



TOWN OF GROVELAND

SPECIAL TOWN MEETING WARRANT

COMMONWEALTH OF MASSACHUSETTS

Essex,ss:

To Robert J. Kirmelewicz, Chief of Police of the Town of Groveland, in the County of Essex

GREETINGS:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the *Special Town Meeting* to meet at the **Dr. Elmer S. Bagnall School, 253 School Street on Monday, April 27, 2009 @ 7:00 P.M.** to vote on the following Articles:

ARTICLE 1: To see if the Town will vote to transfer SIXTEEN THOUSAND DOLLARS(\$16,000.00) from the Conservation Fee Account #2600-000-35905-000 to the Conservation Services Expense Account line item #1001-171-52000-052; or take any other action relative thereto.

Article submitted by the Conservation Commission

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 2: To see if the Town will vote to make the following transfers; or take any other action relative thereto:

\$186.00 from Council on Aging Van Driver Salary line item #1001-541-51211-051 to Council on Aging Formula Grant line item #2701-541-52000-052 to cover initial funding shortfall;

\$1,000.00 from Council on Aging Van Driver Salary line item #1001-541-51211-051 to Council on Aging Expense line item #1001-541-52000-052 to cover initial funding shortfall;

\$3,000.00 from Plumbing Inspector Salary line item #1001-243-51100-051 to Veterans Benefit Expense line item #1001-545-57701-057 to cover initial funding shortfall;

\$3,000.00 from Electrical Inspector Salary line item #1001-245-51100-051 to Veterans Benefit Expense line item #1001-545-57701-057 to cover initial funding shortfall;

\$2,000.00 from Whittier Assessment line item #1001-302-56500-056 to Veterans Benefit Expense line item #1001-545-57701-057 to cover initial funding shortfall;

\$10,000.00 from Rubbish line item #1001-433-52000-052 to Town Counsel Expense line item #1001-151-52000-052 to cover initial funding shortfall;

\$4,000.00 from Elections & Registration line item #1001-162-52000-052 to Town Counsel line item #1001-151-52000-052 to cover initial funding shortfall;

\$2,500.00 from Unemployment Expense line item #1001-913-51703-051 to Town Counsel Expense line item #1001-151-52000-052 to cover initial funding shortfall;

\$2,000.00 from Computer System Expense line item #1001-155-52000-052 to Town Counsel Expense line item #1001-151-52000-052 to cover initial funding shortfall;

\$1,000.00 from Town Reports line item #1001-195-52000-052 to Town Counsel Expense line item #1001-151-52000-052 to cover initial funding shortfall;

\$3,091.20 from Animal Control Officer Salary line item #1001-292-51100-051 to Police Other Salary line item #1001-210-51113-051 to cover initial funding shortfall;

\$2,000.00 from Treasurer Tax Title line item #1001-144-52990-052 to Treasurer Expense line item #1001-145-52000-052 to cover initial funding shortfall;

\$1,000.00 from Treasurer Tax Title line item #1001-144-52990-052 to Municipal Fields and Water Expense line item #1001-190-52000-052 to cover initial funding shortfall;

\$1,500.00 from Cemetery Part Time Salary line item #1001-491-51112-051 to Cemetery Full Time Salary line item #1001-491-51100-051 to cover initial funding shortfall;

\$1,610.00 from Water Retirement Expense line item #6500-450-51710-051 to Water Superintendent Salary line item #6500-450-51100-051 to cover initial funding shortfall;

\$690.00 from Sewer Retirement Expense line item #6510-440-51710-051 to Sewer Superintendent Salary line item #6510-440-51100-051 to cover initial funding shortfall;

\$2,991.41 from Haverhill Capital Bond line item #6510-440-58000-058 to Sewer Long Term Debt Expense line item #6510-440-59100-057 to cover initial funding shortfall;

\$3,000.00 from Water System GIS Mapping line item #6500-450-52000-055 to Public Water Well Cleaning and Rehabilitation line item #6500-450-52000-058 to cover initial funding shortfall;

\$18,000.00 from Water Operations Facility Design and Improvements line item #6500-450-52000-057 to Public Water Well Cleaning and Rehabilitation line item #6500-450-52000-058 to cover initial funding shortfall;

Article submitted by the Finance Director

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION UNANIMOUS

ARTICLE 3: To see if the Town will vote to transfer FIFTY THOUSAND DOLLARS (\$50,000.00) from Fiscal Year 2008 Town Free Cash and TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) from Health Insurance line item #1001-914-51501-051 for the purpose of contracting for an engineering and feasibility assessment of the Dr. Elmer Bagnall Elementary School; or take any other action relative thereto.

Article submitted by the Bagnall Building Committee

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 4: To see if the Town will vote to transfer ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) from Fiscal Year 2008 Town Free Cash to the Snow and Ice Expense line item #1001-423-51100-051 to cover the Fiscal Year 2009 initial funding shortfall; or take any other action relative thereto.

Article submitted by the Finance Director

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 5: To see if the Town will vote to transfer ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) from Fiscal Year 2008 Town Free Cash to the Road Maintenance Expense line item #1001-426-52418-052 for the purpose of performing additional street repair at the discretion of the Road Commissioner; or take any other action relative thereto.

Article submitted by the Finance Director

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 6: To see if the Town will vote to transfer ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) from Fiscal Year 2008 Town Free Cash for the purpose of funding an employee vacation and sick leave buy-back account; or take any other action relative thereto.

Article submitted by the Finance Director

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 7: To see if the Town will vote to transfer THREE HUNDRED THIRTY-THREE THOUSAND SEVENTY THREE DOLLARS (\$333,073.00) from Fiscal Year 2008 Town Free Cash to the Stabilization Fund Account #8500-000-35992-000; or take any other action relative thereto.

Article submitted by the Finance Director

Action requires a 2/3 vote.

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION UNANIMOUS

ARTICLE 8: To see if the Town will vote to transfer TWENTY-FIVE THOUSAND DOLLARS(\$25,000.00) from Fiscal Year 2008 Sewer Enterprise Retained Earnings for the purpose upgrading the flow meter at the sewer pump station and associated improvements; or take any other action relative thereto.

Article submitted by the Water and Sewer Commissioners

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 9: To see if the Town will vote to appropriate or reserve from Community Preservation Fund Fiscal Year 2009 annual revenues the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects, and other expenses, with each item considered to be a separate appropriation:

PURPOSE	RECOMMENDED AMOUNT
Reserves:	
Open Space	\$ 15,000
Historic Resources	\$ 15,000
Community Housing	\$ 15,000

or take any other action relative thereto.

Article submitted by the Community Preservation Committee

BOARD OF SELECTMEN RECOMMENDS FAVORABLE ACTION

FINANCE BOARD RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

ARTICLE 10: To see if the town will vote to amend Chapter 10-Streets, Sidewalks and Other Public Ways, Sec. 10-4. – Street Opening Permits of the town’s General By-Laws so that Sec. 10-4. shall read as follows:

“Sec. 10.4. Street Opening/Trench Permits.

(a) Street Openings. No person except the Road Commissioner/Superintendent of Streets, or his designee, shall excavate through, in or under any street or sidewalk, or any way or part thereof, without first obtaining a written Street Opening Permit from the Road Commissioner/Superintendent of Streets. Such Street Opening Permit shall be in a form and containing general conditions as developed and modified from time to time by the Road Commissioner/Superintendent of Streets. Any excavation involving a public way shall be assessed a street opening fee to be used for future restoration and maintenance of the affected area.

(b) Trench Excavation.

Section 1. Pursuant to the provisions of M.G.L. c. 82A, the Town hereby adopts and incorporates by reference the regulations of the Division of Occupational Safety as promulgated under 520CMR14.00 as same may be from time to time amended. The purpose of this bylaw is to establish reasonable standards to protect the safety of the citizens of the Town of Groveland.

Section 2. The Road Commissioner/Superintendent of Streets, or his designee, shall serve as the Permitting Authority and may promulgate additional regulations consistent with such state enactments. The Board of Selectmen may vote to designate a reasonable fee to defray the cost of the issuance and administration of said permit.

Section 3. No person shall, except in an emergency, make a trench excavation in any public way, public property or privately owned land until a permit is obtained from the Permitting Authority, or his designee. The Permit Holder shall be responsible for obtaining the appropriate permit for the excavation of trenches for each project from the Permit Authority, or his designee.

Section 4. In the event a trench is determined to be unsafe and unattended, the town's Highway Department shall take action to backfill, barricade, or cover the trench and the permit holder shall be assessed and be responsible to the Town for the costs associated with the action, including any overtime costs for Highway Department employees or the department authorized contractors.

Section 5. Whenever a permit holder is making multiple trenches over the course of a single project, the Permitting Authority, or his designee, may choose to issue a blanket permit allowing the permit holder to add to the list of trench locations as the permit holder becomes aware that a trench is required. The permit holder shall advise the Permitting Authority, or his designee, of the addition of each new trench.

Section 6. If any of the foregoing provisions are held invalid such invalidity shall not affect the validity of any remaining provision."

or take any other action relative thereto.

NOTE: The above-noted Permit is mandated by State Law due to an unfortunate incident in which a child was killed when an unguarded trench collapsed and killed her resulting in Legislative action requiring that each municipality establish trench permitting regulations.

BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION

ROAD COMMISSIONER RECOMMENDS FAVORABLE ACTION

DATE AND ACTION TAKEN: APRIL 27, 2009 FAVORABLE ACTION

And you are directed to serve this Warrant by posting attested copies thereof in said Town, one copy in each of the three parts of Town known as Savaryville, the Village, and South Groveland, fourteen (14) days at least before the time of holding said meeting.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Precinct Clerk, at the time and place of said meeting.

Given under our hands this 27th day of March in the year of our Lord two thousand nine.

Elizabeth A. Gorski, Chairman

William H. Darke, Selectman

Donald N. Greaney

A true copy, attest:

Anne Brodie Town Clerk

Robert J. Kirmelewicz, Police Chief