



Town of Mansfield Annual Town Meeting April 12, 2011

Article 1

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$34,803,261.00 to defray the expenses of the Municipal Town departments, as further described below for the ensuing 12-month period beginning July 1, 2011:

Free Cash	
Raise and Appropriate	33,290,188.00
Transfer from Available Funds:	0.00
Wetlands Protection Receipts Reserved for Appropriation Fund	4,000.00
Industrial Park Betterments Receipts Reserved for Appropriation Fund	110,000.00
Water Operations	402,349.00
Wastewater Operations	460,190.00
Electric Department	520,000.00
Airport Operations	2,520.00
Parking Operations	14,014.00
Total	34,803,261.00

		2011 Budget	2012 Proposed	Year-to-Year Difference	Percent Change
	Selectmen				
1	Other Expenses	123,900.00	115,400.00	(8,500.00)	-7.37%
	Total	123,900.00	115,400.00	(8,500.00)	-7.37%
	Town Manager				
2a	Personal Services	233,854.00	540,936.00	307,082.00	56.77%
2b	Other Expenses	77,393.00	137,773.00	60,380.00	43.83%
	Total	311,247.00	678,709.00	367,462.00	54.14%
	Finance Committee				
3a	Personal Services	6,000.00	6,000.00	0.00	0.00%
3b	Reserve Fund	100,000.00	150,000.00	50,000.00	33.33%
	Total	106,000.00	156,000.00	50,000.00	32.05%

		2011 Budget	2012 Proposed	Year-to-Year Difference	Percent Change
	Finance				
4a	Personal Services	268,778.00	512,865.00	244,087.00	47.59%
4b	Other Expenses	55,700.00	66,880.00	11,180.00	16.72%
4c	Capital Outlay	100.00	100.00	0.00	0.00%
	Total	324,578.00	579,845.00	255,267.00	44.02%
	Accountant				
5a	Personal Services	164,028.00	317,569.00	153,541.00	48.35%
5b	Other Expenses	30,120.00	32,535.00	2,415.00	7.42%
5c	Capital Outlay	20,000.00	20,000.00	0.00	0.00%
	Total	214,148.00	370,104.00	155,956.00	42.14%
	Assessors				
6a	Personal Services	124,815.00	225,836.00	101,021.00	44.73%
6b	Other Expenses	21,150.00	29,900.00	8,750.00	29.26%
	Total	145,965.00	255,736.00	109,771.00	42.92%
	Revaluation				
7a	Revaluation	51,800.00	35,000.00	(16,800.00)	-48.00%
	Total	51,800.00	35,000.00	(16,800.00)	-48.00%
	Personnel				
8a	Other Expenses	7,000.00	8,565.00	1,565.00	18.27%
	Total	7,000.00	8,565.00	1,565.00	18.27%
	Management Information Systems				
9a	Personal Services	246,920.00	196,789.00	(50,131.00)	-25.47%
9b	Other Expenses	179,150.00	228,110.00	48,960.00	21.46%
9c	Capital Outlay	18,500.00	34,100.00	15,600.00	45.75%
	Total	444,570.00	458,999.00	14,429.00	3.14%
	Town Clerk				
10a	Personal Services	159,753.00	242,038.00	82,285.00	34.00%
10b	Other Expenses	39,089.00	28,852.00	(10,237.00)	-35.48%
	Total	198,842.00	270,890.00	72,048.00	26.60%
	Conservation				
11a	Personal Services	34,310.00	27,589.00	(6,721.00)	-24.36%
11b	Other Expenses	2,964.00	2,965.00	1.00	0.03%
	Total	37,274.00	30,554.00	(6,720.00)	-21.99%

		2011 Budget	2012 Proposed	Year-to-Year Difference	Percent Change
	Planning Board				
12a	Personal Services	142,062.00	120,047.00	(22,015.00)	-18.34%
12b	Other Expenses	350.00	1,401.00	1,051.00	75.02%
	Total	142,412.00	121,448.00	(20,964.00)	-17.26%
	Zoning Board of Appeals				
13a	Personal Services	10,616.00	1.00	(10,615.00)	-1061500.00%
13b	Other Expenses	382.00	382.00	0.00	0.00%
	Total	10,998.00	383.00	(10,615.00)	-2771.54%
	Boards/Committees				
14a	Other Expenses	3,110.00	2,610.00	(500.00)	-19.16%
	Total	3,110.00	2,610.00	(500.00)	-19.16%
	Insurance/Employee Benefits				
15a	Town Insurance	813,598.00	902,904.00	89,306.00	9.89%
15b	Employee Benefits	7,945,879.00	9,185,230.00	1,239,351.00	13.49%
	Total	8,759,477.00	10,088,134.00	1,328,657.00	13.17%
	Public Buildings				
16a	Personal Services	224,960.00	279,055.00	54,095.00	19.39%
16b	Other Expenses	264,278.00	283,378.00	19,100.00	6.74%
16c	Capital Outlay	0.00	0.00	0.00	0.00%
	Total	489,238.00	562,433.00	73,195.00	13.01%
	Police				
17a	Personal Services	2,892,899.00	4,214,151.00	1,321,252.00	31.35%
17b	Other Expenses	365,222.00	419,951.00	54,729.00	13.03%
17c	Capital Outlay	70,000.00	117,500.00	47,500.00	40.43%
	Total	3,328,121.00	4,751,602.00	1,423,481.00	29.96%
	Fire				
18a	Personal Services	2,781,813.00	4,360,249.00	1,578,436.00	36.20%
18b	Other Expense	177,649.00	182,964.00	5,315.00	2.90%
18c	Capital Outlay	30,030.00	30,030.00	0.00	0.00%
	Total	2,989,492.00	4,573,243.00	1,583,751.00	34.63%
	Emergency Medical Services				
19a	Personal Services	410,320.00	477,367.00	67,047.00	14.05%
19b	Other Expenses	78,582.00	82,582.00	4,000.00	4.84%
19c	Capital Outlay	2,587.00	2,587.00	0.00	0.00%
	Total	491,489.00	562,536.00	71,047.00	12.63%

		2011 Budget	2012 Proposed	Year-to-Year Difference	Percent Change
	Dispatchers				
20a	Personal Services	560,617.00	697,214.00	136,597.00	19.59%
20b	Other Expenses	19,023.00	19,023.00	0.00	0.00%
20c	Capital Outlay	1,113.00	1,113.00	0.00	0.00%
	Total	580,753.00	717,350.00	136,597.00	19.04%
	Building Inspector				
21a	Personal Services	207,119.00	436,705.00	229,586.00	52.57%
21b	Other Expenses	9,822.00	11,599.00	1,777.00	15.32%
	Total	216,941.00	448,304.00	231,363.00	51.61%
	Emergency Management				
22a	Personal Services	3,498.00	3,498.00	0.00	0.00%
22b	Other Expenses	38,280.00	38,280.00	0.00	0.00%
22c	Capital Outlay	2,600.00	2,600.00	0.00	0.00%
	Total	44,378.00	44,378.00	0.00	0.00%
	Town Expense - Education				
23a	Personal Services	29,220.00	29,220.00	0.00	0.00%
23b	SE Regional Voc. Tech.	400,440.00	399,706.00	(734.00)	-0.18%
	Total	429,660.00	428,926.00	(734.00)	-0.17%
	Engineering				
24a	Personal Services	112,915.00	170,075.00	57,160.00	33.61%
24b	Other Expenses	29,030.00	30,360.00	1,330.00	4.38%
	Total	141,945.00	200,435.00	58,490.00	29.18%
	D.P.W. Administration				
25a	Personal Services	274,712.00	301,464.00	26,752.00	8.87%
25b	Other Expenses	1,701,701.00	1,682,090.00	(19,611.00)	-1.17%
	Total	1,976,413.00	1,983,554.00	7,141.00	0.36%
	Highway				
26a	Personal Services	752,623.00	1,134,557.00	381,934.00	33.66%
26b	Other Expenses	557,094.00	568,094.00	11,000.00	1.94%
	Total	1,309,717.00	1,702,651.00	392,934.00	23.08%
	Snow & Ice				
27a	Personal Services	104,360.00	104,360.00	0.00	0.00%
27b	Other Expenses	235,080.00	235,080.00	0.00	0.00%
	Total	339,440.00	339,440.00	0.00	0.00%

		2011 Budget	2012 Proposed	Year-to-Year Difference	Percent Change
	Health				
28a	Personal Services	100,825.00	104,973.00	4,148.00	3.95%
28b	Other Expenses	23,428.00	25,063.00	1,635.00	6.52%
	Total	124,253.00	130,036.00	5,783.00	4.45%
	Right to Know				
29a	Personal Services	3,000.00	3,000.00	0.00	0.00%
	Total	3,000.00	3,000.00	0.00	0.00%
	Senior Citizens				
30a	Personal Services	266,545.00	324,832.00	58,287.00	17.94%
30b	Other Expenses	49,920.00	51,488.00	1,568.00	3.05%
	Total	316,465.00	376,320.00	59,855.00	15.91%
	Veterans Services				
31a	Personal Services	61,040.00	98,040.00	37,000.00	37.74%
31b	Other Expenses	100,383.00	115,703.00	15,320.00	13.24%
	Total	161,423.00	213,743.00	52,320.00	24.48%
	Social Services				
32a	Personal Services	89,927.00	84,003.00	(5,924.00)	-7.05%
32b	Other Expenses	735.00	935.00	200.00	21.39%
	Total	90,662.00	84,938.00	(5,724.00)	-6.74%
	Municipal Building Committee				
33a	Other Expenses	150.00	150.00	0.00	0.00%
	Total	150.00	150.00	0.00	0.00%
	Library				
34a	Personal Services	410,461.00	528,534.00	118,073.00	22.34%
34b	Other Expenses	169,797.00	195,892.00	26,095.00	13.32%
	Total	580,258.00	724,426.00	144,168.00	19.90%
	Parks/Recreation				
35a	Personal Services	91,858.00	108,858.00	17,000.00	15.62%
35b	Other Expenses	19,235.00	18,116.00	(1,119.00)	-6.18%
	Total	111,093.00	126,974.00	15,881.00	12.51%
	Historical Commission				
36a	Other Expenses	1,300.00	1,300.00	0.00	0.00%
	Total	1,300.00	1,300.00	0.00	0.00%
				0.00	

		2011 Budget	2012 Proposed	Year-to-Year Difference	Percent Change
Arts Cultural Council					
37a	Other Expenses	2,508.00	2,508.00	0.00	0.00%
	Total	2,508.00	2,508.00	0.00	0.00%
Debt Service					
38a	Debt	5,848,148.00	3,083,549.00	(2,764,599.00)	-89.66%
	Total	5,848,148.00	3,083,549.00	(2,764,599.00)	-89.66%
39a	Miscellaneous	573,965.63	569,088.00	(4,877.63)	-0.86%
	Total	573,965.63	569,088.00	(4,877.63)	-0.86%
	Total:	31,032,133.63	34,803,261.00	3,771,127.37	10.84%

Or take any action in relation thereto.

EXPLANATION: This article establishes the FY2012 budget appropriations for municipal expenses, as well as all debt, insurance and employee benefits for all Town and School departments.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 2

To see if the Town will vote to raise and appropriate the sum of \$41,168,221.00 to defray the expenses of the Mansfield Public School System for the ensuing 12-month period beginning July 1, 2011 as follows:

Salaries	\$32,962,062.00
Goods and Services	<u>\$8,206,159.00</u>
TOTAL:	41,168,221.00

Or take any action in relation thereto.

EXPLANATION: This article establishes the FY2012 budget appropriations for the School Department broken down by Salaries and Goods and Services.

SPONSOR: Mansfield School Committee



Vote:

Yes _____

No _____

Article 3

To see if the Town will vote that the income from sales of electricity to private customers or for electricity supplied to municipal buildings, together with receipts from jobbing accounts, be appropriated for the Municipal Electric Department , the whole to be expended by the Manager of the Municipal Electric Department under the direction and control of the Board of Selectman as Municipal Light Commissioners, for expenses of the Department for FY2012, as defined in Section 57 of Chapter 164 of the General Laws, and that, if said sum and said income shall exceed said expense for said fiscal year, such excess shall be transferred to the construction fund of said plant and appropriated and used for such additions thereto as may thereafter be authorized by the Electric Light Commissioners, or take any action in relation thereto.

EXPLANATION: This article provided the appropriation from Electric Department receipts for the Electric Department maintenance and plant operations.

SPONSOR: Light Commission



Vote:

Yes _____

No _____

Article 4

To see if the Town will vote to raise from Water Enterprise revenue or transfer from available funds the sum of \$3,998,248.00 to defray the expenses of the Water Enterprise Fund, as further described below for the ensuing 12-month period beginning July 1, 2011:

Raise from Water Revenue	3,991,753.00
Transfer from General Fund	<u>6,495.00</u>
Total	3,998,248.00

	<u>2011</u> <u>Budget</u>	<u>2012</u> <u>Proposed</u>	<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Change</u>
Water				
a Personal Services	826,479.00	1,134,599.00	308,120.00	27.16%
b Other Expenses	969,419.00	859,970.00	(109,449.00)	-12.73%
c Capital Outlay	0.00	0.00	0.00	0.00%
d Debt	1,351,046.00	1,576,330.00	225,284.00	14.29%
e Indirect Costs	754,922.00	402,349.00	(352,573.00)	-87.63%
f Reserve Fund	25,000.00	25,000.00	0.00	0.00%
Total	3,926,866.00	3,998,248.00	71,382.00	1.79%

Or take any action in relation thereto.

EXPLANATION: This article establishes the FY2012 budget appropriations for the Water Enterprise Fund.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 5

To see if the Town will vote to raise from Wastewater Enterprise revenue or transfer from available funds the sum of \$4,370,431.00 to defray the expenses of the Wastewater Enterprise Fund, as further described below for the ensuing 12-month period beginning July 1, 2011:

Raise from Wastewater Revenue	4,036,066.00
Transfer from General Fund	62,593.00
Transfer from Sewer Betterments Paid in Advance	
Receipts Reserved for Appropriation Fund	11,772.00
Transfer from Wastewater Depreciation Fund	<u>260,000.00</u>
Total:	4,370,431.00

	<u>2011</u> <u>Budget</u>	<u>2012</u> <u>Proposed</u>	<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Change</u>
Wastewater				
a Personal Services	790,228.00	1,186,927.00	396,699.00	33.42%
b Other Expenses	1,377,418.00	1,388,542.00	11,124.00	0.80%
c Capital Outlay	50,000.00	50,000.00	0.00	0.00%
d Debt	1,196,043.00	1,286,968.00	90,925.00	7.07%
e Indirect Costs	799,918.00	407,994.00	(391,924.00)	-96.06%
f Reserve Fund	50,000.00	50,000.00	0.00	0.00%
Total	4,263,607.00	4,370,431.00	106,824.00	2.44%

Or take any action in relation thereto.

EXPLANATION: This article establishes the FY2012 budget appropriations for the Wastewater Enterprise Fund.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 6

To see if the Town will vote to raise from Airport Enterprise revenue the sum of \$75,090.00 to defray the expenses of the Airport Enterprise Fund, as further described below for the ensuing 12-month period beginning July 1, 2011:

	<u>2011</u> <u>Budget</u>	<u>2012</u> <u>Proposed</u>	<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Change</u>
Airport				
a Personal Services	1,500.00	1,200.00	(300.00)	-25.00%
b Other Expenses	25,110.00	24,410.00	(700.00)	-2.87%
c Capital Outlay	45,960.00	46,960.00	1,000.00	2.13%

d	Debt				
e	Internal Services	2,520.00	2,520.00	0.00	0.00%
f	Reserve Fund				
	Total	75,090.00	75,090.00	0.00	0.00%

Or take any action in relation thereto:

EXPLANATION: This article establishes the FY2012 budget appropriations for the Airport Enterprise Fund.

SPONSOR: Mansfield Airport Commission



Vote:

Yes _____

No _____

Article 7

To see if the Town will vote to raise from Parking Enterprise revenue the sum of \$534,596.00 to defray the expenses of the Parking Enterprise Fund, as further described below for the ensuing 12-month period beginning July 1, 2011:

		2011	2012	Dollar	Percent
		<u>Budget</u>	<u>Proposed</u>	<u>Difference</u>	<u>Change</u>
	Parking				
a	Personal Services	104,412.00	124,412.00	20,000.00	16.08%
b	Other Expenses	547,774.00	391,170.00	(156,604.00)	-40.03%
c	Indirect Costs	14,014.00	14,014.00	0.00	0.00%
d	Reserve Fund	5,000.00	5,000.00	0.00	0.00%
	Total	671,200.00	534,596.00	(136,604.00)	-25.55%

Or take any action in relation thereto.

EXPLANATION: This article establishes the FY2012 budget appropriations for the Parking Enterprise Fund.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 8

To see if the Town will vote to appropriate \$192,845.80 from the Wastewater Depreciation Trust in order to retire the short-term borrowing approved under Article #20 of the May 20, 2008 Town Meeting and Article 28 of the May 27, 2008 Town Meeting.

EXPLANATION: Article #20 of the May 20, 2008 Town Meeting authorized borrowing of \$100,000.00 for the Town's Comprehensive Wastewater Treatment Plan and Article 28 of the May 27, 2008 Town Meeting authorized borrowing \$730,000.00 for Construction of the Phase IV portion of the School Street Sewer Interceptor and after completion of the projects, the total

outstanding principal is \$192,845.80 and this is available from the Wastewater Depreciation Trust.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 9

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$1,551,000.00 for the following various Capital Improvements projects for the Town of Mansfield, or take any action in relation thereto:

Account	Description	Amount
Police	Transport Vehicle	\$45,000.00
Wastewater Enterprise	Sludge Pump/Valves	\$171,000.00
Parking Enterprise	Parking	\$100,000.00
DPW	Roadway Improvements	\$800,000.00
DPW	Salt Shed	\$45,000.00
DPW	DPW Snowblower	\$100,000.00
DPW	DPW 10-Wheel Dump Truck	\$175,000.00
DPW	One-Ton Pickup Truck	\$45,000.00
Dept. of Public Works- Public Buildings Division	DPW Facility Design	\$40,000.00
Dept. of Public Works- Public Buildings Division	Memorial Hall Architectural Study	\$30,000.00
Capital Stabilization		
	Total:	\$1,551,000.00

SPONSOR: Capital Improvements Committee



Vote:

Yes _____

No _____

Article 10

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$831,000.00 for the following Capital Improvements projects for the Mansfield School Department, or take any action in relation thereto:

Account	Description	Amount
Field Maintenance Revolving Account	Track & Field	\$100,000.00
	Track & Field	\$310,000.00
	Robinson Windows	\$375,000.00
	Roland Green Repoint Brick	\$21,000.00
	Jordon-Jackson Chiller Retrofit	\$25,000.00
	Total:	\$831,000.00

SPONSOR: Capital Improvements Committee



Vote:

Yes _____

No _____

Article 11

To see if the Town will vote to rescind the unissued balances in the sum of \$825,594.00 of the following votes of the Town, which amounts are no longer needed to pay costs of completing the projects for which they were approved:

<u>Article</u>	<u>Date Authorized</u>	<u>Original Amount Authorized</u>	<u>Purpose</u>	<u>Auth/Unissued Balance to Rescind</u>
#5	11/24/1997	\$ 950,000	Land Acquisition	\$ 50,000
#11	5/17/1999	\$ 85,000	Railroad Crossing	\$ 15,000
#30	5/22/2000	\$ 350,000	Dept. Equipment	\$ 200,000
#16	4/25/2001	\$1,200,000	Sewer-MWPAT	\$ 195,000
#12	10/29/2002	\$ 170,000	Wtr Man. Planning	\$ 32,999
#13	10/29/2002	\$ 103,000	Sch. Rec Facility	\$ 53,000
#19	5/18/2004	\$ 150,000	Sewer	\$ 50,000
#6	5/17/2005	\$ 11,245	Voting Equipment	\$ 95
#5	5/17/2005	\$ 50,800	Computer Software	\$ 500
#21	5/17/2005	\$ 736,300	Equipment	\$ 59,000
#16	5/15/2007	\$ 170,000	Airport Land Acq.	\$170,000

Or take any action in relation thereto.

EXPLANATION: These prior articles were adopted at previous town meetings authorizing borrowings for specific projects. The projects have been completed. The amount of borrowing required to complete the projects was less than the amount authorized by Town Meeting. The borrowing authorizations continue on the books of the Town. The projects being completed, the borrowings are no longer necessary and the amounts authorized remain unused should be rescinded in order to clear the items from the town's books and improve the Town's borrowing ratings for future financing needs. The original authorizations in question can only be used for the purposes for which they were originally authorized and therefore, because the projects are finished, the borrowings could not be made for other projects.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 12

To see if the Town will vote to accept the provisions of St. 2010, c. 188, sec. 66, and to accept an Early Retirement Plan thereunder, allowing eligible employees of the Town to apply for early retirement and authorizing the Town Manager, as Executive Officer of the Town, to determine within the requirements of the Early Retirement Program whether or not those employees will be authorized and approved for early retirement, or take any action in relation thereto.

EXPLANATION: The General Court has authorized an Early Retirement Program with a number of restrictions for all Town employees with the exception of School Department employees who are members of the Teacher's Retirement Program. The Early Retirement Program has restrictions on the replacement of employees and requires employees who participate to forego any accrued vacation and any sick leave that would be paid at retirement toward the cost of the Early Retirement Program. The Town Manager is authorized to implement the program once it is adopted within the restraints of the law. There have been several employees who have expressed interest in the program. It is estimated that the Town will save a minimum of \$100,000.00 in the first year of the program when all of the costs of the program are taken in to account. The longer-term savings could be higher based upon continuing reduction in staffing levels. The program has been approved by the Board of Selectmen and the Commonwealth of Massachusetts Public Employee Retirement Administration Commission (PERAC).

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 13

To see if the Town will vote to accept the provisions of G.L. c. 64L, § 2(a) to impose a local sales tax upon the sale of restaurant meals originating within the town by a vendor at the rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals to take effect July 1, 2011, or take any action in relation thereto.

EXPLANATION: A city or town may now impose an excise of .75% on the sales of restaurant meals originating within the municipality by accepting G.L. c. 64L, § 2(a). The Massachusetts Department of Revenue (DOR) will collect the local meals excise at the time it collects the state tax on the sale. Therefore, the local excise applies to all meals subject to the state sales tax. A community may not vary the rate or the meals subject to the excise. A community's acceptance of the local meals excise becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept. If not, the acceptance becomes operative on the first day of the second quarter after the vote. If accepted by this Annual Town Meeting, the Local Option meals Excise will become effective July 1, 2011.

Since meals taxes are paid to the State in arrears, the Town will receive five months of revenue during fiscal year 2012. Using DOR estimates, this will result in \$100,000.00 in additional revenue to the Town for the five month period. A full year of meals excise will generate an estimated \$250,000.00 in fiscal year 2013.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 14

To see if the Town will vote to accept Chapter 40, Section 22F related to the establishment of service charges and fees, or take any action in relation thereto.

Chapter 40, Section 22F: Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, section 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a city by a vote of the city council, with the approval of the mayor if so required by law, and in a town by vote of the town meeting, or by vote of the town council in towns with no town meeting. Added by St.1991, c. 138, § 123. Amended by St.1995, c. 42; St. 1996, c. 454, § 1; St.1998, c. 180, § 3.

EXPLANATION: The adoption of this section would allow service charges and fees to be established by the Board of Selectmen upon the recommendation of the individual or agency authorized by law to establish a fee for service. The fees would be distributed as directed by Town Meeting. Establishment of an individual fee would still require Town Meeting approval; however, the actual amount will be determined by the Board of Selectmen based upon recommendations from the individual or agency that is authorized to establish the fee.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 15

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain certain parcels of land containing approximately 51.224 acres, located on Pine Street, identified as Lot 4 on Assessors Map 24, and on Rear Crane Street, identified as Lots 63, 63-01, 63-02, and 63-04 on Assessors Map 24, otherwise known as the Reilly Family Realty Trust property and shown on the plan entitled "Plan of Land in Norton, Massachusetts," dated March 8, 2006, last revised June 20, 2006 and recorded at the Bristol County Registry of Deeds Northern District in Plan Book 447, as Plan No. 68, a copy of which plan is on file with the Town Clerk's office, for the purposes of wastewater disposal, and further, in the case of a purchase or taking, to raise and appropriate, transfer from available funds, borrow, or appropriate from any combination thereof, a sum of money to satisfy the costs of such purchase or taking, and further to see if the Town will vote to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of, subject to G.L. c. 30B, said parcels of land so acquired by the Town, or to take any other action in relation thereto.

EXPLANATION: This property is currently owned by the Reilly family and has been identified through engineering studies as a viable location for treated wastewater infiltration and groundwater replenishment system. The 2010 Town Meeting authorized borrowing for the acquisition of this parcel and one other parcel. The second parcel has been acquired. This article will increase the amount of funding available for the purchase of the Reilly property. The reason for the increase that the Reilly family has taken a position that instead of the original 11 acres that was required for the wastewater infiltration system, the entire parcel should be acquired thus better protecting the interest of the family. A tentative agreement has been made on a price which is in line with the Town's appraisal. The property is required for future expansion of the wastewater plant. The repayment of the bonds for the acquisition of the property will be included in the operating expenses of the wastewater system, thus will be shared between Mansfield, Norton and Foxboro.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 16

To see if the town will vote to rescind the action taken at Special Town Meeting on October 26, 1998 authorizing an expenditure of up to \$6,000.00 for the purchase of the following described property which is owned by the Eames Trust for purposes of wellhead protection for the water utility and to authorize an expenditure of \$18,400.00 based on the assessed value of the property to purchase the property for wellhead protection for the water utility and to acquire the property by other gift purchase or eminent domain. Said appropriation to come from the Water Enterprise Fund, or take any action in relation thereto.

Property Description: Land in Mansfield, Bristol County, Massachusetts situated on the northwesterly side of Interstate Route 95 and shown as land "Now or Formerly of Nancy C. Eames, Trustee of Eames Trust" on a plan entitled "Plan of Land in Mansfield MA Scale 1" = 150' September 8, 1998" by Toomey-Munson & Associates, Inc. Said land is also shown as Lots 30, 34, and 34a on Mansfield Assessors' Map1.

EXPLANATION: The Eames family has approached the Town about purchasing a parcel of land that is surrounded by town-owned land adjacent to the Witch Pond swamp. The Town currently has wells for the water supply located adjacent to this property. The property was previously authorized by Town Meeting for purchase by the Town in 1998 and was never consummated. The property would be purchased to protect both the Witch Pond swamp and the water supply of the Town with the purchase price coming from the Water Enterprise Fund. The property would be held for wellhead protection by the Town.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 17

To see if the Town will vote to transfer from Free Cash the sum of \$17,643.59 as shown below to pay the following unpaid prior year's bills:

<u>DEPARTMENT</u>	<u>VENDOR</u>	<u>AMOUNT</u>
Personnel – Drug & Alcohol Testing	Advantage Drug Testing	\$495.00
Town Manager – Books & References	Thomson-West	\$101.50
Police – Operating Expenses	HUB Technical Services, LLC	\$312.22
Police – Operating Expenses	Monty's Cycle Shop, Inc.	\$328.57
Police – Salary	Steven Simonds	\$603.34
Insurance – Workers Comp. Special	Stoneriver Pharmacy Solutions	\$628.12
Insurance – Workers Comp. Special	Newton-Wellesley Hospital	\$462.34
MIS – Annual Maintenance Contract	Softright	\$14,187.50
DPW-Winter Maintenance Expenses	Colangelo Construction	\$425.00
Highway Expenses	ATSSA	\$100.00
	Total:	\$17,643.59

Or take any action in relation thereto.

EXPLANATION: In general, appropriated amounts at Town Meeting for one fiscal year cannot be spent on a previous year's expenditures without Town Meeting approval. This article would pay these outstanding unpaid bills.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 18

To see if the Town will vote to transfer from Wastewater Retained Earnings the sum of \$428.88 as shown below to pay the following unpaid prior year's bills:

Article 21

To see if the Town will vote to raise and appropriate the sum of \$6,650.00 for a Household Hazardous Waste Collection, or take any action in relation thereto.

EXPLANATION: This article is to fund a collection of a variety of chemicals, paint, solvents, automobile products and lawn care products. The collection is limited to households only, and proof of residency is required. The collection costs from \$3-\$4,000.00 an hour to run and is held on a Saturday morning.

SPONSOR: Board of Health



Vote:

Yes _____

No _____

Article 22

To see if the Town will vote to accept M.G.L. Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which allows an additional Real Estate tax exemption of one hundred percent (100%) on Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of Section 5 of Chapter 59 of the General Laws, or take any action in relation thereto.

EXPLANATION: This article is an annual article to allow 100% of available exemptions in certain clauses of the Massachusetts General Laws for Fiscal Year 2012.

SPONSOR: Board of Assessors



Vote:

Yes _____

No _____

Article 23

To see if the Town will raise and appropriate, borrow or transfer from available funds the sum of money to the Employee Other Post-Employment Benefits (OPEB) Liability Trust Fund; or take any action in relation thereto.

EXPLANATION: The Town has a large unfunded OPEB liability. The Town is required to pay a percentage of retirees' medical, dental and life insurance costs. The Town has funded an actuarial study to determine the amount of these costs and this would be the first payment toward those future costs.

SPONSOR: Finance Committee



Vote:

Yes _____

No _____

Article 24

To see if the Town will vote to authorize the Selectman to acquire by gift, purchase, or eminent domain title to, easement or interest in the land situated on Bird Road and shown as on a plan entitled “MANSFIELD MUNICIPAL ELECTRIC DEPARTMENT, MANSFIELD, MASSACHUSETTS, EAST MANSFIELD SUBSTATION, CONSTRUCTION PLAN, JOB NO. 2090097”, Scale 1” = 20’, Date: 3/12/10, prepared by Weston and Sampson, 100 Foxborough Blvd., S.250, Foxborough, MA. Such land or interest in land shall be under the care, custody, management and control of the Mansfield Municipal Electric Department. Such acquisition shall be made exclusively from Mansfield Municipal Electric Department funds, in an amount not to exceed \$187,500.00, and all costs, expenses, and liabilities associated with the acquisition of the easement shall be borne by the Mansfield Municipal Electric Department, or take any action in relation thereto.

EXPLANATION: The Mansfield Municipal Electric Department intends to construct, operate and maintain an electrical substation with the easement area shown on Assessors Map 39-38 on Bird Road.

SPONSOR: Mansfield Municipal Electric



Vote:

Yes _____

No _____

Article 25

To see if the Town will vote to authorize the Municipal Light Commission to acquire by purchase, gift or eminent domain a permanent easement over property located at 51 Francis Avenue (Map 30, Parcel 77) for the purposes of transmitting electricity; to see if the Town will vote to authorize the Municipal Light Commission to convey, release or otherwise dispose of all or a portion of the existing easement for the transmission of electricity now held by the Commission over the property located at 51 Francis Avenue, dated February 26, 2009 and filed with the Bristol County Registry District of the Land Court as Document No. 89973; or take any action in relation thereto.

EXPLANATION: This action will void the original easement and authorize execution of a new easement that conforms with the Board of Light Commissioners policy for Secondary Facilities on Private Property that was approved on December 13, 2010.

SPONSOR: Mansfield Municipal Electric



Vote:

Yes _____

No _____

Article 26

To see if the Town will vote to authorize the Police Department to establish for Fiscal Year 2012 a Police Detail Service Charge Fee Revolving Fund in accordance with M.G.L. Chapter 44, Section 53E ½ to receive up to \$40,000.00 of General Fund Police Detail Service Charge Fees

(the remaining Police Detail Service Charge Fees to be credited as General Fund receipts), and up to \$80,000.00 of General Fund Public Intoxication Penalties (the remaining Public Intoxication Penalties to be credited as General Fund receipts), and to authorize expenditures of up to \$120,000.00 to pay for expenditures related to the equipping and training of Mansfield Police Officers, the purchase of technology and other equipment; and the payment of personnel costs and overhead relation to the imposition and collection of said fees and penalties, or take any action in relation thereto.

EXPLANATION: This article will establish a new Police-directed revolving fund for FY12. The revenue in this fund will come from an existing surcharge on Police Details charged to private companies. The expenditures in this fund will purchase police equipment, police training and police technology needs. This revolving fund was first created in FY11, so there is no activity for FY10. These funds will be used to provide funding to carry on the Mission of the Mansfield Police Department. Funding challenges facing all levels of government during the past few years have posed the need to create alternative funding.

FY2010 Revenue - \$0.00; Expenditures - \$0.00

FY2011 (July 1, 2010-June 30, 2011) Revenue - \$20,000.00; Expenditures - \$0.00

FY2012 (July 1, 2011-June 30, 2012) Revenue - \$120,000.00; Expenditures - \$120,000.00

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 27

To see if the Town will vote to authorize the Mansfield Fire Department to establish for Fiscal Year 2012 an Ambulance Fees Revolving Fund in accordance with M.G.L. Chapter 44 Section 53E ½ for the collection of up to \$270,000.00 of ambulance fees (the remaining Ambulance Fees to be credited as General Fund receipts), and to authorize expenditures of up to \$270,000.00 for the purchase of a new ambulance and any new Emergency Medical Services (EMS)-related additional expenses deemed necessary by the Fire Chief; or take any action in relation thereto.

EXPLANATION: This article will establish an Emergency Medical Services-directed revolving fund for FY2012. The revenue in this fund will come from ambulance receipts received by the Town. The expenditures from this fund will purchase a new ambulance and any related items needed to properly equip the ambulance. This revolving fund was first created in FY11, so there is no activity for FY10.

FY2010 Revenue - \$0.00; Expenditures - \$0.00

FY2011 (July 1, 2010-June 30, 2011) Revenue - \$235,000.00; Expenditures - \$207,961.50

FY2012 (July 1, 2011-June 30, 2012) Revenue - \$270,000.00; Expenditures - \$270,000.00

SPONSOR: Finance Committee



Vote:

Yes _____

No _____

Article 28

To see if the Town will vote to amend the existing town bylaws, Chapter 21, Fire Department Regulations, to incorporate language appropriate to current Radio Master Box technology and to establish an annual fee for each Radio Master Box, or take any action in relation thereto.

Chapter 21 – Fire Department Regulations

Section I – Fire Alarm Systems

- A. Definitions: When used in this chapter, unless contrary intention clearly appears, the following words and phrases shall have the following meanings:
- a. “Fire Alarm System”: An assembly of equipment and devices or single device such as a solid state unit which connects directly into a 110 volt AC line. Any heat activated, smoke activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the Mansfield Fire Department by way of a master box.
 - b. “Fire Alarm System Malfunction”: The transmittal of a fire alarm to a central station operating company or directly to the Mansfield Fire Department via a master box which alarm is caused by malfunction. For the purpose of this by-law, a malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation or maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of a needless alarm signal to the Mansfield Fire Department.
 - c. “Fire Alarm System Owner”: An individual or entity who owns the title to and/or has on his business a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the Mansfield Fire Department. Excluded from this definition are residential properties, municipal, county, state and federal agencies.
 - d. “Half-year Period”: January 1 through June 30 or July 1 through December 31, as the case may be of any calendar year.
 - e. “Master Box Owner”: An individual or entity who has on his business a fire alarm system equipped to send a fire alarm signal directly to the Mansfield Fire Department via a master box.
 - f. “Maliciously Induced Alarm”: An owner will not be assessed a fine for maliciously induced alarm, but a criminal complaint shall be brought against the initiator of the alarm. The authority having jurisdiction will determine through proper investigation whether or not the alarm was false or maliciously induced.
- B. Administrative Rules - The Fire Chief may promulgate such rules as may be necessary for the implementation of this by-law
- C. Section 116. Connection of Fire Alarm Systems to the Mansfield Fire Department via a Master Box
- a. Before the fire alarm system is connected to the Mansfield Fire Department, the master box owner shall provide the Fire Chief or his designee with the following information:
 - i. The name, address and home and work telephone numbers of the master box owner;
 - ii. The street address where the master box is located;

- iii. The name, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box, and;
 - iv. The names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, and who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.
 - b. If at passage of this by-law a fire alarm system has already been connected to the Mansfield Fire Department via a master box, the owner shall comply with the requirements of this section within sixty (60) days after the Mansfield Fire Department has receipt of a registered/return receipt letter of the requirements of this section.
 - c. If a master box owner fails to comply with this section, the Fire Chief or his designee may assess a fine of fifty dollars (\$50.00) for each day of non-compliance.
- D. Section 117. Connection of Central Station Operating Companies to the Mansfield Fire Department.
- a. Before the central station operating company is connected to the Mansfield Fire Department, it shall provide the Fire Chief or his designee with the following information:
 - i. The name, address and telephone numbers of the central station operating company;
 - ii. The name, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;
 - iii. The names, addresses and home and work telephone numbers of at least two persons who can be contacted twenty-four hours a day, and who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company, and;
 - iv. The name, address, home and work telephone numbers, and the location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.
 - b. If at passage of this by-law a central station operating company already has a direct connection to the Mansfield Fire Department, the central station operating company shall comply with the requirements of this section within sixty (60) days after the Mansfield Fire Department has receipt of a registered/return receipt letter of the requirements of this section.
 - c. If a master box owner fails to comply with this section, the Fire Chief or his designee may assess a fine of fifty dollars (\$50.00) for each day of non-compliance.
- E. Section 118. Updating Information
- a. Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Fire Chief or his designee. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief or his designee with the updated changes by the January first, following the changes. If a master box owner or a central station operating company fails to comply with this section, the Fire Chief or his designee shall assess a fine of fifty dollars (\$50.00) for each day of non-compliance.

F. Testing of Equipment

- a. No alarm system designed to transmit emergency messages directly to the Fire Department shall be worked on, tested or demonstrated without obtaining permission from the Fire Department communications section. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Fire Department. An unauthorized test constitutes a false alarm.

G. Burn-in Period

- a. A burn in period of thirty (30) days from final inspection will be granted during which no fines will be assessed.

H. Penalties

- a. Upon receipt of three (3) or more false alarms within a six (6) month period from commercial/industrial properties, the Fire Chief or his designee may assess a fine pursuant to Massachusetts General laws Chapter 40, Section 21 against the fire alarm system owner.
- b. The following acts and omissions shall constitute violations of this by-law punishable by the fines as herein provided:
 - i. An alarm user who alarm system transmits or otherwise causes more than three (3) false alarms in a six (6) month period shall be assessed a fine according to the following schedule:

1. fourth false alarm	\$100.00
2. fifth false alarm	\$150.00
3. sixth false alarm	\$200.00
4. seventh false alarm	\$250.00
5. eighth and any subsequent false alarms	\$300.00
 - ii. An alarm user who fails to comply with any of the requirements of paragraph F of this by-law relative to the testing of equipment shall be punished by a fine of \$300.00

I. Separability

- a. If any clause, sentence, paragraph, or part of this local law or the application thereof to any persons or circumstances shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, and to the person or circumstances involved.

Chapter Twenty-One – Fire Department Regulations (PROPOSED AMENDMENTS)

SECTION I – FIRE ALARM SYSTEMS

A. DEFINITIONS:

When used in this chapter, unless contrary intention clearly appears, the following words and phrases shall have the following meanings:

- 1. **“Fire Alarm System”:** A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or

supervisory signal-initiating devices and to initiate the appropriate response to those signals, capable of transmitting a fire alarm signal to the Mansfield Fire Department via telephone or radio **(Revised definition)**

2. "Fire Alarm System Malfunction": The transmittal of a fire alarm to the Mansfield Fire Department **via telephone or radio (added wording)** which alarm is caused by malfunction. For the purpose of this by-law, a malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation or maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of a needless alarm signal to the Mansfield Fire Department.
3. "Fire Alarm System Owner": An individual or entity who owns the title to and/or has on his business a fire alarm system equipped to send a fire alarm signal to the Mansfield Fire Department. Excluded from this definition are **single family residential properties, two-family residential properties (added new wording)**, municipal, county, state and federal properties.
4. "Half-year Period": January 1 through June 30 or July 1 through December 31, as the case may be of any calendar year.
5. "**Radio (added word)** Master Box Owner": An individual or entity who has on his business a fire alarm system equipped to send a fire alarm signal directly to the Mansfield Fire Department via radio master box.
6. "Maliciously Induced Alarm": An owner will not be assessed a fine for maliciously induced alarm, but a criminal complaint shall be brought against the initiator of the alarm. The authority having jurisdiction will determine through proper investigation whether or not the alarm was false or maliciously induced.

B. ADMINISTRATIVE RULES

The Fire Chief may promulgate such rules as may be necessary for the implementation of this by-law

C. (Added Bullet point to correct formatting, Section C was listed but not lettered, causing document to jump from Section B to Section D) Section 116. Connection of Fire Alarm Systems to the Mansfield Fire Department via a **Radio (added word)** Master Box

Before the fire alarm system is connected to the Mansfield Fire Department, the radio master box owner shall provide the Fire Chief or his designee with the following information:

1. **(Added Bullet point to correct formatting, Section 1 was listed but not lettered, causing document to jump numeral 2)**The name, address and telephone numbers of the radio master box owner;
2. The street address where the **radio (added word)** master box is located;
3. The name, addresses and telephone numbers of the persons or **businesses protected by the fire alarm system connected to the radio (new wording)** master box, and;
4. The names, addresses and telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, and who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the **radio (new word)** master box is located.

(new paragraph)

Radio Master Box owners shall pay to the Town of Mansfield an annual assessment of \$100.00, payable on or before June 30 of each year, for each radio master box owned by a radio master box owner. Failure of the radio master box owner to pay the assessed fee to the Town of Mansfield by the date due may subject the owner of the radio master box to be fined fifty dollars (\$50.00) per day for each day that the assessment remains unpaid.

(NEW SECTION)

If at passage of this by-law a fire alarm system has already been connected to the Mansfield Fire Department via a **radio (new word)** master box, the owner shall comply with the requirements of this section within sixty (60) days after the Mansfield Fire Department has receipt of a registered/return receipt letter of the requirements of this section.

If a **radio (new word)** master box owner fails to comply with this section, the Fire Chief or his designee may assess a fine of fifty dollars (\$50.00) for each day of non-compliance.

D. Section 117. Connection of Central Station Operating Companies to the Mansfield Fire Department.

Before the central station operating company is connected to the Mansfield Fire Department, it shall provide the Fire Chief or his designee with the following information:

1. The name, address and telephone numbers of the central station operating company;
2. The name, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected by the central station operating company; **(New section)**
3. A copy of the central station operating company's certification from a nationally recognized listing company as a central station operating company; **(New section)**
4. The names, addresses and telephone numbers of at least two persons who can be contacted twenty-four hours a day, and who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company, and; **(previously #3)**
5. The name, address, telephone numbers, and the location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company. **(Previously #4)**

If at passage of this by-law a central station operating company already has a direct connection to the Mansfield Fire Department, the central station operating company shall comply with the requirements of this section within sixty (60) days after the Mansfield Fire Department has receipt of a registered/return receipt letter of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief or his designee may assess a fine of fifty dollars (\$50.00) for each day of non-compliance.

E. Section 118. Updating Information

Every **radio (added word)** master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Fire Chief or his designee. If the information provided changes, the **radio (added word)** master box owner and the central station operating company shall provide the Fire Chief or his designee with the updated changes **by the first day of the month, (added wording)** following the changes. If a **radio (added word)** master box owner or a central station operating company fails to comply with this section, the Fire Chief or his designee shall assess a fine of fifty dollars (\$50.00) for each day of non-compliance.

F. Testing of Equipment

No alarm system designed to transmit emergency messages directly to the Fire Department via **radio (added word)** master box shall be worked on, tested or demonstrated without obtaining permission from the Fire Department. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Fire Department. An unauthorized test **shall (added word)** constitute a false alarm.

G. Burn-in Period

A burn in period of thirty (30) days from final inspection will be granted during which no fines will be assessed.

H. Penalties

Upon receipt of three (3) or more false alarms within a six (6) month period from **multi-family residential or (added new wording)** commercial/industrial properties, the Fire Chief or his designee may assess a fine pursuant to Massachusetts General Laws Chapter 40, Section 21 against the fire alarm system owner.

The following acts and omissions shall constitute violations of this by-law punishable by the fines as herein provided:

An alarm user who alarm system transmits or otherwise causes more than three (3) false alarms in a six (6) month period shall be assessed a fine according to the following schedule:

- | | |
|---|----------|
| a. fourth false alarm | \$100.00 |
| b. fifth false alarm | \$150.00 |
| c. sixth false alarm | \$200.00 |
| d. seventh false alarm | \$250.00 |
| e. eighth and any subsequent false alarms | \$300.00 |

An alarm user who fails to comply with any of the requirements of paragraph F of this by-law relative to the testing of equipment shall be punished by a fine of \$300.00

I. SEPARABILITY

If any clause, sentence, paragraph, or part of this local law or the application thereof to any persons or circumstances shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, and to the person or circumstances involved.

EXPLANATION: This article will update the language within the existing bylaw accounting for the change from the old Telegraph Fire Alarm System to a Radio Transmitting system. It will also allow a fee to be established for 24-hour monitoring of these systems and related service provided by the Mansfield Fire Department.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 29

To see if the Town will vote to authorize the Mansfield Fire Department to establish for Fiscal Year 2012 a Radio Master Box Fee Revolving Fund in accordance with M.G.L. Chapter 44 Section 53E ½ for the collection of all radio master box fees, and to authorize expenditures of up to \$40,000.00 for the purchase of radio and other related equipment needed to properly equip and maintain the Radio Master Box reading system, or take any action in relation thereto.

EXPLANATION: This article will establish an Fire Department-directed revolving fund for FY2012. The revenue in this fund will come from radio master box fees generated by the Radio Master Box Fee bylaw changes stated in the immediate previous article. The expenditures from this fund will purchase radio equipment and any related items needed to properly equip and maintain the Radio Master Box reading system. This is a new revolving fund, so there is no activity for FY10 or FY11.

FY2010 Revenue - \$0.00; Expenditures - \$0.00

FY2011 (July 1, 2010-June 30, 2011) Revenue - \$.000; Expenditures - \$0.00

FY2012 (July 1, 2011-June 30, 2012) Revenue - \$40,000.00; Expenditures - \$40,000.00

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 30

To see if the Town will vote to authorize the Building Inspector’s Department to establish for Fiscal Year 2012 an Inspections Revolving Fund in accordance with M.G.L. Chapter 44, Section 53E ½ for the collection of 65% of electrical, mechanical, gas and plumbing inspection fees, (the remaining 35% to be credit as General Fund receipts) and to authorize expenditures of up to \$225,000 in payment to inspectors performing these inspections, or take any action in relation thereto.

EXPLANATION: This article will establish a Building Inspector – directed revolving fund for FY11. This fund was first established by Town meeting vote in 1999 to avoid requesting a transfer from the Reserve Fund. Transfers were requested because the Town was unable to accurately estimate the plumbing, gas, electrical and mechanical fees brought in for any given year. The revenue in this fund will come from 65% of all electrical, mechanical, gas and plumbing inspection fees generated by the Town. The expenditures in this fund will pay the inspectors who perform the inspections. This article was omitted from the June 16, 2009 Annual Town Meeting Warrant, so there is no activity for FY2010. Below is a reporting of the fund’s activity:

FY2010 Revenue - \$0.00; Expenditures - \$0.00.

FY2011 (July 1, 2010-June 30, 2011) Revenue - \$133,320.22; Expenditures - \$77,756.23.

FY2012 (July 1, 2011-June 30, 2012) Revenue - \$225,000.00; Expenditures - \$225,000.00

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 31

To see if the Town will vote to authorize the Mansfield Public Library to establish for Fiscal Year 2012 a Library Public Printing Revolving Fund in accordance with M.G.L. Chapter 44 Section 53E ½ for the collection of public printer and public copier printing fees, and to authorize expenditures of up to \$6,000.00 for the purchase of paper and toner for the public printer and lease of the public copier, or take any action in relation thereto.

EXPLANATION: This article will establish a Mansfield Public Library-directed revolving fund for FY2012. The revenue in this fund will come from public printing fees charged to library patrons. The expenditures from this fund will purchase paper and toner for the public printer and will also pay for the lease of the public copier. This article was omitted from the June 16, 2009 Annual Town Meeting Warrant, so there is no activity for FY2010. Below is a reporting of the fund's activity:

FY2010 Revenue - \$0.00; Expenditures - \$0.00

FY2011 (July 1, 2010-June 30, 2011) Revenue - \$980.75; Expenditures - \$530.85

FY2012 (July 1, 2011-June 30, 2012) Revenue - \$6,000.00; Expenditures - \$6,000.00

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 32

To see if the Town will vote to amend Chapter Six of the Mansfield General By-Laws by adding the following new Section XIV, or take any action in relation thereto:

1. No person shall be in or display a state of intoxication or drunkenness to the degree that he or she poses a danger to himself or to others, poses a danger to property, or presents a clear and imminent likelihood of criminal conduct, while in or upon any public place or place to which the public has been invited to access (whether free of charge or conditioned upon purchase of a ticket or other form of admission), including but not limited to public ways, sidewalks, parking lots, parks and commons, playgrounds, recreation areas, beaches, cemeteries, municipal buildings and schools and grounds or athletic fields appurtenant thereto, premises licensed by the Town to serve the public, and facilities designed to accommodate spectators for athletic events or for concerts. Notwithstanding the foregoing, this article shall not apply to private residences or to the premises thereof unless such conduct also constitutes a violation of other law or laws of the Commonwealth.

2. Any police officer as the enforcing person shall make a record of the violation of this by-law, such record to include the following information (to the extent it is available), name, address and date of birth of the person violating this by-law, date, time and location of the violation.

3. This by-law may be enforced by non-criminal disposition pursuant to MGL Chapter 40, Section 21D by any police officer as the enforcing person. Any person found to be in violation of this by-law shall be assessed a non-criminal penalty of two hundred (\$200.00) for each violation.

EXPLANATION: The purpose of the public intoxication bylaw proposal is to make persons who willfully drink to the point that the police need to take them into their care and custody responsible for their actions. At least hundreds of hours are spent by police officers dealing with intoxicated persons who knowingly render themselves unable to care for themselves. The hope is that this will have a chilling effect on drinkers before they drink excessively. This is not a “public drunkenness” rule, instead it is aimed at persons who need the care and protection of the police.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 33

To see if the Town will vote to amend Chapter 8, Subsections as listed below, of the Mansfield General By-Laws by reviewing the fine and cost structure (Police Department) or take any action in relation thereto.

Chapter 8, Section VIII, subsection c: Leash Law: Change fine from \$10.00 to \$25.00 for first offense, \$25.00 to \$50.00 for subsequent offenses.

From: An owner reclaiming an impounded dog shall pay a fine of \$10.00 for the first offense, plus \$5.00 for each day the dog has been impounded. Subsequent impounds shall be charged \$25.00 for each impoundment, plus \$5.00 for each day the dog has been impounded, and subject to the loss of dog license. If the impounded dog is found to be unlicensed, the owner must obtain a license from the Licensing Authority prior to reclaiming the impounded dog.

To: An owner reclaiming an impounded dog shall pay a fine of \$25.00 for the first offense, plus \$10.00 for each day the dog has been impounded. Subsequent impounds shall be charged \$50.00 for each impoundment, plus \$10.00 for each day the dog has been impounded, and subject to the loss of dog license. If the impounded dog is found to be unlicensed, the owner must obtain a license from the Licensing Authority prior to reclaiming the impounded dog.

Chapter 8, Section VIII, subsection h:

From: In addition to, or in lieu of, impounding a dog found at large, the Humane Officer, or Police Officer may issue to the known owner of such dog a notice of ordinance violation. Such notice shall impose upon the owner a penalty of \$10.00 for the first violation or \$25.00 for each subsequent ordinance violations.

To: In addition to, or in lieu of, impounding a dog found at large, the Humane Officer, or Police Officer may issue to the known owner of such dog a notice of ordinance violation. Such notice shall impose upon the owner a penalty of \$25.00 for the first violation or \$50.00 for each subsequent ordinance violations.

Chapter 8, Section X: Animal Waste. Change fine from \$25.00 to \$100.00

From: The owner or keeper of any dog shall be responsible for the removal of any excreta deposited by his/her dog(s) on public walks, recreation areas or private property. Any owner or keeper in violation of this section shall be fined \$25.00.

To: The owner or keeper of any dog shall be responsible for the removal of any excreta deposited by his/her dog(s) on public walks, recreation areas, or private property. Any owner or keeper in violation of this section shall be fined \$100.00.

EXPLANATION: The fine and cost structure needs to be updated to reflect current operating expenses.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 34

To see if the Town will vote to transfer \$41,000.00 from Public Safety Dispatch Salary to Mansfield Police Department Secretarial Salaries or take any action in relation thereto.

EXPLANATION: The Police Department secretary was underfunded at the Spring, 2010 Annual Town Meeting; after this, grant funds were received for Dispatch Salaries enabling the transfer of these funds to cover the shortfall.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 35

To see if the Town will vote to approve the terms of the Agreement for Regional Wastewater District, as approved by the Board of Selectmen, for the Towns, all pursuant to Chapter 101 of the Acts of 2010 and the Town's vote on Article 32 of the Town's 2008 Annual Town Meeting, a copy of which Agreement is on file with the Town Clerk's office, or take any action in relation thereto.

EXPLANATION: After the approval of Article 31 and 32 of the 2008 Annual Town Meeting, the Towns of Mansfield, Foxborough and Norton, working through the Intermunicipal Agreement (IMA) Committee, have developed the terms of the Agreement for Regional Wastewater District to be formed in accordance with Chapter 101 of the Acts of 2010.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 36

To see if the Town will vote to accept sections 42A-42F of chapter 40 of the General Laws of the Commonwealth as set forth below to provide the Town a method of collection of delinquent charges for supplying or providing water or related services and materials including filing liens on properties owned by parties that have failed to pay such charges; or take any action in relation thereto.

EXPLANATION: Section 42A. If the rates and charges due to a city, town or water district, which accepts this section and sections forty-two B to forty-two F, inclusive, by vote of its city council or of the voters in town or district meeting and, by its clerk, files a certificate of such acceptance in the proper registry of deeds, for supplying or providing for water or rendering service or furnishing materials in connection therewith to or for any real estate at the request of the owner or tenant are not paid on or before their due date as established by local regulations, ordinances or by-laws, which due dates shall be so established as to require payments at least as often as semi-annually, such rates and charges, together with interest thereon and costs relative thereto, shall be a lien upon such real estate as provided in section forty-two B. The register of deeds shall record such certificate of acceptance in a book to be kept for the purpose, which shall be kept in an accessible location in the registry. Sections forty-two B to forty-two F, inclusive, shall also apply to a water district which has accepted sections forty-two A to forty-two F, inclusive, and whose clerk has so filed the certificate of acceptance. Wherever in said sections the words “board or officer in charge of the water department” or their equivalent appear, they shall also mean and include the officers exercising similar duties in any city, town or district. A fire district authorized to supply water shall, for the purposes of sections forty-two A to forty-two F, inclusive, be deemed to be a water district.

Section 42B. Such lien shall take effect by operation of law on the day immediately following the due date of such rate or charge, and, unless dissolved by payment or abatement, shall continue until such rate or charge has been added to or committed as a tax under section forty-two C, and thereafter, unless so dissolved, shall continue as provided in section thirty-seven of chapter sixty; provided, however, that if any such rate or charge is not added to or committed as a tax under section forty-two C for the next fiscal year commencing after the inception of the lien under this section, then said lien shall terminate on October first of the third year following the year in which such charge becomes due.

Notwithstanding such lien any such overdue rate or charge may be collected through any legal means, including the shutting off of water, which may be deemed advisable; provided, that after the termination of such a lien, no city, town or water district shall attempt to enforce, by shutting off the water, collection of such rate or charge from any person, not liable therefor, who has succeeded to the title or interest of the person incurring such rate or charge. All such rates and charges excluded by court decree under section seventy-six B of chapter sixty shall, to the extent that they were properly chargeable to the person owning, or to the tenant occupying, the premises for which such rates and charges were incurred, be recoverable from such person or

tenant, as the case may be, in an action of contract or otherwise. If at the time of the entry of such decree such person or tenant is still the owner or tenant of the premises, whether through redemption or otherwise, such rates and charges to the extent that they were properly chargeable to him, may be enforced in any other manner provided or available for collection and enforcement of water rates and charges.

Section 42C. If a rate or charge for which a lien is in effect under section forty-two B has not been added to or committed as a tax and remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed by them under section fifty-three of chapter fifty-nine, the board or officer in charge of the water department, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such rate or charge to the assessors, who shall forthwith add such rate or charge to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as a part of such tax. If the property to which such rate or charge relates is tax exempt, such rate or charge shall be committed as the tax.

Section 42D. Except as otherwise provided, the provisions of chapters fifty-nine and sixty shall apply, so far as pertinent, to all rates and charges certified to the assessors under section forty-two C. Without limiting the generality of the foregoing, upon commitment as a tax or part of a tax under section forty-two C, all such rates and charges shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the property were not tax exempt would become, a part; and the collector of taxes shall have the same powers and be subject to the same duties with respect to such rates and charges as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof and the redemption of land so sold or taken shall, except as otherwise provided, apply to such rates and charges.

Section 42E. An owner of real estate aggrieved by a charge imposed thereon under sections forty-two A to forty-two F, inclusive, in addition to such remedy as he may have under section ten of chapter one hundred and sixty-five, may apply for an abatement thereof by filing a petition with the board or officer having control of the water department within the time allowed by law for filing an application for abatement of the tax of which such charge is, or, if the property were not tax exempt, would have been, a part, and if such board or officer finds that such charge is more than is properly due, a reasonable abatement shall be made; and except as otherwise provided herein, the provisions of chapter fifty-nine relative to the abatement of taxes by assessors shall apply, so far as applicable, to abatements hereunder. If such petition is denied in whole or in part, the petitioner may appeal to the appellate tax board upon the same terms and conditions as a person aggrieved by the refusal of the assessors of a city or town to abate a tax.

Section 42F. An owner of real estate who, in order to prevent the imposition of a lien thereon or to discharge the same, has paid charges for water furnished to a tenant or other person who was bound to pay the same, may recover from such tenant or other person in an action of contract the amount of the charges so paid with all incidental costs and expenses.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 37

To see if the Town will vote amend the General By-Laws of the Town of Mansfield by inserting a new By-Law, Chapter 29 as follows, or take any action in relation thereto:

CHAPTER 29 - SOLICITORS

SECTION I - PURPOSE

It is the purpose of this By-Law to regulate persons or organizations engaged in soliciting in the Town of Mansfield through the issuance of permits and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from crime and fraud, and at the same time to allow reasonable access to residents by persons or organizations, who wish to engage in non-commercial or commercial solicitation. Non-commercial speech is entitled to broader protection under the United States Constitution than is commercial speech. The Town also has a substantial interest in protecting the health, safety, privacy, and welfare of its residents. All of these goals and interests may properly be served by this narrowly-tailored regulation, the purpose of which is to balance free speech and expression with the health, safety and welfare of the Town's residents.

SECTION II - DEFINITIONS

A. "Solicit" and "solicitation" shall mean any request, whether direct or indirect, for money, credit, funds, contributions, personal property, or anything of value; taking or attempting to take, orders for the sale of goods, wares, merchandise, or services; and selling and making simultaneous delivery of any goods, wares, merchandise, or services.

B. "Solicitor" shall mean any person, whether a resident of the Town of Mansfield or not, traveling by foot, by motor vehicle, or by any other type of conveyance, from house to house, business to business, or place to place, or in or along any highway, street, or sidewalk within the Town of Mansfield who engages in the activity of solicitation.

C "Non-commercial solicitation" shall mean solicitation for any charitable purpose, using the definition of "charitable" in Mass.Gen.Laws c. 68, § 18, as well as solicitation for any veteran, social, educational, political. or fraternal purpose.

D. "Commercial solicitation" shall mean all solicitation which is not non-commercial.

Notwithstanding the foregoing definitions, "solicitation" and "solicit" shall not include the following, so long as the person is not also requesting, directly or indirectly, money, credit, funds, contributions, personal property, or anything of value: (1) communicating or otherwise conveying ideas, views, or beliefs of a charitable, veteran, social, educational, political, or fraternal nature; (2) seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (3) seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter; and (4) conducting a poll, survey, or petition drive in regard to any political matter. All such activities remain subject to other proper regulations and restrictions under other applicable statutes, regulations, and laws, if any.

SECTION III - PERMIT REQUIRED

It shall be unlawful for any solicitor as defined in SECTION II of this By-Law to engage in such business in the Town of Mansfield without first obtaining a permit in compliance with the

provisions of this By-Law. Any person who has not been issued a proper permit under this By-Law shall be ordered to immediately cease desist all solicitation in the town until they attain a proper permit.

SECTION IV - APPLICATION & FEE

A. Each individual applicant for a permit under this By-Law shall submit to the Police Chief or his/her designee an application along with a fee of \$25.00 (per individual applicant) payable to the Town of Mansfield which will be used to cover the cost of investigating the facts stated in the application.

B. Each applicant must complete a sworn application in writing at least 15 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:

- a. Name, physical description, and date of birth;
- b. Social security number of the applicant;
- c. Permanent home address as well as full local address of the applicant;
- d. A brief description of the nature and activities of the organization or entity for which solicitation will be conducted ;
- e. If employed, name and address of employer, including credentials which establish the employment relationship;
- f. The length of time for which the permit is desired (not to exceed 90 days);
- g. Two proofs of positive identification must be presented.
- h. A statement as to whether or not the applicant has been convicted of any crime listed in SECTION V of this By-Law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offender Registry Board.
- i. A statement that the applicant is not currently under investigation for any crimes related to solicitation or for any other criminal offense, including but not limited to violent crimes, sexual assault, possession of controlled substances, theft, fraud, and burglary;
- j. Such other information as the Police Chief shall reasonably require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

SECTION V - INVESTIGATION & ISSUANCE

If after an investigation into the facts contained in the permit application the Police Chief or his designee determines that one or more of the following grounds exist, the application shall be denied:

- A. the organization or individual has had a permit revoked for violation of this By-Law within the previous two-year period;
- B. the applicant has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed;

C. the applicant is a sex offender who is required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes;

D. the application is incomplete;

E. any of the information set forth on the application constitutes a misrepresentation or an omission of material fact

SECTION VI - PERMIT

If none of the foregoing grounds exist and if the applicant has complied with all other requirements set forth herein, the Police Chief shall issue the requested permit within ten (10) business days after receipt of the application. Such time period for issuance shall be extended if reasonably necessary to complete the investigation in an adequate manner. In all instances in which a permit is granted, the Police Chief may impose such reasonable conditions as may be necessary to protect the public health, safety, and welfare. The issued permit shall contain the words "Licensed Solicitor", identification of the solicitor, a specification as to whether the permit is for commercial solicitation or for non-commercial solicitation, and the expiration date of the permit. Persons engaged in solicitation as defined in this By-Law must display the permit while soliciting and present permit to any police officer or person solicited upon request.

SECTION VII - DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the town to require any person seen soliciting and who is not known by such officer to be duly licensed, to produce his or her solicitor's permit and to enforce the provisions of this By-Law against any person found to be violating the same.

SECTION VIII - SOLICITATION HOURS

A properly licensed solicitor may solicit between the following hours where there is no sign posted which otherwise clearly limits solicitation or the hours of solicitation:

Monday through Friday: 8:00 a.m. until sunset.

Saturday, Sunday & Holidays: 9:00 a.m. until sunset.

SECTION IX - RECORDS

The Chief of Police shall maintain all pertinent records of permits issued and violations recorded.

SECTION X - ENFORCEMENT AND PENALTIES

A. The provisions of this By-Law may be enforced by the Board of Selectmen, or by any Police Officer of the Town of Mansfield through any applicable and appropriate legal procedure, including but not limited to enforcement by noncriminal disposition pursuant to Mass.Gen.Laws c. 140, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation and violator shall be \$300.00.

B. Whoever is in willful violation of this By-Law, and who continues to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of Mass. Gen. Laws c. 272, § 59 and subject to a penalty of \$300.00.

C. Notwithstanding the above permitting procedures, no individual may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of “No Trespassing” or “No Soliciting.” Such Trespass violations are controlled by Mass. Gen. Laws c. 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.

D. After investigation by a police officer, permits issued under the provisions of this By-Law may be revoked by the Police Chief or by his designee after notice and, if requested by the permit holder, after a hearing as set forth hereinafter, for any of the following reasons:

1. Fraud, misrepresentation, or false statement contained in the permit application;
2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
3. Any violation of this By-Law;
4. Conviction of any crime listed in SECTION V of this By-Law or classification as a Level 2 or Level 3 Sex Offender;
5. Engaging in conduct in a manner which violates any applicable law, or in such a manner as to constitute a breach of the peace, or a danger to health, safety, or the general welfare of the public; and
6. Abusive tactics harassment, or a refusal to cease the solicitation after a clear request to do so. If a permit is suspended under the provisions of this section, a hearing may be requested, with regard to the same shall be given forthwith in accordance with the following subsection.

E. Notice of hearing for revocation or suspension of a permit shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the permit holder or forwarded by certified mail to the permit holder at his or her last known address at least five days prior to the hearing date.

F. Notwithstanding the foregoing provisions, a permit may be revoked or suspended immediately without a hearing if the Police Chief reasonably determines that the public health, safety, or welfare so requires. The permit holder shall be afforded a hearing, upon request, within a reasonable time after the revocation or suspension.

SECTION XI - EXPIRATION OF PERMIT

All permits for soliciting in the Town are valid only for the particular dates or time period specified thereon, and in no case for longer than 90 days.

SECTION XII - APPEALS

Any person or organization who is denied a permit or whose permit has been revoked or suspended may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial or of revocation/suspension. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within thirty (30) days after the filing of the appeal, the permit shall be deemed granted or reinstated, as the case may be.

SECTION XIII - SEVERABILITY CLAUSE

The provisions of this By-Law are declared to be severable, and if any section, sentence, clause or phrase of this By-Law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this By-Law and they shall remain in effect, it being the legislative intent that this By-Law shall stand, notwithstanding the invalidity of any part.

EXPLANATION: It is the purpose of this By-Law to regulate persons or organizations engaged in soliciting in the Town of Mansfield through the issuance of permits and imposition of other limitations on such conduct for the purpose of protecting the Town’s residents from crime and fraud, and at the same time to allow reasonable access to residents by persons or organizations, who wish to engage in non-commercial or commercial solicitation. Non-commercial speech is entitled to broader protection under the United States Constitution than is commercial speech. The Town also has a substantial interest in protecting the health, safety, privacy, and welfare of its residents. All of these goals and interests may properly be served by this narrowly-tailored regulation, the purpose of which is to balance free speech and expression with the health, safety and welfare of the Town’s residents.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 38

To see if the Town will vote to adopt M.G.L. c. 138, §33B to allow the Board of Selectmen as the local licensing authority to authorize restaurants, hotels, clubs and general on-premises Section 12 license holders to serve alcohol on Sundays between the hours of 10:00 a.m. and 12:00 noon. M.G.L. c. 138 §33B states that:

“The local licensing authority of any city or town which accepts this section may authorize licenses under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 p.m. noon on Sundays, the last Monday in May and on Christmas Day or on the day following when said day occurs on Sunday.”

Or take any action in relation thereto.

EXPLANATION: The General Court has amended State law to allow early sales of alcoholic beverages on Sunday. If the Town wishes to allow the sale of alcoholic beverages earlier than noon on Sunday, the acceptance of this Section of State law is necessary.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 39

To see if the Town will vote to authorize the Town Manager and Board of Selectmen to enter in to a lease agreement for town-owned property for the installation of solar energy generating facilities; this lease agreement would be for a period of time of no more than thirty (30) years and to authorize any other actions as appropriate to implement the lease agreements, or take any action in relation thereto.

EXPLANATION: The Town has been approached by numerous parties interested in leasing specifically two former landfill sites that are owned by the Town for the installation of equipment for the production of electricity from solar energy. The electricity would be sold to the Mansfield Electric Department for distribution to customers in the Town at a cost to be determined by the Electric Commission and on terms determined by the Electric Commission. The lease agreement would benefit the Town both from revenue from the lease of the property and a lower cost of supply of electricity for the Town as well as implementing alternative sources of electricity as a method of reducing hydro-carbon emissions.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 40

To see if the Town will vote to authorize the filing of a Home Rule Petition by the Board of Selectmen to the General Court authorizing the Board of Selectmen to have authority and control over plan design and cost sharing for health insurance that is provided to Town employees and retirees, or take any action in relation thereto.

EXPLANATION: The plan design for health insurance for town employees is currently the subject of Collective Bargaining. The cost of health insurance has escalated at a rate several times the rate of inflation. The Town of Mansfield should be allowed the same flexibility in health insurance design as is provided to the State through the GIC. The purpose of the Home Rule Petition will be to allow the Town greater flexibility in the design of the health insurance plan.

SPONSOR: Board of Selectmen



Vote:

Yes _____

No _____

Article 41

To see if the Town will vote to amend the Zoning By-Law as follows:

1.5.48 Temporary Use

- a. Amend Section 1.5.48, Definitions, by deleting the existing two paragraphs and moving them to Section 3.4, Classification of Governmental, Institutional and Public Uses, Paragraph 3.4.10, Temporary Use.

[New Section 1.5.48 will read: "1.5.48 Temporary Use: See Section 3.4.10."]

- b. Amend Section 3.4, Classification of Governmental, Institutional and Public Uses, Paragraph 3.4.10, Temporary Use, as follows:

3.4.10 Temporary Use: ~~See Definition in 1.5.48~~ A use permitted by right in all districts in this by-law lasting a limited amount of time. For the purposes of this by-law, a limited amount of time shall mean no more than ten (10) consecutive days and a total of not more than ten (10) days within any given calendar year. Temporary use shall be limited to the following: temporary non-commercial fair, festival, auction or flea market. All temporary uses shall be strictly limited to usual and customary not-for-profit, fraternal or charitable organizations.

The Mansfield Board of Selectmen may issue a special permit to extend a temporary use beyond ten (10) days if said use conforms with this section.

The Board of Selectmen, acting as Special Permit Granting Authority, may authorize by special permit in accordance with the Section 5.5, Special Permit provisions of the Zoning By-Law, a temporary use in the I-1 zoning district to be conducted by a Mansfield Non-Profit Organization for up to an additional one time per permit forty five (45) consecutive days beyond the ten (10) consecutive days allowed in ~~the definitions section, paragraph 1.5.48, Temporary Use~~ this section, provided that the such special permit for additional days may only be granted in conjunction with the grant of an entertainment or festival license by the Selectmen under M.G.L. c. 140. Such a Special Permit shall be issued only to the Mansfield Non-Profit Organization conducting the temporary use, is non-transferable, and does not revert to or run with the title of the land upon which such a temporary use is conducted. For the purposes of this paragraph, a Mansfield Non-Profit Organization is defined as a not-for-profit, fraternal or charitable organization based in Mansfield and whose primary purpose is to provide cultural, social, educational, religious or recreational opportunities for Mansfield residents. If the Attorney General deems any part of this article unlawful then the entire article shall be null and void.

- c. Amend Schedule of Principal Use Regulations, page 24, of the Zoning By-Law by changing the third footnote as follows: “**Temporary Use ~~for more than five (10) days in the I-1 zone only,~~ may be permitted by special permit as provided in Section ~~1.5.48~~ 3.4.10.”

Or take any action in relation thereto.

EXPLANATION: Town counsel has suggested this provision does not belong in the “Definitions” section of the Zoning by-law. Therefore, this proposal is to move it to a more appropriate location, Section 3.4, Classification of Governmental, Institutional and Public Uses.

SPONSOR: Planning Board



Vote:

Yes _____

No _____

Article 42

To see if the Town will vote to amend the Zoning By-Law as follows:

In Section 3.0, Principal Use Regulations, make the following changes:

In Paragraph 3.3.1, change the reference to “Section 3.3.8” to “**Section 3.3.7.**”

[Paragraph 3.3.1 will read: “3.3.1 Single Family Dwelling: A detached dwelling unit designed and used exclusively as a single housekeeping unit with common cooking and living facilities. No more than one building for dwelling purposes shall be located upon a lot except as provided pursuant to ~~Section 3.3.8~~ **Section 3.3.7.**”]

In Paragraph 3.3.6, change the reference to “Section 5.5” to “**Section 5.6.**”

[Paragraph 3.3.6 will read: “3.3.6 Cluster Residential: Residential development in accordance with ~~Section 5.5~~ **Section 5.6.**”]

Or take any action in relation thereto.

EXPLANATION: These proposed changes are simply to correct the references to other Zoning By-Law sections.

SPONSOR: Planning Board



Vote:

Yes _____

No _____

Article 43

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In the Schedule of Principal Use Regulations, Pages 24, 25 and 26, **delete the following footnote:**

“*Uses in accordance with Airport Master Plan approved by Town Meeting.”

2. In Schedule 4.2.1, Density and Dimensional Regulations, Residential Districts, Page 32, **delete the following footnote:**

“(1a) “Notwithstanding other provisions of this by-law minimum frontage of 300 feet shall be required for lots which front on Route 106 between its intersection with East Street and the Easton town line.”

Or take any action in relation thereto.

EXPLANATION:

Paragraph 1: Proposal is to delete the footnote that references the Airport Master Plan because that document is not approved by Town Meeting.

Paragraph 2: This proposal is to delete the footnote (1a) because the frontage lots along Route 106 from East Street to the Easton town line are, for the most part, built out.

SPONSOR: Planning Board



Vote:

Yes _____

No _____

Article 44

To see if the Town will vote to amend the Zoning By-Law as follows:

In Section 6.0, Inclusionary Housing Requirement, make the following changes:

In Paragraph 6.2.3, change the reference from “760 CMR 31.02” to **“760 CMR 56.02.”**

[Paragraph 6.2.3 will read: “Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing at ~~760 CMR 31.02~~ **760 CMR 56.02**, and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program.”]

In Paragraph 6.2.6, change the reference from “760 CMR 45.00” to **“760 CMR 56.00 et seq and the Local Initiative Program Guidelines.”**

[Paragraph 6.2.6 will read: “Local Initiative Program: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to ~~760 CMR 45.00~~ **760 CMR 56.00 et seq and the Local Initiative Program Guidelines** to develop and implement local housing initiatives that produce low- and moderate-income housing.”]

In Paragraph 6.2.11, change the reference from “760 CMR 31.04” to **“760 CMR 56.02.”**

[Paragraph 6.2.11 will read: “Subsidized Housing Inventory: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in ~~760 CMR 31.04~~ **760 CMR 56.02.**”]

Or take any action in relation thereto.

EXPLANATION: These proposed changes are simply to correct the references to sections of the Mass General Laws.

SPONSOR: Planning Board



Vote:

Yes _____

No _____