500
Elected official salary	65,000	65,000	66,610
	<u>386,284</u>	<u>394,384</u>	<u>406,485</u>
<b>Public Works</b>			
Salaries	1,786,906	1,117,213	1,027,834
Expenses	320,800	289,513	350,000
Snow and Ice	150,000	150,000	150,000
	<u>2,257,706</u>	<u>1,556,726</u>	<u>1,527,834</u>
<b>M W R A</b>			
	<u>4,597,168</u>	<u>-</u>	<u>-</u>
<b>Joint water account</b>			
Joint account	490,000	-	-
Tri board account	95,000	-	-
DEP assessment	9,000	-	-
Flushing	10,000	-	-
Testing	10,000	-	-
	<u>614,000</u>	<u>-</u>	<u>-</u>
<b>Blue Hills Regional</b>			
	<u>3,514,781</u>	<u>3,783,674</u>	<u>3,903,264</u>
<b>Randolph Public Schools</b>			
	<u>29,669,378</u>	<u>35,150,116</u>	<u>35,350,116</u>
<b>Non-union Raises</b>			
	<u>-</u>	<u>42,089</u>	<u>12,882</u>

ARTICLE 9 - continued

	<u>F/Y '08</u>	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b>Retirement Costs</b>			
Norfolk County costs	2,384,756	2,623,867	2,738,646
Local pensions	35,337	-	-
State costs	2,500	2,750	2,750
	<u>2,422,593</u>	<u>2,626,617</u>	<u>2,741,396</u>
<b>Debt Service</b>			
	<u>3,407,678</u>	<u>2,152,879</u>	<u>2,370,086</u>
Total Expenditures	<u>70,829,117</u>	<u>70,985,131</u>	<u>70,715,838</u>

**Fin Com motion #2:**

*Moved that the following sums be appropriated for the operation of the following Enterprise Funds of the Town of Randolph for Fiscal Year 2010: the Randolph Water Facilities Enterprise Fund as voted by Article 30 of the 2007 ATM and the Randolph Sewer Facilities Enterprise Fund as voted by Article 30 of the 2007 ATM, as follows::*

ARTICLE 9 - continued

	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b>Water Enterprise Fund:</b>		
Salaries	<u>471,736</u>	<u>469,269</u>
Expenses:		
Administrative Expenses	3,000	9,000
Backflow Inspection	-	15,000
Consumer report	-	10,000
Fuel	20,000	20,000
Vehicle Maint	5,000	5,000
Bldg Maint & Utilities	7,500	7,500
Water Expense	20,000	40,000
Emergency Repairs	75,000	75,000
Flushing	10,000	10,000
Testing	20,000	20,000
DEP Assessment	7,500	7,500
Tri-Town	125,000	125,000
Joint Operations	530,000	565,000
Debt	1,278,746	1,158,572
	<u>2,101,746</u>	<u>2,067,572</u>
Total Water Enterprise Fund	<u>2,573,482</u>	<u>2,536,841</u>

ARTICLE 9 - continued

	<u>F/Y '09</u>	<u>Recommended F/Y '10</u>
<b>Sewer Enterprise Fund:</b>		
Salaries	248,315	248,395
Expenses:		
Administrative Expenses	5,000	10,000
Fuel	15,000	15,000
Vehicle Maint	3,000	3,000
Bldg Maint & Utilities	4,000	4,000
Emergency Repairs	75,000	75,000
Pump Station Electricity	40,000	44,000
Pump Station Maint	40,000	40,000
MWRA Assessment	4,682,407	4,972,007
Easement Maintenance	-	20,000
Debt	219,611	192,427
	<u>5,084,018</u>	<u>5,375,434</u>
 Total Water Enterprise Fund	 <u>5,332,333</u>	 <u>5,623,829</u>

*And to meet this appropriation, two million five hundred thirty six eight hundred forty one dollars (\$2,536,841) be funded from FY10 Water Enterprise Fund revenues and , five million six hundred twenty three thousand eight hundred twenty nine dollars (\$5,623,829) be funded from FY10 Sewer Enterprise Fund revenues*

**Fin Com vote**

*7 in favor 0 opposed (4/2/09)*

**Discussion**

*This is the Fin Com's recommendation for the water and sewer enterprise funds for Fiscal Year 2010.*

**ARTICLE 10**

To see if the Town will vote to establish or reestablish as the case may be departmental revolving accounts pursuant to G.L. Ch. 44, s. 53E ½, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

Anticipated revolving accounts are as follows:

**Fin Com motion:**

*Moved that departmental revolving accounts set forth below be hereby established or reestablished as the case may be pursuant to Mass General Law Chapter 44 Section 53 E ½ for Fiscal year 2010 with revenue source, spending authority, use of funds and spending limited as designated as follows, with the understanding that each such revolving fund be credited with the balance remaining in such Revolving Fund at the end of Fiscal 2009 as follows:*

**ARTICLE 10 - continued**

<b>Revolver</b>	<b>Spending Authority</b>	<b>Revenue Source</b>	<b>Expenditures</b>	<b>Dollar Limit</b>
Senior Transportation	Director of Elder Affairs	Fees and Donations	Operation of a van for senior transportation and other transportation services	\$10,000
Zapustas Arena	Board of Recreation	Fees from operation of Zapustas Arena except for ice rental fees	Part-time salaries, retail expenses, and general maintenance of the arena	\$60,000
Recycling	Board of Health	Sales of Bins, sales of stickers, white goods stickers, landfill stickers, recycling revenue and recycling fees and grants	Activities to promote town-wide recycling	\$50,000
Immunizations	Board of Health	Fees generated, revenue or reimbursements generated by the immunization program	Purchase vaccines and any and all immunization related expenses	\$6,000
Appeals	Board of Appeals	Filing fees	Part-time salaries, advertising and administrative expenses	\$25,000
Special Permits Notification Acct.	Board of Selectmen	Reimbursement of legal advertising and postage fees	Costs of legal advertising, postage for notice to abutters and any other notification expense for Special Permits	\$5,000
Stetson Hall	Trustees, Stetson School Fund	Rentals	Costs of operating Stetson Hall	\$55,000

**ARTICLE 10 – continued**

**Fin Com Vote**

*7 in favor 0 opposed (4/30/09)*

**Discussion**

*The is the annual article authorizing revolving funds, there are no changes from prior year.*

**ARTICLE 11**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money to fund a salary increase for those full-time employees not covered by collective bargaining agreements with the Town, and further to amend the Code of the Town of Randolph, Personnel, Chapter 39-8, as maybe appropriate to reflect such salary increase, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Personnel Board.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor 0 opposed (4/30/09)*

**Discussion**

*This article was included within the omnibus budget deliberations in which the Finance Committee has recommended a one-percentage increase.*

**ARTICLE 12**

To see if the Town will vote to ratify a vote of the Personnel Board on May 14, 2008 creating the title and position of Recreation Program Coordinator, thereby amending the Code of the Town of Randolph, Chapter 39, Section 8, Personnel By-laws and placing this position on the Supervisory Group at a Compensation Schedule at a Grade B-9, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Personnel Board.

**Fin Com motion:**

*Moved that the action of the Personnel Board on May 14, 2008 creating the title and position of Recreation Program Coordinator, thereby amending the Code of the Town of Randolph, Chapter 39, Section 8, Personnel By-laws and placing this position on the Supervisory Group at a Compensation Schedule at a Grade B-9, be hereby ratified.*

**Fin Com Vote**

*6 in favor 1 opposed (3/12/09)*

**Discussion**

*This was a position that was created during last year's budget process and the Recreation Department reorganization and was formally recommended by the Personnel Board during the current fiscal year.*

### **ARTICLE 13**

To see if the Town will vote to ratify a vote of the Personnel Board on October 8, 2008 creating the title and position of Assistant Treasurer and Collector, thereby amending the Code of the Town of Randolph, Chapter 39, Section 8, Personnel Bylaws and placing this position on the Supervisory Group at a Compensation Schedule at a Grade B-11, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Personnel Board.

#### **Fin Com motion:**

*Moved that the action of the Personnel Board on October 8, 2008 creating the title and position of Assistant Treasurer and Collector, thereby amending the Code of the Town of Randolph, Chapter 39, Section 8, Personnel Bylaws accordingly, and placing this position on the Supervisory Group at a Compensation Schedule at a Grade B-11, be hereby ratified.*

#### **Fin Com Vote**

*7 in favor 0 opposed (3/12/09)*

#### **Discussion**

*This was recommended to combine the two positions of Assistant Treasurer and Assistant Collector into one function.*

### **ARTICLE 14**

To see if the Town will vote to ratify a vote of the Personnel Board on July 15, 2008 reclassifying the position of Assistant Town Clerk and thereby amending the Code of the Town of Randolph, Chapter 39, Section 8, Personnel by-laws within the Administrative and Supervisory Group at a Compensation Schedule and Grade B-8, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Personnel Board.

#### **Fin Com motion**

*Moved that the action of the Personnel Board on July 15, 2008 reclassifying the position of Assistant Town Clerk from Grade 6 to Grade 8 and amending the Code of the Town of Randolph, Chapter 39, Section 8, Personnel by-laws within the Administrative and Supervisory Group accordingly, be hereby ratified.*

#### **Fin Com Vote**

*7 in favor 0 opposed (3/12/09)*

#### **Discussion**

*The motion was accepted to increase the grade for the position Assistant Town Clerk so that this position was in line with other clerk positions in the Town of Randolph.*

### **ARTICLE 15**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from any available funds the sum of Five Thousand Dollars (\$5,000) to fund the Fire Administrative Detail Account, the amount to be used when firefighters are assigned to work on private details to be paid for by private contractors, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

#### **Fin Com motion:**

*Moved that this article not be adopted.*

#### **Fin Com Vote**

*6 in favor, 0 opposed, 1 abstention (3/12/09)*

**ARTICLE 15 - continued**

**Discussion**

*This article has appeared for the past several years. Town meeting has not funded it in the past. We do not know what, if any requirements will be in the new Fire contract.*

**ARTICLE 16**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from any available funds the sum of Sixty Thousand Dollars (\$60,000) to refund to the Police Administrative Paid Detail Account the amount used by the town for police hiring, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*This article has appeared for the past several years. Town meeting has not funded it in the past. We do not know what, if any requirements will be in the new Police contracts.*

**ARTICLE 17**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money to be added to the Stabilization Account.

As petitioned for by the Board of Selectmen for the Finance Committee.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*5 in favor, 1 opposed (5/7/09)*

**Discussion**

*Although there are limited funds available to transfer to the Stabilization, the Finance Committee believes it is more appropriate to wait until after the current fiscal year and budget cycle have been completed to determine what, if any, amounts should be transferred.*

**ARTICLE 18**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY10 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Randolph Traffic Supervisors Association, in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**ARTICLE 18 - continued**

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*This contract has already been approved and ratified by Town Meeting.*

**ARTICLE 19**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY10 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Randolph Service Employees' (clerical) Union (represented by Service Employees International Union, Local #888/SEIU), in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*This contract has already been approved and ratified by Town Meeting.*

**ARTICLE 20**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY10 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Randolph Police Department Patrol Officers (represented by the New England Police Benevolent Association, Local #18, NEPBA), in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Motion to be made at the floor of Town Meeting*

**Fin Com Vote**

*6 in favor, 0 opposed (5/7/09)*

**Discussion**

*As of the due date of the Finance Committee recommendations, we have not been provided with final contracts nor had time to calculate the financial ramifications of such contracts. The Finance Committee will be meeting prior to Town Meeting to finalize our recommendation.*

## **ARTICLE 21**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY10 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Randolph Police Department Superior Officers (represented by the New England Police Benevolent Association, Local #34, NEPBA), in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Motion to be made at the floor of Town Meeting*

**Fin Com Vote**

*6 in favor, 0 opposed (5/7/09)*

**Discussion**

*As of the due date of the Finance Committee recommendations, we have not been provided with final contracts nor had time to calculate the financial ramifications of such contracts. The Finance Committee will be meeting prior to Town Meeting to finalize our recommendation.*

## **ARTICLE 22**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY10 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Department of Public Works Employees (represented by I.U.O.E., Local #877), in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Motion to be made at the floor of Town Meeting*

**Fin Com Vote**

*6 in favor, 0 opposed (5/7/09)*

**Discussion**

*As of the due date of the Finance Committee recommendations, we have not been provided with final contracts nor had time to calculate the financial ramifications of such contracts. The Finance Committee will be meeting prior to Town Meeting to finalize our recommendation.*

## **ARTICLE 23**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY10 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Randolph Fire Department Employees (represented by Local #1268, I.A.F.F., AFL-CIO), in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**ARTICLE 23 - continued**

**Fin Com motion:**

*Motion to be made at the floor of Town Meeting*

**Fin Com Vote**

*6 in favor, 0 opposed (5/7/09)*

**Discussion**

*As of the due date of the Finance Committee recommendations, we have not been provided with final contracts nor had time to calculate the financial ramifications of such contracts. The Finance Committee will be meeting prior to Town Meeting to finalize our recommendation.*

**ARTICLE 24**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the following purpose(s):

"For remodeling, reconstruction or making extraordinary repairs to town-owned buildings and equipment" "For purchase and installation of departmental equipment"

And to meet that appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow under any applicable statute a sum of money and issue bonds and notes of the Town thereto: that expenditures authorized hereunder are to be spent under the supervision and with the approval of a committee to be hereafter constituted of three members being the Chairman of the Board of Selectmen or his/her designee, the Superintendent of Schools or his/her designee, and the Chairman of the Finance Committee or his/her designee, and that all reimbursement of funds will be applied to the reduction of the outstanding debt, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Move that One Million Dollars (\$1,000,000) be appropriated to pay costs of the various capital items set forth below, and to meet that appropriation, the Town Treasurer, with the approval of the Board of Selectmen, or instead upon taking office, with the approval of the Town Manager pursuant to the 2009 Randolph Charter set forth in Chapter 2 of the Acts of 2009, is authorized to borrow under any applicable statute One Million Dollars (\$1,000,000) and to issue bonds and notes of the Town therefore; that expenditures authorized by this vote are to be spent under the supervision and approval of a committee consisting of Chairman of the Board of Selectmen or his/her designee, the Superintendent of Schools or his/her designee, and the Chairman of the Finance Committee or his/her designee, and that all reimbursement of funds by grants or otherwise on account of any of the capital projects set forth below, will be applied to the reduction of any authorized but unissued debt or any outstanding debt approved or incurred in connection with any capital project for which the Town has received any such reimbursement:.*

**ARTICLE 24 - continued**

<b>Expenditure</b>	<b>Cost</b>	<b>Department</b>
Public Safety Communications	\$150,000	Police and Fire
Street and sidewalk improvements	\$180,000	DPW
Three new police cruisers	\$90,000	Police
Security upgrade - Randolph High School	\$75,000	School
Technology Upgrades	\$110,000	School/All
New Imagination Station Playground	\$200,000	Recreation
4-wheel utility truck w/ crane	\$70,000	DPW
Sewer Pump Station - Donovan School	\$125,000	School / DPW
Total	\$1,000,000	

**Fin Com Vote**

*5 in favor, 1 opposed (5/7/09)*

**Discussion**

*The Finance Committee voted to support the capital improvement plan as presented by the Capital Improvement Committee. The borrowings for FY'10 represent year 1 of the 5-year plan.*

**ARTICLE 25**

To see if the Town will vote to borrow and appropriate \$200,000 to be used to pay for the security system improvements for the Randolph Public Schools to be spent under the supervision and with the approval of the Committee established by vote of the Town pursuant to Article 29 of the 2005 Annual Town Meeting consisting of three members being the Chairman of the Board of Selectmen or his/her designee, the Superintendent of Schools of his/her designee, and the Chairman of the Finance Committee or his/her designee.

As petitioned for by Carolyn Williams and others.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee believes that all capital improvements should be included in Article 24, the omnibus capital improvements recommendation, rather than in individual articles.*

**ARTICLE 26**

To see if the Town will vote to borrow and appropriate \$400,000 to be used to pay for the replacement and purchase of technology for the Randolph Public Schools to be spent under the supervision and with approval of the Committee established by vote of the Town pursuant to Article 29 of the 2005 Annual Town Meeting consisting of three members being the Chairman of the Board of Selectmen or his/her designee, the Superintendent of Schools or his/her designee, and the Chairman of the Finance Committee or his/her designee.

As petitioned for by Carolyn Williams and others.

**ARTICLE 26 - continued**

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee believes that all capital improvements should be included in Article 24, the omnibus capital improvements recommendation, rather than in individual articles.*

**ARTICLE 27**

To see if the Town will vote to borrow and appropriate \$110,000 to be used to pay for pavement improvements for the Randolph Public Schools to be spent under the supervision and with approval of the Committee established by vote of the Town pursuant to Article 29 of the 2005 Annual Town Meeting consisting of three members being the Chairman of the Board of Selectmen or his/her designee, the Superintendent of Schools or his/her designee, and the Chairman of the Finance Committee or his/her designee.

As petitioned for by Carolyn Williams and others.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee believes that all capital improvements should be included in Article 24, the omnibus capital improvements recommendation, rather than in individual articles.*

**ARTICLE 28**

To see if the Town will vote to borrow and appropriate \$500,000 to be used to pay for playground structures for the Randolph Public Schools to be spent under the supervision and with approval of the Committee established by vote of the Town pursuant to Article 29 of the 2005 Annual Town Meeting consisting of three members being the Chairman of the Board of Selectmen or his/her designee, the Superintendent of Schools or his/her designee, and the Chairman of the Finance Committee or his/her designee.

As petitioned for by Carolyn Williams and others.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee believes that all capital improvements should be included in Article 24, the omnibus capital improvements recommendation, rather than in individual articles.*

## **ARTICLE 29**

To see if the Town will vote to amend the General Bylaws by deleting Chapter 196 in its entirety and replacing it with the following, or take any other action related thereto:

### **Chapter 196 WETLANDS PROTECTION BYLAW**

#### **§196-1. Purpose**

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Randolph by controlling activities deemed by the Conservation 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, erosion and sedimentation control, storm damage prevention including water quality, prevention and control of pollution, fisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw").

This bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act (G.L. Ch.131 §40; 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 regulations there under (310 CMR 10.00), 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 bylaws of the Town of Randolph.

#### **§196-2. Jurisdiction**

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, lands under water bodies; intermittent streams, brooks and creeks; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; perennial rivers, streams, brooks and creeks; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area; lands subject to flooding or inundation by groundwater or surface water; and lands subject to flooding (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04 (see note 5).

#### **§ 196-3. Exemptions and Exceptions**

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

## **ARTICLE 29 - continued**

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

### **§196-4. Applications and Fees**

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations.

## **ARTICLE 29 - continued**

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered.

The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the selectboard, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

### **§196-5. Notice and Hearings**

Any person filing a permit or other application or RDA or ANRAD or other request with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

## **ARTICLE 29 - continued**

The Commission shall conduct a public hearing on any permit application, RDA, or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. 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 the boards and officials listed in §VI.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00).

### **§196-6. Coordination with Other Boards**

Any person filing a permit application, RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the selectboard, planning board, board of appeals, board of health, town engineer, and building inspector. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the application or RDA pertains to property within 300 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission.

The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

### **§196-7. Permits and Conditions**

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, 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.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. It may also deny a

## ARTICLE 29 - continued

permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: 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; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and 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.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, 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 lands, 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 bylaw.

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. 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 technology, costs of the alternatives, and overall project costs.

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. 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, because of the high likelihood of failure of replication.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but

## **ARTICLE 29 - continued**

not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

The Commission shall presume that all areas meeting the definition of "vernal pools" under §IX of this bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five 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. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. 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, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been 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. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

### **§196-8. Regulations**

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk.

## **ARTICLE 29 - continued**

Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and impose filing and consultant fees and penalties for noncompliance.

### **§196-9. Definitions**

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "agriculture" shall refer to the definition as provided by G.L. Ch. 128 §1A.

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

- 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 or repair 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
- 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
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

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 bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

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.

## **ARTICLE 29 - continued**

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

### **§196-10. Security**

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation 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 both of the methods described below:

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

### **§196-11. Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, 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 bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw 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.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw 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.

## **ARTICLE 29 - continued**

Upon request of the Commission, the selectboard and town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which has been adopted by the Town in §1-6 of the Town's General Bylaws.

### **§196-12. Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

### **§196-13. Appeals**

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.

### **§196-14. Relation to the Wetlands Protection Act**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

### **§196-15. Severability**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

As petitioned for by the Conservation Commission.

**ARTICLE 29 - continued**

**Fin Com motion:**

*Moved: that the General Bylaws be amended by deleting Chapter 196 in its entirety and replacing it with a new Chapter 196, Wetlands Protection Bylaw, as printed in the Warrant.*

**Fin Com Vote**

*8 in favor, 0 opposed (4/16/09)*

**Discussion**

*This article enables the Conservation Commission to create regulations and policies with respect to Wetland conservation. The bylaw allows the collection of additional reviews fees which are now being collected by the State, and establishes the ability for the Conservation Commission to issue fines for violations. This bylaw has been adopted in the vast majority of neighboring communities.*

**ARTICLE 30**

To see if the Town will vote to raise and appropriate, transfer from funds, or borrow pursuant to any applicable statute a sum of money, to be expended by the Executive Secretary with the approval of the Board of Selectmen, for the purpose of funding repairs to the community swimming pool, or take any other action related thereto.

As petitioned for by the Board of Selectmen on behalf of the Board of Recreation.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee was notified that this article will be withdrawn.*

**ARTICLE 31**

To see if the Town will vote to amend the Town's Bylaws, Chapter 87 – Demolition of Historic Buildings, as follows:

§87-2 Definitions, to add subsection 5. "Demolition by Neglect", and to sequentially re-number the remaining subsections of the section. The new section to read as follows:

"Demolition by Neglect: - a process of ongoing damage to the materials, viability and/or functionality of a building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures. This definition to apply to buildings that meet one or more of the following criteria: Municipal Building; Listed as part of a Local Historic District, a National Register or National Register eligible property, or listed on a Form A or B in the Massachusetts Cultural Resource Inventory Survey (MACRIS)"

As petitioned for by the Board of Selectmen on behalf of the Historical Commission.

**ARTICLE 31 - continued**

**Fin Com motion:**

*Moved: that the Town's General Bylaws, Chapter 87 - Demolition of Historic Buildings, be amended as set forth below:*

*§87-2 Definitions, to add subsection 5. "Demolition by Neglect", and to sequentially re-number the remaining subsections of the section. The new subsection 5 to read as follows:*

*"Demolition by Neglect: - a process of ongoing damage to the materials, viability and/or functionability of a building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures. This definition to apply to buildings that meet one or more of the following criteria: Municipal Building; Listed as part of a Local Historic District, a National Register or National Register eligible property, or listed on a Form A or B in the Massachusetts Cultural Resource Inventory Survey (MACRIS)"*

**Fin Com Vote**

*8 in favor, 0 opposed (4/16/09)*

**Discussion**

*This article enables the Conservation Commission to create regulations and policies with respect to Wetland conservation. The bylaw allows the collection of additional reviews fees which are now being collected by the State, and establishes the ability for the Conservation Commission to issue fines for violations. This bylaw has been adopted in the vast majority of neighboring communities.*

**ARTICLE 32**

To see if the Town will vote to amend §166-1 of the General bylaws by adding the following as new §166-1.1, or to take any other action related thereto:

**§166-1.1 Roadside Memorials**

- A. For the purposes of this §166-1.1, the term "roadside memorial" shall be defined as any items, including without limitation balloons, flowers, pictures, stuffed animals and religious items, placed within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way, at or near the site of a fatal accident or occurrence.
- B. Roadside memorials pose public safety hazards by creating distractions for the motoring public and interfering with the flow of pedestrian and motor vehicle traffic.
- C. Roadside memorials hinder proper maintenance of the public right of way.
- D. Because of the temporary nature of roadside memorials, it is expressly found that after a short time the person or persons who have placed memorials have intentionally abandoned them.
- E. No roadside memorial shall be left on or within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way for more than fifteen (15) days.

**ARTICLE 32 - continued**

- F. The Superintendent of the Department of Public Works shall cause to be removed and discarded any roadside memorial left within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way for more than fifteen (15) days.

As petitioned for by the Board of Selectmen.

**Fin Com motion:**

*Moved: that §166-1 of the General Bylaws be amended by adding the following new §166-1.1:*

**§166-1.1 Roadside Memorials**

- A. *For the purposes of this §166-1.1, the term "roadside memorial" shall be defined as any items, including without limitation balloons, flowers, pictures, stuffed animals and religious items, placed within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way, at or near the site of a fatal accident or occurrence.*
- B. *Roadside memorials pose public safety hazards by creating distractions for the motoring public and interfering with the flow of pedestrian and motor vehicle traffic.*
- C. *Roadside memorials hinder proper maintenance of the public right of way.*
- D. *Because of the temporary nature of roadside memorials, it is expressly found that after a short time the person or persons who have placed memorials have intentionally abandoned them.*
- E. *No roadside memorial shall be left on or within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way for more than fifteen (15) days.*
- F. *The Superintendent of the Department of Public Works shall cause to be removed and discarded any roadside memorial left within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way for more than fifteen (15) days.*

**Fin Com Vote**

*5 in favor, 2 opposed (4/30/09)*

**Discussion**

*The Finance Committee voted to accept this article due to the safety hazards and interference with maintenance that are created by such memorials.*

**ARTICLE 33**

To see if the Town will vote to amend the Chapter 83 of the Town's General Bylaws, as most recently amended, to add a new Section 83-3, regarding "Excavation and Trench Safety" as follows, or to take any other action related thereto.

## **ARTICLE 33 - continued**

### **Excavation and Trench Safety.**

#### **83-3.010 Purpose.**

The purpose of this section is to establish reasonable standards to protect the safety of the citizens of the Town of Randolph from the hazards inherent in trenches and to provide for penalties for individuals who violate any provision of this bylaw.

#### **83-3.020 Authority, Fee.**

Pursuant to the provisions of MGL Ch. 82A, the regulations of the Department of Public Safety in conjunction with the Division of Occupational Safety as promulgated under 520 CMR 14.00 regarding excavation and trench safety are expressly incorporated into this bylaw by reference. A reasonable fee to defray the cost of administration incurred in the review and processing of permits under this bylaw shall be established pursuant to MGL Ch. 40, s. 22F and Ch. 82A, s. 2.

#### **83-3.030 Permitting Authority.**

The Director of the Department of Public Works or his designee shall serve as the "Permitting Authority" for excavations to take place on both property that is owned or controlled by a public agency or that a public agency otherwise has a property interest in, including but not limited to an easement, and for excavations to take place on privately owned land. Designees of the Director of the Department of Public Works may include the Building Inspector and the Fire Chief or their respective designees.

#### **83-3.040 Fire Department Detail.**

In the event that the Permitting Authority becomes aware or is notified of an unattended trench during a time when the permit holder is unavailable, it may require a fire department detail to attend such unattended trench to protect the general public, the cost of which shall be assessed to the permit holder.

#### **83-3.050 Application.**

The provisions of this bylaw shall apply to any excavator in the Town of Randolph.

#### **83-3.060 Violations.**

Any person violating this section shall be fined three hundred dollars (\$300.00) for each offense, each day constituting a separate offense. The enforcing persons for this bylaw shall be the Permitting Authority or his designees and any one fire shift commander of the Town of Randolph. Non-criminal disposition of violations shall be available to apply to violations pursuant to Chapter 1, Section 1-6 of the Town of Randolph's General Bylaws.

As petitioned for by the Board of Selectmen.

#### **Fin Com motion:**

*Motion to be made at the floor of Town Meeting*

#### **Fin Com Vote**

*6 in favor, 0 opposed (5/7/09)*

#### **Discussion**

*As of the due date of the Finance Committee recommendations, we have not been presented with the details pertaining to this article.*

## ARTICLE 34

To see if the town will vote to amend the Randolph Zoning Bylaws by adding the following new section:

### SECTION 200 - 96 - SITE PLAN APPROVAL

#### 200-96 PURPOSE:

The purposes of site plan approval are to protect the health, safety, convenience, and welfare of the inhabitants of the Town of Randolph by providing a comprehensive review of land use and development plans to ensure that the following issues have been addressed:

- a. The location of buildings, uses and other site development are properly located on a site;
- b. Adjacent properties are protected from nuisance caused by noise, fumes, and glare of lights;
- c. Significant natural features on a site are preserved as much as possible (i.e., hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest);
- d. Adequate parking, loading facilities, drainage and methods of solid waste disposal are provided on site; and
- e. Pedestrian ways, access driveways, loading and parking facilities are properly designed and operated for public convenience and safety. Public or private ways are properly designed and constructed to serve the intended use and provide an adequate level of service.
- f. Buildings are designed to promote the social and economic viability in order to preserve property values and the aesthetic values of the town.

#### 200-97 Projects Requiring Site Plan Approval

A building permit shall not be issued for any of the following, unless a site plan approval has been granted by the Planning Board:

- a. Any new construction exceeding twelve hundred (1200) square feet in non-residential gross floor area or any non-residential addition exceeding twelve hundred (1200) square feet. For

the purposes of this section, hotels, motels, rooming houses, nursing homes, elderly care homes, etc., shall be considered nonresidential.

- b. Any renovation or change of use which requires the addition of more parking spaces irrespective of existing parking spaces or the relocation of existing parking spaces, the relocation of the building entrance and/or the relocation of the site entrance to accommodate the renovation or change of use.

## ARTICLE 34 – continued

- c. Any multi-family buildings in excess of two (2) family units.
- d. The construction of parking spaces for non-residential uses on any surface greater than four hundred (400) square feet.
- e. The conversion of a residential property either vacant or occupied to a non-residential use.

An applicant may simultaneously submit an application for a Special Permit or Special Permits that are required by the Planning Board together with their application for Site Plan Approval. In addition, an applicant may simultaneously submit an application for a Special Permit or Special Permits that are required by the Board of Selectmen and Zoning Board of Appeals and for Design Review in accordance Randolph Zoning Bylaws as most recently amended.

Note: The Planning Board may determine the project is subject to an abbreviated site plan approval in accordance with Planning Board Rules & Regulations Governing the Issuance of Site Plan Approval as most recently amended.

### 200-98 Procedure:

- a. Any person desiring approval of a site plan shall first obtain an Application for Site Plan Approval from the Planning Board office. Prior to filing a Site Plan Application, the applicant is encouraged to review the proposed site plan with the Town departments, boards, and commissions listed on the application. The purpose of this pre-filing review is to give the applicant advice and comments prior to submitting a Site Plan Application and thus avoid unnecessary time and cost to the applicant due to unforeseen problems and issues with a submitted site plan.
- b. At the time of filing, the applicant shall submit eleven (11) copies of a completed Site Plan Application and eleven (11) copies of the Site Plan, conforming to all requirements listed in the Zoning By-laws, together with all pre-filing comments received, to the Planning Board. The Planning Board agent will file a copy of the Site Plan application and a copy of the Site Plan with the Town Clerk. Site Plans will be circulated by the Planning Board agent to the Fire, Police, Building Commissioner, DPW Engineer, Department of Public Works, Conservation Commission, Board of Selectmen, Design Review Board and the Board of Health. Municipal reviewers must respond to the Planning Board in writing within 15 days after receipt of said site plan application or it shall be deemed said department has no comment(s). Additionally, the comments shall be available to the applicant and the public.

### 200-99 Application:

Any application shall be filed in accordance with the Planning Board Rules and Regulations as most recently amended.

## ARTICLE 34 - continued

### 200-100 Requirements:

All Site Plans shall be prepared in compliance with the Randolph Zoning Bylaws and the Planning Board Rules and Regulations as most recently amended.

### 200-101 General Conditions of Approval:

In considering a site plan under this Section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located:

- a. protection of adjoining premises against seriously detrimental or offensive uses on the site;
- b. convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements;
- c. adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses on the site, and the methods of drainage for surface water from its parking spaces and driveways;
- d. adequacy and safety of storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to the use of the site;
- e. provision for emergency access and operations within the site;
- f. provision for off-street loading, unloading, and parking of vehicles incidental to the normal operation of the establishment.

### 200-102 Authority:

The Planning Board shall have the power to require that technical data and study results be provided by the applicant to support the site plan and resulting findings.

### 200-103 Approval:

- a. Final action on the site plan shall be taken by the Planning Board after a public hearing has been held and within sixty (60) days of its submission to the Planning Board. A note shall be placed on the plan stating, "The above endorsement is not a determination as to compliance with zoning regulations."
- b. Failure of the Planning Board to act within the above-prescribed sixty (60) days shall be deemed an approval and the Planning Board shall forthwith make such endorsement on said plan, and on its failure to do so, the Town Clerk shall issue a certificate to the same effect.
- c. One (1) copy of the approved site plan, signed by the Planning Board, shall be forwarded to the Building Commissioner within five (5) days of final Planning Board action.

**ARTICLE 34 - continued**

d. No permanent occupancy permits shall be issued for any building or structure, or portion(s) thereof for which the Planning Board has granted site plan approval, until:

1. The Planning Board receives an As-Built plan prepared by a Professional Land Surveyor along with certification from a Registered Professional Engineer that all construction (including utilities) has been done in accordance with the approved site plan; and
2. The Planning Board or the Planning Board's designated agent verifies that the site plan and any conditions of the approved site plan have been met.

e. Temporary occupancy permits may be issued for a portion of any building or structure, provided security is posted for the remaining work. The security shall be posted with the Town Treasurer in the form of a certified check or bank check. The amount of the surety is to be set by the Planning Board or Planning Board's designated agent. The time to complete such outstanding work shall be stated in the Temporary Occupancy Permit. The amount of time to complete said work shall be reasonable as determined by the Planning Board or Planning Board's designated agent.

200-104      Administration:

- a. The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this section, including without limitation additional regulations relating to the scope and format of reports required hereunder.
- b. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.
- c. The Planning Board shall decide the meaning or intent of any provision of this section which may be unclear or in dispute.

200-105      Maintenance:

All access ways, parking areas, fences, walls, landscaping, lighting, drainage, and waste disposal areas shall be adequately maintained by the property owner or the lessee and repaired or replaced wherever and whenever necessary to insure continued compliance with the approved site plan.

**ARTICLE 34 - continued**

200-106      Modifications to Approved Site Plans:

- a. In the event a modification to an approved site plan is proposed, the applicant shall submit to the Planning Board a written description of the proposed modifications and eleven (11) copies of a revised site plan showing such modification. Modified site plans will, in most instances, be subject to the same review and hearing procedures as was the original filing.
  
- b. However, for small and insignificant modifications, the Planning Board may determine that a particular modification does not warrant an additional public hearing. The Planning Board shall make such a determination only after written request and eleven (11) copies of the plan showing the proposed modifications have been submitted to and reviewed by the Planning Board. A determination that a modification will not require a public hearing shall be made by the Planning Board within twenty-one (21) days of receipt of the written request and plans, and only after the Planning Board has found that the proposed modification is not significant and is consistent with the previously approved site plan. A copy of the determination and revised plan shall be filed with the Town Clerk and Building Commissioner. Failure by the Planning Board to act on the request for determination of a modification within twenty-one (21) days shall be deemed an approval of the proposed modification.

200-107      Any person aggrieved by a decision of the Planning Board under this section may appeal said decision in accordance with M.G.L. Chapter 40A, Section 17; or take any action related thereto.

As petitioned for by the Planning Board.

**Fin Com motion:**

*Moved that this article not be adopted.*

**Fin Com Vote**

*5 in favor, 2 opposed (3/29/09)*

**Discussion**

*Per review with the Planning Director, it was determined that further discussion was needed with respect to the article's content regarding the appeals process.*

*By a vote of 4-0-1, the Planning Board voted to recommend withdrawal without prejudice because this article is not ready for town meeting action, as it appears in Town Meeting Article 34.*

**ARTICLE 35**

To see if the Town will vote to rezone from industrial to residential a parcel of land known as and numbered 146 South Main Street, Randolph, Massachusetts. Said parcel more particularly described on Exhibit "A", which is attached hereto and incorporated by reference herein and shown as Parcel A on Assessors Map 65, Block 002, or take any other action related thereto.

As petitioned for by the Board of Selectmen.

## ARTICLE 35 - continued

### **Fin Com motion:**

Moved that a parcel of land known as and numbered 146 South Main Street, Randolph, Massachusetts, shown as Block A on Assessors Map 65, Parcel 002.

### **Fin Com Vote**

6 in favor, 1 opposed (4/30/09)

### **Discussion**

The Finance Committee recommends this article so that the above mentioned parcel would be classified in the same manner as all adjacent properties.

By a vote of 3-1-1, the Planning Board voted to recommend approval to Town Meeting of the amendment to Randolph Zoning By-laws rezoning from industrial to residential a parcel of land known as and numbered 146 South Main Street, Randolph, Massachusetts. Said parcel more particularly described on Exhibit "A", which is attached hereto and incorporated by reference herein and shown as Block A on Assessors Map 65, Parcel 002, as it appears in Town Meeting Article 35.

## ARTICLE 36

To see if the town will vote to accept the following roads in accordance with M. G. L. Chapter 82, Section 22 as public ways of the town, and further to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain the fee interest or obtain title interest in such roads as listed below; or take any action related thereto.

Alward Drive	Memory Lane
Bosworth Drive	Nightingale Circle
Christopher Road	Oakland Street
Cunningham Circle (partial)	O'Connor Drive
Drinkwater Avenue	Old Farm Road
Dunn Terrace	Pearl Street
Edward Scahill Circle	Powers Farm Road
Emily Jeffers Road	Prospect Avenue (partial)
Fred Dolan Circle	Ralph Stubbs Road
Frederickson Drive	Randall Way
Greenberg Circle	Reilly Drive
Hayward Street	Rodney Lane
Hoeg Street	Rose Way
Hollis Street (partial)	Roycroft Drive
Ivy Circle	Sandy Lane
Jacobs Road	Sunnyside Avenue
James Tighe Road	Sunnyworth Lane
John Flanagan Circle	Tanasso Circle
Ledge Hill Street	Terry Drive
Leo Egan Way	Thomas Salamone Circle
Lindberg Avenue	Vera Road
Macaulay Way	Vine Lane
Margaret Road	Walter P. Martin Circle
Marie Way	West Alden Avenue
Marsden Circle	
McColgan Drive	
McElroy Way	

As petitioned for by Board of Selectmen for the Planning Board.

**ARTICLE 36 - continued**

**Fin Com motion:**

*Move that the following ways to be accepted as public ways of the town in accordance with M.G.L. Chapter 82, and that the Board of Selectmen and, upon taking office, the Town Manager, with approval of the Town Council pursuant to the 2009 Randolph Charter, chapter 2 of the Acts of 2009, be authorized to acquire by purchase, gift, or eminent domain the fee interests or other title interests in such ways.*

Alward Drive	Memory Lane
Bosworth Drive	Nightingale Circle
Christopher Road	Oakland Street
Cunningham Circle (partial)	O'Connor Drive
Drinkwater Avenue	Old Farm Road
Dunn Terrace	Pearl Street
Edward Scahill Circle	Powers Farm Road
Emily Jeffers Road	Prospect Avenue (partial)
Fred Dolan Circle	Ralph Stubbs Road
Frederickson Drive	Randall Way
Greenberg Circle	Reilly Drive
Hayward Street	Rodney Lane
Hoeg Street	Rose Way
Hollis Street (partial)	Roycroft Drive
Ivy Circle	Sandy Lane
Jacobs Road	Sunnyside Avenue
James Tighe Road	Sunnyworth Lane
John Flanagan Circle	Tanasso Circle
Ledge Hill Street	Terry Drive
Leo Egan Way	Thomas Salamone Circle
Lindberg Avenue	Vera Road
Macauley Way	Vine Lane
Margaret Road	Walter P. Martin Circle
Marie Way	West Alden Avenue
Marsden Circle	
McColgan Drive	
McElroy Way	

**Fin Com Vote**

*8 in favor, 0 opposed (3/29/09)*

**Discussion**

*The Finance Committee recommends this article so that the above listed streets will be included as accepted streets for the Town of Randolph. There is no change in any services provided to these streets nor any additional expenses created by these additions.*

**ARTICLE 37**

To see if the Town will vote to amend the Zoning Map to include the following parcel in the Great Bear Swamp Highway District. Map 57 Block B Lot 25 (286 West Street)

As petitioned for by James Connors and others.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**ARTICLE 37 - continued**

**Discussion**

*The Finance Committee was notified that this article will be withdrawn due to a failure by the petitioner to provide appropriate abutter notification.*

*By a vote of 4-0-1, the Planning Board voted to recommend withdrawal without prejudice for failure to notify abutters by the petitioner in accordance with the Randolph Zoning Bylaws, as it appears in Town Meeting Article 37.*

**ARTICLE 38**

To see if the Town will vote to amend the Zoning Map to include the following parcel in the Great Bear Swamp Highway District. Map 57 Block B Lot 26 (294 West Street), Map 57 Block B Lot 25 (286 West Street), Map 57 Block B Lot 24 (276 West Street)

As petitioned for by James Connors and others.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee was notified that this article will be withdrawn due to a failure by the petitioner to provide appropriate abutter notification.*

*By a vote of 4-0-1, the Planning Board voted to recommend withdrawal without prejudice for failure to notify abutters by the petitioner in accordance with the Randolph Zoning Bylaws, as it appears in Town Meeting Article 38.*

**ARTICLE 39**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute the sum of \$512,000, to be expended by the Board of Public Works, for the purpose of financing the planning, construction, or reconstruction of sewers and sewerage facilities, infiltration/inflow reduction, or system rehabilitation including costs incidental and related thereto, or take any other action related thereto. This is a 45% grant / 55% zero interest loan program. Grant amount-----\$230,000 Loan amount-----\$281,600

As petitioned for by the Board of Selectmen for the Board of Public Works.

**Fin Com motion:**

*MOVED That the sum of Two Hundred Eighty One Thousand Six Hundred Dollars (\$281,600) is hereby appropriated, to be expended by the Board of Public Works, or instead upon taking office, the Town Manager with the approval of the Town Council pursuant to chapter 2 of the Acts of 2009, for the purpose of financing the planning, construction, or reconstruction of sewers and sewerage facilities, infiltration/inflow reduction, or system rehabilitation including costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen or instead upon taking office, the Town Manager with the approval of the Town Council pursuant to chapter 2 of the Acts of 2009, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the amount authorized to be borrowed by this vote shall be used in conjunction with a grant from the Massachusetts Water Resources Authority in the amount of Two*

**ARTICLE 39 - continued**

*Hundred Thirty Thousand Dollars (\$230,000) to pay the total costs of the improvements described above, such borrowing be general obligation bonds of the town with the intent that the interest on and principal of such borrowing be repaid from sewer enterprise fund revenues..*

**Fin Com Vote**

*7 in favor, 0 opposed (4/2/09)*

**Discussion**

*The Finance Committee recommends borrowing for above mentioned purpose to take advantage of the grant program to subsidize the project. Repayment on this borrowing will be included in the activities of the Sewer Enterprise Fund.*

**ARTICLE 40**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money, to be expended by the Board of Public Works, for the planning, permitting, and construction of improvements and upgrades to sewer pump stations, or take any other action related thereto.

As petitioned for by the Board of Selectmen for the Board of Public Works.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee believes that all capital improvements should be included in Article 24, the omnibus capital improvements recommendation, rather than in individual articles.*

**ARTICLE 41**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money, to be expended by the Board of Public Works, for the planning, permitting, constructing and equipping of a new Water Treatment facility, to determine whether this appropriation shall be raised by borrowing from the Mass Water Pollution Abatement Trust or otherwise; and to take any other action related thereto.

As petitioned for by the Board of Selectmen for the Board of Public Works.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*7 in favor, 0 opposed (4/30/09)*

**Discussion**

*The Finance Committee believes that all capital improvements should be included in Article 24, the omnibus capital improvements recommendation, rather than in individual articles.*

**ARTICLE 42**

To see if the Town will vote to amend the Town's General By-Laws to include a new Section \_\_\_\_\_ --- \_\_\_\_\_ - Water and Sewer use rules and regulations.

As petitioned for by the Board of Selectmen for the Board of Public Works.

**Fin Com motion:**

*Moved that this article not be adopted*

**Fin Com Vote**

*6 in favor, 0 opposed (5/7/09)*

**Discussion**

*The Finance Committee was informed that his article would be withdrawn.*

\* \* \*

Hereof, fail not, and make return of this warrant, with your doings thereon, to the Town Clerk on or before the day and hour appointed for holding said meeting. Given under our hands this 12<sup>th</sup> day of January, 2009.

Paul J. Connors, Chairman  
James F. Burgess, Jr., Vice Chairman & Clerk  
William Alexopoulos  
Maureen C. Kenney  
Paul K. Fernandes  
BOARD OF SELECTMEN

A true copy attest:

Paul Porter  
Constable