

**ADVISORY COMMITTEE**

**SUPPLEMENTAL REPORT TO THE**

**MAY 2008 ANNUAL TOWN MEETING**

**\*\*Please remember to bring this handout with you to each evening of  
Town Meeting.**

## FY2009 BUDGET SUMMARY

<u>EXPENSE</u>	<u>FY2008 Budget - Tax Recap</u>	<u>FY2009 Advisory Committee Recommendation</u>	<u>Percent Change</u>
1. Mandated Expenditures (Not subject to Town Meeting appropriation)			
Overlay for Abatements & Exemptions	152,709	165,000	
Tax Title Purposes	0	0	
Debt and Interest not appropriated	5,118	0	
Cherry Sheet Offsets	31,659	32,130	
State and County Assessments	<u>487,040</u>	<u>489,855</u>	
Total	676,526	686,985	2%
2. Department Operating Budgets			
General Fund Activities	41,984,174	43,717,954	4%
Community Preservation	116,500	192,250	65%
Water Enterprise Activities (net)*	3,256,726	3,403,003	4%
3. Cost of Articles to be financed by Taxation and Available Funds:			
General Fund Activities	521,569	548,716	5%
Community Preservation	842,260	305,060	-64%
Water Enterprise Activities	0	0	0%
4. Cost of Capital Articles to be financed by Taxation and Available Funds:			
General Fund Activities	298,747	556,080	86%
Water Enterprise Activities	232,000	25,000	-89%
5. Cost of Capital Articles to be financed by borrowing: **			
General Fund Activities	1,383,000	334,500	-76%
Water Enterprise Activities	<u>340,000</u>	<u>365,000</u>	<u>7%</u>
6. Total Appropriations (expense items 2 through 5)	<u>48,974,976</u>	<u>49,447,563</u>	<u>1%</u>

\* excludes indirect costs appropriated in the General Fund but paid from Water Revenue

\*\* excludes Senior Center Building \$3.7 million debt exclusion and Community Preservation \$2.5 million King Street projects in order to provide an accurate year-to-year comparison.

## ARTICLE 8 - Set Pay for Elective Officers

**We move that the Town set the pay of its elective officers for fiscal year 2009 as required by law as follows:**

**Town Clerk, \$53,493 per year which includes any amounts due under Massachusetts General Laws Chapter 41, Section 19G**

**Town Collector, \$58,750 per year which includes any amounts due under Massachusetts General Laws, Chapter 41, Section 108P**

**Moderator \$100 for Annual Town Meeting and \$100 for Special Town Meeting.**

## ARTICLE 12 – General Fund Omnibus Budget

**We move that the Town vote to raise and appropriate or appropriate from available funds, such sums of money to defray Town charges in the amounts specified and by the method designated as recommended in the following pages entitled Article 12 – Omnibus Budget. Each item is to be considered as a separate appropriation and such appropriation is to be expended for that purpose only.**

ARTICLE 12 OMNIBUS BUDGET <u>GENERAL GOVERNMENT</u>	FY08	FY09	FY09	CHANGE
	<u>APPROPRIATION</u>	<u>REQUEST</u>	ADVISORY <u>RECOMMENDS</u>	<u>FROM FY08</u>
BOARD OF SELECTMEN - PAYROLL	\$284,794	\$290,132	\$290,132	\$5,338
BOARD OF SELECTMEN - EXPENSES	\$14,280	\$15,055	\$14,280	\$0
ADVISORY COMMITTEE - PAYROLL	\$3,600	\$3,672	\$3,672	\$72
ADVISORY COMMITTEE - EXPENSES	\$300	\$300	\$300	\$0
CAPITAL IMPROVEMENT COMMITTEE - PAYROLL	\$1,800	\$1,836	\$1,836	\$36
CAPITAL IMPROVEMENT COMMITTEE - EXPENSES	\$110	\$110	\$110	\$0
LEGAL SERVICES - EXPENSES	\$134,900	\$136,900	\$134,900 (N)	\$0
CENTRAL COMPUTER - PAYROLL	\$77,725	\$79,668	\$79,668	\$1,943
CENTRAL COMPUTER - EXPENSES	\$42,900	\$42,900	\$42,900	\$0
TOWN CLERK - PAYROLL	\$85,883	\$87,441	\$87,441	\$1,558
TOWN CLERK - EXPENSES	\$5,515	\$5,515	\$5,515	\$0
ELECTIONS & TOWN MEETING - PAYROLL	\$22,100	\$23,100	\$23,100	\$1,000
ELECTIONS & TOWN MEETING - EXPENSES	\$22,750	\$22,750	\$22,870	\$120
REGISTRAR - PAYROLL	\$22,000	\$25,000	\$25,000	\$3,000
REGISTRAR - EXPENSES	<u>\$7,800</u>	<u>\$7,800</u>	<u>\$7,800</u>	<u>\$0</u>
<b>SUBTOTAL - GENERAL ADMINISTRATION</b>	<b><u>\$726,457</u></b>	<b><u>\$742,179</u></b>	<b><u>\$739,524</u></b>	<b><u>\$13,067</u></b>
FINANCE DEPARTMENT - PAYROLL	\$289,405	\$267,814	\$267,814 (N)	-\$21,591
FINANCE DEPARTMENT - EXPENSES	\$29,840	\$29,525	\$29,525 (N)	-\$315
FINANCE DEPARTMENT - TOWN AUDIT EXPENSES	\$22,500	\$35,000	\$27,500 (N)	\$5,000
BOARD OF ASSESSORS - PAYROLL	\$128,468	\$130,405	\$130,405	\$1,937
BOARD OF ASSESSORS - EXPENSES	\$52,200	\$46,200	\$46,200	-\$6,000
TOWN COLLECTOR - PAYROLL	\$130,406	\$132,688	\$132,117 (N)	\$1,711
TOWN COLLECTOR - EXPENSES	<u>\$58,300</u>	<u>\$58,225</u>	<u>\$58,225</u> (N)	<u>-\$75</u>
<b>SUBTOTAL - FINANCIAL ADMINISTRATION</b>	<b><u>\$711,119</u></b>	<b><u>\$699,857</u></b>	<b><u>\$691,786</u></b>	<b><u>-\$19,333</u></b>
CONSERVATION - PAYROLL	\$87,168	\$89,732	\$0 (P)	-\$87,168
CONSERVATION - EXPENSES	\$6,455	\$6,275	\$0 (P)	-\$6,455
PLANNING BOARD - PAYROLL	\$95,166	\$99,240	\$0 (P)	-\$95,166
PLANNING BOARD - EXPENSES	\$5,900	\$5,900	\$0 (P)	-\$5,900
BOARD OF APPEALS - PAYROLL	\$9,000	\$9,000	\$9,000	\$0
BOARD OF APPEALS - EXPENSES	<u>\$1,400</u>	<u>\$1,400</u>	<u>\$1,400</u>	<u>\$0</u>
<b>SUBTOTAL - COMMUNITY &amp; DEVELOPMENT</b>	<b><u>\$205,089</u></b>	<b><u>\$211,547</u></b>	<b><u>\$10,400</u></b>	<b><u>-\$194,689</u></b>
<b>TOTAL - GENERAL GOVERNMENT</b>	<b><u>\$1,642,665</u></b>	<b><u>\$1,653,583</u></b>	<b><u>\$1,441,710</u></b>	<b><u>(\$200,955)</u></b>

	FY08	FY09	ADVISORY	CHANGE
<u>PUBLIC SAFETY</u>	<u>APPROPRIATION</u>	<u>REQUEST</u>	<u>RECOMMENDS</u>	<u>FROM FY08</u>
POLICE - PAYROLL	\$2,336,260	\$2,412,488	\$2,412,488	\$76,228
POLICE - EXPENSES	\$227,336	\$236,987	\$236,987	\$9,651
POLICE - NEXTEL EXPENSES	\$8,122	\$11,000	\$11,000	\$2,878
FIRE DEPARTMENT - PAYROLL	\$1,866,630	\$1,966,872	\$1,939,519 (A)	\$72,889
FIRE DEPARTMENT - EXPENSES	\$248,270	\$250,670	\$248,270 (B)	\$0
BUILDING DEPARTMENT - PAYROLL	\$209,105	\$213,943	\$0 (P)	-\$209,105
BUILDING DEPARTMENT - EXPENSES	\$17,200	\$17,200	\$0 (P)	-\$17,200
EMERGENCY MANAGEMENT - EXPENSES	\$2,100	\$2,200	\$2,100	\$0
DEPARTMENT OF MUNICIPAL INSPECTIONS - PAYROLL	\$0	\$0	\$537,828 (L/P)	\$537,828
DEPARTMENT OF MUNICIPAL INSPECTIONS - EXPENSES	\$0	\$0	\$43,775 (M/P)	\$43,775
ANIMAL CONTROL - PAYROLL	\$18,911	\$18,911	\$19,276	\$365
ANIMAL CONTROL - EXPENSES	\$4,141	\$4,341	\$4,141	\$0
EMERGENCY COMMUNICATIONS - PAYROLL	\$461,848	\$460,088	\$460,088	-\$1,760
EMERGENCY COMMUNICATIONS - EXPENSES	<u>\$55,229</u>	<u>\$56,414</u>	<u>\$56,414</u>	<u>\$1,185</u>
<b>TOTAL - PUBLIC SAFETY</b>	<b><u>\$5,455,152</u></b>	<b><u>\$5,651,114</u></b>	<b><u>\$5,971,886</u></b>	<b><u>\$516,734</u></b>
<b><u>EDUCATION</u></b>				
HANOVER PUBLIC SCHOOLS - ALL EXPENSES	\$22,325,612	\$23,542,316	\$23,132,796	\$807,184
NORTH RIVER COLLABORATIVE - MEDICAID PROCESSING	\$10,000	\$10,000	\$10,000	\$0
SOUTH SHORE REGIONAL SCHOOL - ASSESSMENT	<u>\$576,920</u>	<u>\$733,532</u>	<u>\$733,532</u>	<u>\$156,612</u>
<b>TOTAL - EDUCATION</b>	<b><u>\$22,912,532</u></b>	<b><u>\$24,285,848</u></b>	<b><u>\$23,876,328</u></b>	<b><u>\$963,796</u></b>
<b><u>PUBLIC WORKS &amp; FACILITIES</u></b>				
ADMINISTRATION - PAYROLL	\$165,517	\$171,025	\$171,025	\$5,508
ADMINISTRATION - EXPENSES	\$19,000	\$19,200	\$19,200	\$200
HIGHWAY - PAYROLL	\$368,836	\$367,000	\$367,000	-\$1,836
HIGHWAY - EXPENSES	\$138,545	\$161,900	\$145,000	\$6,455
PUBLIC GROUNDS - PAYROLL	\$164,271	\$162,500	\$162,500	-\$1,771
PUBLIC GROUNDS - EXPENSES	\$45,000	\$54,662	\$47,800	\$2,800
TRANSFER STATION - PAYROLL	\$178,374	\$189,000	\$189,000	\$10,626
TRANSFER STATION - EXPENSES	\$943,013	\$926,030	\$926,030	-\$16,983
CEMETERY - PAYROLL	\$97,801	\$104,135	\$104,135 (G)	\$6,334
CEMETERY - EXPENSES	<u>\$17,265</u>	<u>\$17,160</u>	<u>\$17,160</u> (H)	<u>-\$105</u>
<b>TOTAL - PUBLIC WORKS</b>	<b><u>\$2,137,622</u></b>	<b><u>\$2,172,612</u></b>	<b><u>\$2,148,850</u></b>	<b><u>\$11,228</u></b>
ICE & SNOW REMOVAL - PAYROLL	\$70,000	\$70,000	\$70,000	\$0
ICE & SNOW REMOVAL - EXPENSES	<u>\$263,000</u>	<u>\$342,000</u>	<u>\$300,000</u>	<u>\$37,000</u>
<b>TOTAL - SNOW &amp; ICE</b>	<b><u>\$333,000</u></b>	<b><u>\$412,000</u></b>	<b><u>\$370,000</u></b>	<b><u>\$37,000</u></b>
TOWN HALL - EXPENSES	\$120,110	\$122,858	\$120,110	\$0
ALTERNATIVE ENERGY PROJECT - EXPENSES	\$30,000	\$0	\$0	-\$30,000
ANNUAL TOWN BONFIRE - EXPENSES	\$0	\$0	\$12,000	\$12,000
STREET LIGHTING - EXPENSES	\$53,000	\$57,000	\$57,000	\$4,000
TOWN GAS PUMP - EXPENSES	<u>\$215,000</u>	<u>\$266,700</u>	<u>\$266,700</u> (N)	<u>\$51,700</u>
<b>TOTAL - PUBLIC FACILITIES</b>	<b><u>\$418,110</u></b>	<b><u>\$446,558</u></b>	<b><u>\$455,810</u></b>	<b><u>\$37,700</u></b>

	FY08	FY09	FY09	CHANGE
	APPROPRIATION	REQUEST	ADVISORY RECOMMENDS	FROM FY08
<b><u>HUMAN SERVICES</u></b>				
BOARD OF HEALTH - PAYROLL	\$134,225	\$134,913	\$0 (P)	-\$134,225
BOARD OF HEALTH - EXPENSES	\$15,350	\$14,400	\$0 (P)	-\$15,350
VISITING NURSE - PAYROLL	\$91,630	\$93,950	\$93,950	\$2,320
VISITING NURSE - EXPENSES	\$1,500	\$1,500	\$1,500	\$0
COUNCIL FOR AGING - PAYROLL	\$141,551	\$147,744	\$147,744	\$6,193
COUNCIL FOR AGING - EXPENSES	\$36,773	\$36,733	\$36,773	\$0
VETERANS' SERVICES - PAYROLL	\$16,078	\$16,391	\$16,391	\$313
VETERANS' SERVICES - EXPENSES	\$3,200	\$3,200	\$3,200	\$0
VETERANS' BENEFITS - EXPENSES	<u>\$53,000</u>	<u>\$53,000</u>	<u>\$53,000</u>	<u>\$0</u>
<b>TOTAL - HUMAN SERVICES</b>	<b><u>\$493,307</u></b>	<b><u>\$501,831</u></b>	<b><u>\$352,558</u></b>	<b><u>(\$140,749)</u></b>
<b><u>CULTURE &amp; RECREATION</u></b>				
JOHN CURTIS FREE LIBRARY - PAYROLL	\$324,261	\$332,290	\$332,290	\$8,029
JOHN CURTIS FREE LIBRARY - EXPENSES	\$178,964	\$178,964	\$178,964	\$0
PARK & RECREATION - PAYROLL	\$25,378	\$39,336	\$39,336 (K)	\$13,958
PARK & RECREATION - EXPENSES	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL - CULTURE &amp; RECREATION</b>	<b><u>\$528,603</u></b>	<b><u>\$550,590</u></b>	<b><u>\$550,590</u></b>	<b><u>\$21,987</u></b>
<b>DEBT SERVICE - TOWN &amp; SCHOOL</b>				
<b><u>NONEXEMPT (Subject to Proposition 2 1/2 Tax Cap)</u></b>				
1996 GENERAL PURPOSE BOND - PRINCIPAL	\$0	\$0	\$0	\$0
1996 GENERAL PURPOSE BOND - INTEREST	\$0	\$0	\$0	\$0
1998 GENERAL PURPOSE BOND - PRINCIPAL	\$135,000	\$95,000	\$95,000	-\$40,000
1998 GENERAL PURPOSE BOND - INTEREST	\$14,872	\$8,798	\$8,798	-\$6,074
2000 GENERAL PURPOSE BOND - PRINCIPAL	\$145,000	\$135,000	\$135,000	-\$10,000
2000 GENERAL PURPOSE BOND - INTEREST	\$70,315	\$62,478	\$62,478	-\$7,837
2000 WPAT BOND - PRINCIPAL	\$10,872	\$10,872	\$10,872 (O)	\$0
2002 GENERAL PURPOSE BOND - PRINCIPAL	\$135,000	\$125,000	\$125,000	-\$10,000
2002 GENERAL PURPOSE BOND - INTEREST	\$18,286	\$13,832	\$13,832	-\$4,454
2004 GENERAL PURPOSE BOND - PRINCIPAL	\$65,000	\$60,000	\$60,000	-\$5,000
2004 GENERAL PURPOSE BOND - INTEREST	\$9,945	\$7,671	\$7,671	-\$2,274
2006 GENERAL PURPOSE BOND - PRINCIPAL	\$220,000	\$215,000	\$215,000 (C)	-\$5,000
2006 GENERAL PURPOSE BOND - INTEREST	\$51,800	\$43,100	\$43,100 (D)	-\$8,700
2008 GENERAL PURPOSE BOND - PRINCIPAL	\$0	\$315,000	\$315,000 (E)	\$315,000
2008 GENERAL PURPOSE BOND - INTEREST	\$0	\$112,050	\$112,050 (F)	\$112,050
TEMPORARY LOANS - INTEREST	\$90,000	\$90,000	\$0	-\$90,000
OTHER INTEREST - EXPENSE	\$2,500	\$2,500	\$2,500	\$0
BOND / NOTE ISSUE - EXPENSE	<u>\$7,500</u>	<u>\$7,500</u>	<u>\$7,500</u>	<u>\$0</u>
<b>SUBTOTAL - NONEXEMPT DEBT SERVICE</b>	<b><u>\$976,090</u></b>	<b><u>\$1,303,801</u></b>	<b><u>\$1,213,801</u></b>	<b><u>\$237,711</u></b>

	FY08	FY09	FY09	
<b>DEBT SERVICE - TOWN &amp; SCHOOL</b>			ADVISORY	CHANGE
<b><u>EXEMPT (Not Subject to Proposition 2½ Tax Cap)</u></b>	<b><u>APPROPRIATION</u></b>	<b><u>REQUEST</u></b>	<b><u>RECOMMENDS</u></b>	<b><u>FROM FY08</u></b>
1998 DEBT EXCLUSION/POLICE STATION - PRINCIPAL	\$155,000	\$175,000	\$175,000	\$20,000
1998 DEBT EXCLUSION/POLICE STATION - INTEREST	\$81,100	\$74,125	\$74,125	-\$6,975
2001 DEBT EXCLUSION/SCHOOL PROJECTS - PRINCIPAL	\$600,000	\$635,000	\$635,000	\$35,000
2001 DEBT EXCLUSION/SCHOOL PROJECTS - INTEREST	\$555,935	\$531,935	\$531,935	-\$24,000
2001 DEBT EXCLUSION/LIBRARY PROJECT - PRINCIPAL	\$125,000	\$125,000	\$125,000	\$0
2001 DEBT EXCLUSION/LIBRARY PROJECT - INTEREST	<u>\$75,938</u>	<u>\$70,938</u>	<u>\$70,938</u>	-\$5,000
SUBTOTAL - EXEMPT DEBT SERVICE	<u>\$1,592,973</u>	<u>\$1,611,998</u>	<u>\$1,611,998</u>	<u>\$19,025</u>
<b><u>TOTAL - DEBT SERVICE</u></b>	<b><u>\$2,569,063</u></b>	<b><u>\$2,915,799</u></b>	<b><u>\$2,825,799</u></b>	<b><u>\$256,736</u></b>
<b><u>EMPLOYEE BENEFITS - TOWN &amp; SCHOOL</u></b>				
CONTRACTUAL ALLOCATION - EXPENSES	\$0	\$0	\$0	\$0
FICA - EXPENSES	\$339,000	\$352,560	\$352,560 (N)	\$13,560
COUNTY RETIREMENT FUND - ASSESSMENT	\$1,672,641	\$1,790,119	\$1,790,119 (J/N)	\$117,478
WORKERS' COMPENSATION - ASSESSMENT	\$159,500	\$169,070	\$169,070 (N)	\$9,570
UNEMPLOYMENT COMPENSATION - EXPENSES	\$55,372	\$56,000	\$56,000	\$628
GROUP HEALTH INSURANCE - EXPENSES	\$2,702,878	\$2,827,058	\$2,765,358 (I/N)	\$62,480
GROUP LIFE INSURANCE - EXPENSES	\$14,850	\$14,900	\$14,900 (N)	\$50
EMPLOYEE TRAINING - EXPENSES	\$5,000	\$6,000	\$6,000	\$1,000
EMPLOYEE MEDICAL - EXPENSES	<u>\$32,445</u>	<u>\$52,945</u>	<u>\$52,945</u>	<u>\$20,500</u>
<b><u>TOTAL - EMPLOYEE BENEFITS</u></b>	<b><u>\$4,981,686</u></b>	<b><u>\$5,268,652</u></b>	<b><u>\$5,206,952</u></b>	<b><u>\$225,266</u></b>
<b><u>UNCLASSIFIED</u></b>				
PROPERTY & LIABILITY INS. - TOWN & SCHOOL	\$354,419	\$367,346	\$367,346 (N)	\$12,927
COUNTY AID TO AGRICULTURE - ASSESSMENT	<u>\$125</u>	<u>\$125</u>	<u>\$125</u>	<u>\$0</u>
<b><u>TOTAL - UNCLASSIFIED</u></b>	<b><u>\$354,544</u></b>	<b><u>\$367,471</u></b>	<b><u>\$367,471</u></b>	<b><u>\$12,927</u></b>
<b><u>TOTAL - ALL GENERAL FUND ACTIVITIES</u></b>	<b><u>\$41,826,284</u></b>	<b><u>\$44,226,058</u></b>	<b><u>\$43,567,954</u></b>	<b><u>\$1,741,670</u></b>
<b><u>RESERVE FUND</u></b>				
ADVISORY COMMITTEE - TRANSFERS	<u>\$157,890</u>	<u>\$150,000</u>	<u>\$150,000</u>	<u>-\$7,890</u>
<b><u>COMBINED TOTAL - GENERAL &amp; RESERVE FUNDS</u></b>	<b><u>\$41,984,174</u></b>	<b><u>\$44,376,058</u></b>	<b><u>\$43,717,954</u></b>	<b><u>\$1,733,780</u></b>

	FY08	FY09	FY09	
<u>SOURCES OF FUNDS</u>	<u>APPROPRIATION</u>	<u>REQUEST</u>	<u>ADVISORY</u> <u>RECOMMENDS</u>	<u>CHANGE</u> <u>FROM FY08</u>
RAISE AND APPROPRIATE	\$39,610,324		\$41,235,043	\$1,624,719
TRANSFER FROM AMBULANCE RECEIPTS RESERVED	\$530,000		\$324,350 (A)	-\$205,650
TRANSFER FROM AMBULANCE RECEIPTS RESERVED	\$60,000		\$60,000 (B)	\$0
TRANSFER FROM AMBULANCE RECEIPTS RESERVED	\$0		\$55,000 (C)	\$55,000
TRANSFER FROM AMBULANCE RECEIPTS RESERVED	\$0		\$2,100 (D)	\$2,100
TRANSFER FROM AMBULANCE RECEIPTS RESERVED	\$0		\$50,000 (E)	\$50,000
TRANSFER FROM AMBULANCE RECEIPTS RESERVED	\$0		\$8,550 (F)	\$8,550
TRANSFER FROM CEMETERY GRAVES & FOUNDATIONS	\$60,000		\$65,000 (G)	\$5,000
TRANSFER FROM CEMETERY PERPETUAL CARE	\$8,000		\$10,000 (H)	\$2,000
APPROPRIATE FROM UNDESIGNATED FUND BALANCE	\$874,940		\$1,014,426 (I)	\$139,486
APPROPRIATE FROM UNDESIGNATED FUND BALANCE	\$504,088		\$542,594 (J)	\$38,506
TRANSFER FROM OVERLAY SURPLUS	\$12,900		\$0	-\$12,900
TRANSFER FROM RECREATION REVOLVING	\$0		\$20,194 (K)	\$20,194
TRANSFER FROM WETLANDS PROTECTION	\$7,000		\$11,000 (L)	\$4,000
TRANSFER FROM WETLANDS PROTECTION	\$1,000		\$1,000 (M)	\$0
TRANSFER FROM WATER ENTERPRISE FUND	\$305,050		\$307,825 (N)	\$2,775
TRANSFER FROM SEPTIC BETTERMENT FUND	<u>\$10,872</u>		<u>\$10,872</u> (O)	<u>\$0</u>
<b>GRAND TOTAL - SOURCES OF FUNDS</b>	<b><u>\$41,984,174</u></b>		<b><u>\$43,717,954</u></b>	<b><u>\$1,733,780</u></b>
<b>SURPLUS / (DEFICIT)</b>	<b>\$0</b>		<b>\$0</b>	<b>\$0</b>

**RECOMMENDED APPROPRIATIONS OF AVAILABLE FUNDS:**

- (A) The Advisory Committee recommends that \$324,350 from the Ambulance Receipts Reserved Fund be appropriated to Fire Department - Salaries.
- (B) The Advisory Committee recommends that \$60,000 from the Ambulance Receipts Reserved Fund be appropriated to Fire Department - Expenses.
- (C) The Advisory Committee recommends that \$55,000 from the Ambulance Receipts Reserved Fund be appropriated to 2006 General Purpose Bond - Principal
- (D) The Advisory Committee recommends that \$2,100 from the Ambulance Receipts Reserved Fund be appropriated to 2006 General Purpose Bond - Interest
- (E) The Advisory Committee recommends that \$50,000 from the Ambulance Receipts Reserved Fund be appropriated to 2008 General Purpose Bond - Principal
- (F) The Advisory Committee recommends that \$8,550 from the Ambulance Receipts Reserved Fund be appropriated to 2008 General Purpose Bond - Interest
- (G) The Advisory Committee recommends that \$65,000 from the Cemetery Graves & Foundations Fund be appropriated to Cemetery - Payroll.
- (H) The Advisory Committee recommends that \$10,000 from the Cemetery Perpetual Care Interest Fund be appropriated to Cemetery - Expenses.
- (I) The Advisory Committee recommends that \$1,014,426 from the Undesignated Fund Balance be appropriated to Group Health Insurance - Expenses.
- (J) The Advisory Committee recommends that \$542,594 from the Undesignated Fund Balance be appropriated to County Retirement Fund - Assessment.
- (K) The Advisory Committee recommends that \$20,194 from the Recreation Revolving Fund be transferred to Recreation - Payroll.
- (L) The Advisory Committee recommends that \$11,000.00 from the Wetlands Protection Fund be transferred to Department of Municipal Inspections - Payrol
- (M) The Advisory Committee recommends that \$1,000.00 from the Wetlands Protection Fund be transferred to Department of Municipal Inspections - Expense



**RECOMMENDED APPROPRIATIONS OF AVAILABLE FUNDS:**

(N) The Advisory Committee recommends that the following amounts be appropriated in the General Fund but paid from Water Enterprise Revenue (Water Indirect Costs, so-called).

Shared Employees and Shared Expenses:

Finance Department - Payroll	\$28,708
Finance Department - Expenses	\$2,501
Finance Department - Audit	\$1,500
Town Collector - Payroll	\$18,412
Town Collector - Expenses	\$3,028
Legal Services - Expenses	\$7,500
Town Gas Pump - Expenses	\$31,000
Property & Liability Insurance - Expenses	\$19,080

Employee Benefits - Water Department Personnel:

FICA - Expenses	\$15,250
County Retirement - Assessment	\$48,500
Workers' Compensation - Expenses	\$6,500
Group Health Insurance - Expenses	\$125,346
Group Life Insurance - Expenses	<u>\$500</u>
Total - Water Enterprise Indirect Costs	\$307,825

(O) The Advisory Committee recommends that \$10,872.00 from the Septic Betterment Fund be appropriated to the 2000 Water Pollution Abatement Trust Bond (WPAT) - Principal

(P) The May 2007 Annual Town Meeting created the new Department of Municipal Inspections. Effective with the fiscal year 2009 budget, the expenses of the Conservation Commission, Planning Board, Building Department, and Board of Health are now budgeted under this department.

### ARTICLE 13 – WATER DEPARTMENT BUDGET

**We move that that the Town vote to raise and appropriate or appropriate from available funds, such sums of money to defray Water Department charges in the amounts specified and by the method designated as recommended in the following pages entitled Article 13 – Water Enterprise Budget. Each item is to be considered as a separate appropriation and such appropriation is to be expended for that purpose only.**

<b>ARTICLE 13</b>	<b>FY08</b>	<b>FY09</b>	<b>FY09</b>	<b>DOLLAR</b>
<b><u>WATER ENTERPRISE BUDGET</u></b>	<b><u>APPROPRIATION</u></b>	<b><u>REQUEST</u></b>	<b><u>ADVISORY</u></b>	<b><u>CHANGE</u></b>
			<b><u>RECOMMENDS</u></b>	<b><u>FROM FY08</u></b>
WATER ADMINISTRATION - PAYROLL	\$239,220	\$246,500	\$246,500	\$7,280
WATER ADMINISTRATION - EXPENSES	<u>\$95,577</u>	<u>\$95,500</u>	<u>\$94,077</u>	<u>-\$1,500</u>
<b>SUBTOTAL - WATER ADMINISTRATION</b>	<b>\$334,797</b>	<b>\$342,000</b>	<b>\$340,577</b>	<b>\$5,780</b>
WATER TREATMENT - PAYROLL	\$471,538	\$496,000	\$496,000	\$24,462
WATER TREATMENT - EXPENSES	<u>\$881,504</u>	<u>\$1,000,800</u>	<u>\$969,654</u>	<u>\$88,150</u>
<b>SUBTOTAL - WATER TREATMENT</b>	<b>\$1,353,042</b>	<b>\$1,496,800</b>	<b>\$1,465,654</b>	<b>\$112,612</b>
WATER DISTRIBUTION - PAYROLL	\$473,109	\$471,000	\$471,000	-\$2,109
WATER DISTRIBUTION - EXPENSES	<u>\$255,887</u>	<u>\$274,000</u>	<u>\$265,387</u>	<u>\$9,500</u>
<b>SUBTOTAL - WATER DISTRIBUTION</b>	<b>\$728,996</b>	<b>\$745,000</b>	<b>\$736,387</b>	<b>\$7,391</b>
WATER - 1996 BOND - PRINCIPAL	\$0	\$0	\$0	\$0
WATER - 1996 BOND - INTEREST	\$0	\$0	\$0	\$0
WATER - 1998 BOND - PRINCIPAL	\$35,000	\$30,000	\$30,000	-\$5,000
WATER - 1998 BOND - INTEREST	\$8,853	\$7,278	\$7,278	-\$1,575
WATER - 2002 BOND - PRINCIPAL	\$110,000	\$110,000	\$110,000	\$0
WATER - 2002 BOND - INTEREST	\$19,855	\$16,225	\$16,225	-\$3,630
WATER - 2002 STATE POOL BOND - PRINCIPAL	\$8,256	\$8,380	\$8,380	\$124
WATER - 2002 STATE POOL BOND - INTEREST	\$7,568	\$7,267	\$7,267	-\$301
WATER - 2004 BOND - PRINCIPAL	\$285,000	\$285,000	\$285,000	\$0
WATER - 2004 BOND - INTEREST	\$201,509	\$191,535	\$191,535	-\$9,974
WATER - 2006 BOND - PRINCIPAL	\$105,000	\$110,000	\$110,000	\$5,000
WATER - 2006 BOND - INTEREST	\$48,700	\$44,400	\$44,400	-\$4,300
WATER - 2008 BOND - PRINCIPAL	\$0	\$35,000	\$35,000	\$35,000
WATER - 2008 BOND - INTEREST	\$0	\$15,300	\$15,300	\$15,300
WATER - INTEREST ON TEMPORARY LOANS	\$10,000	\$0	\$0	-\$10,000
WATER - BOND/NOTE ISSUE EXPENSE	<u>\$150</u>	<u>\$0</u>	<u>\$0</u>	<u>-\$150</u>
<b>SUBTOTAL - WATER DEBT SERVICE</b>	<b>\$839,891</b>	<b>\$860,385</b>	<b>\$860,385 (A)</b>	<b>\$20,494</b>
<b>TOTAL - WATER ENTERPRISE OPERATING BUDGET</b>	<b><u>\$3,256,726</u></b>	<b><u>\$3,444,185</u></b>	<b><u>\$3,403,003</u></b>	<b><u>\$146,277</u></b>
<b><u>SOURCES OF FUNDS</u></b>				
WATER ENTERPRISE REVENUE	\$2,801,726		\$2,542,618	-\$259,108
WATER ENTERPRISE RETAINED EARNINGS (DEBT SERVICE)	<u>\$455,000</u>		<u>\$860,385 (A)</u>	<u>\$405,385</u>
<b>GRAND TOTAL - SOURCES OF FUNDS</b>	<b><u>\$3,256,726</u></b>		<b><u>\$3,403,003</u></b>	<b><u>\$146,277</u></b>
<b>SURPLUS / (DEFICIT)</b>	<b><u>\$0</u></b>		<b><u>\$0</u></b>	<b><u>\$0</u></b>

**RECOMMENDED APPROPRIATIONS OF CERTIFIED WATER RETAINED EARNINGS**

(A) The Advisory Committee recommends that \$860,385 from Water Enterprise Retained Earnings be appropriated to pay the total FY2009 Water Debt Service.

ARTICLE 17 – CPC Debt

**We move that the Town vote to appropriate the sum of \$137,100 from Community Preservation Fund revenues to pay the FY09 principal and interest payments due on the purchase of the Cervelli Property. Said funds to be expended at the direction of the Community Preservation Committee.**

ARTICLE 18 – “Interchange District” Rte. 3/ Rte .53

**The Advisory Committee supports the motion presented by the Planning Board.**

ARTICLE 20 – Rte. 53 Mitigation Fund - Target

**We move that the Town vote to appropriate the sum of \$1,949.70 from the Route 53 Mitigation Fund for the continuation of Route 53 Improvements. Said funds to be expended at the direction of the Board of Selectmen.**

ARTICLE 29 – Murtha Property

**We move the town vote to authorize the Community Preservation Committee and the Board of Selectmen to subdivide, lease, and/or permit portions of 645 Center Street for the purposes of developing two dwelling units of community housing as defined by Massachusetts General Laws Chapter 44B, historic preservation of any existing structures deemed feasible, and preservation of the rear portion as shown on the subdivision plan as prepared by a consulting firm. Said project to be solely for said purposes and administered by the Community Preservation Committee and the Board of Selectmen.**

ARTICLE 35 – Sell Senior Center

**We move that the town not accept this article and take no further action.**

ARTICLE 39 – Change Article 3-1 Posting Town Meeting

**We move that the town vote to change article 3.1, Section 1, of the Town Bylaws by deleting it in its entirety and replacing it with the following: “Every Town Meeting shall be called by a Warrant which shall be served by posting a printed and attested copy thereof in each of the Post Offices in the Town, in the Town Hall, on the Town of Hanover Website, and at least three other public places that are frequented by Hanover residents”.**

## ARTICLE 53 – Amended Wetland Protection Bylaw

ARTICLE 53. To see if the Town will vote to amend the Wetland Protection Bylaw for the Town in the manner described below, or to see if the Town will vote to take any action relative thereto:

*By deleting the current text of the 2001 Wetland Protection Bylaw 6.14: in its entirety and replacing said text with the following:*

### **#6.14: Wetlands Protection Bylaw**

#### **I. Purpose**

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Hanover 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 coastal storm flowage, water quality, prevention and control of pollution, fisheries, shellfisheries, 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 Massachusetts General Laws (M.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 (310CMR 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 Hanover.

#### **II. 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 freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, beaches, estuaries, lands under water bodies, and intermittent streams/brooks/creeks; or lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone. Said resource areas shall be protected whether or not they border surface waters. The buffer zone is not in itself a resource area.

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter perennial rivers, streams, brooks and creeks, and lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area.

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: lands subject to flooding or inundation by groundwater or surface water; and lands subject to tidal action, coastal storm flowage, or flooding. 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.

### **III. Exemptions and Exceptions**

Local Wetland Bylaws contain fewer exemptions than the MA Wetland Protection Act. As in this Bylaw, they often contain definitions that add to or improve upon those in the MA Wetland Protection Act. For example, the state Wetland Protection Act defines a pond (which is a protected resource) as having a size threshold of 10,000 sq. ft. This Bylaw would establish the threshold of a pond as 3000 sq. ft. allowing for the protection of such ponds as those off of Silver St. and Summer St. It is important that the bylaw be written in a way that meets local community needs.

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. The Attorney General interprets state laws encouraging agriculture as pre-empting the field of regulation by local bodies.

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 (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

#### **IV. 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. Proposed projects that incorporate Low Impact Development (LID) techniques are encouraged under 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 (M.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), Abbreviated Notice of Resource Area Delineation (ANRAD) or ANRAD with Simplified Review filed under the Act shall include information and plans as are deemed necessary by the Commission.

At the time of the submission of any application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the MA Wetlands Protection Act and regulations. The Regulations for the Town of Hanover Wetland Protection Bylaw contain the up-to-date fee schedule for permits related to this Bylaw. Changes to the town fees related to wetland permitting will be done in consultation with the Hanover Fee Study Committee.

Pursuant to M.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 (a Guaranteed Deposit Account). 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 Selectmen, 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.



## **V. Notice and Hearings**

Any person filing a permit application, including but not limited to an RDA, ANRAD, or ANRAD with Simplified Review, Notice of Intent or other request with the Conservation Commission that requires a public meeting or hearing, shall at the same time give written notice thereof, by certified mail with return receipt, or certificate of mailing, or hand delivered, to all abutters within 100 feet of the property lines of the subject parcel(s), at their mailing addresses shown on the most recent applicable property tax list of the assessors, including owners of land directly opposite on any public or private street or way, within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. Wording for said notice shall be approved by the Conservation Commission. 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, 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 Applicant or his/her representative to the owner(s) as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application (NOI), 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 (M.G.L. Ch.131 §40) and regulations (310 CMR 10.00). In the event the Commission is prepared to deny an application or impose substantial conditions not proposed in the application, it shall notify the applicant of same prior to issuance of its final decision. If the applicant authorizes an extension for issuance of the decision and so requests, the Commission shall meet with the applicant to attempt to mutually resolve the applicant's concerns with the proposed decision.

## **VI. Coordination with Other Boards**

Any person filing a permit application (NOI), RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail, or certificate of mailing, or by hand delivery, to the Conservation 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 public hearing notice mailed or delivered shall be filed with the Commission. The Commission shall notify all pertinent Town Departments, as necessary, of the public hearing and will review any and all written comments or recommendations received by those boards or departments. The applicant shall have the right to receive any such written comments and recommendations, and shall be given time to respond to them at a public hearing of the Commission, prior to final action.

## **VII. 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, not permitted 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 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 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. This Bylaw establishes the no-build setback from most wetland resource areas (including bordering vegetated wetlands) at 35 feet for single family & multifamily homes, paved driveways, sheds, pools, garages, & barns, and at 50 feet for commercial and industrial development projects.

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 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 of 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 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, Order of Conditions (OOC), 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, (OOC), 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, (OOC), 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, (OOC), 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.

## **VIII. 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. 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.

## **IX. 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 M.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 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 3,000 square feet shall 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 of whether the site in which they occur has been previously identified by the Division.

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. Regulations promulgated by the Conservation Commission will address the protection of the vernal pool habitat surrounding the vernal pool.

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).

## **X. Security**

As part of a permit issued under this bylaw, in addition to any security funds 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. These funds shall be held by the Town Treasurer in an Escrow Account which is non-interest bearing, and shall be released upon successful completion of the requirements as established for each account.

- 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.

## **XI. 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.

Upon request of the Commission, the Selectmen 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 not more than \$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 elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D.

## **XII. 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.

## **XIII. Appeals**

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L. Ch. 249 §4, or in Land Court in instances where Land Court has jurisdiction.

## **XIV. 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 (M.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.

## **XV. 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.

Conservation Commission

**We move that the town vote to accept the Wetlands Protection Bylaw as amended and printed in the Advisory Committee's supplemental report for the May 2008 Annual Town Meeting.**

ARTICLE 54 – Amend Zoning Map “Commercial District”



**We support the Planning Board’s motion to refer this article back to the Planning Board for further study.**

ARTICLE 55 – “Scenic Roads”

**We do not accept the motion by the Planning Board, and we move that the town refer this article back to the Planning Board for further study.**

ARTICLE 56 – GIS, Permitting – Software and Hardware

**We move that the Town vote to appropriate the sum of \$60,000 from the Planning Board Oversight Mitigation Fund for additions to the Town’s GIS system. Said funds to be expended at the direction of the Planning Board.**

ARTICLE 57 – Adopt & Add New Section 10.150

**We support the motion presented by the Planning Board.**

ARTICLE 58 – Master Plan

**We support the motion presented by the Planning Board.**

ARTICLE 65 – Funds for Wind Turbine

**We move that the Town appropriate the sum of \$500,000 to pay the costs of constructing and equipping a wind turbine to generate electrical power for the Pond Street Water Treatment Plant, and for all costs incidental and related thereto; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$250,000 under and pursuant to Chapter 44, Section 7(3B) of the Massachusetts General Law, as amended, or any other enabling authority and to issue the bonds or notes of the Town therefor, and further, to authorize the Board of Public Works to accept a grant in the amount of \$250,000 from the Massachusetts Technology Collaborative for the construction of this wind turbine. Said funds to be expended by the Board of Public Works and the Board of Selectmen.**

ARTICLE 68 – Equipment/ Facility Upgrades Ames Way

**We move that the Town vote to appropriate the sum of \$194,500 to perform equipment and facility upgrades at the Ames Way DPW garage, including the**

**repair or replacement of the roof, construction of a canopy to shield vehicles, installation of fire sprinkler system, installation of ventilation equipment, and electrical upgrades, said work to be done at the direction of the Board of Public Works and any other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$194,500 under and pursuant to Chapter 44, Section 7(3A) of the Massachusetts General Laws, as amended, or any other enabling authority and to issue the bonds and notes of the Town therefor. Said funds to be expended at the direction of the Board of Public Works.**

**ARTICLE 72- Purchase and Equip Water Service Van**

**We move that the Town vote to raise and appropriate the sum of \$25,000 to purchase and equip a water service van. Said purchase to be done at the direction of the Board of Public Works who is authorized to trade-in or sell an existing water service van.**

**ARTICLE 75 – Amend Section 6.840 F, V, BB & A1**

**The Advisory Committee strongly supports the motion of the Planning Board.**

**ARTICLE 76 – Board of Health Elected/ Appointed**

**We move that the Town vote to change the Board of Health from an elected board to an appointed board, in accordance with M.G.L. C. 41, S. 1B, and its members to be appointed by the Board of Selectmen for terms not to exceed three years. The appointed board shall consist of a minimum of three members. Members to be appointed so as to create staggered terms. The appointed members shall be appointed as the elected member's term expires.**

**ARTICLE 87 – Full Time Animal Control Officer**

**We move that this article be referred to the Board of Selectmen for further study.**